

CITY OF SHOREWOOD

ORDINANCE NO. 493

**AN ORDINANCE AMENDING TITLE 700 OF THE SHOREWOOD ZONING CODE
TO INCLUDE CHAPTER 704: FARM AND OTHER ANIMALS**

Section 1. City Code Title 700 (Animal Regulations) is hereby amended to add:

“Chapter 704

FARM AND OTHER ANIMALS

704.01 PURPOSE.

The purpose of this ordinance is to establish regulations and controls regarding the keeping of animals other than domestic pets such as dogs and cats, within the city limits of the City of Shorewood.

704.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AUTHORIZED CITY PERSONNEL. The Chief of Police, the health authority, their designees, and other personnel assisting in the enforcement of this chapter.

RURAL FARM ANIMAL. Cattle, mules, sheep, goats, swine, llamas, ostriches, emus, and including, but not limited to, other animals typically maintained in a farm setting but not in an urban setting.

URBAN FARM ANIMAL. Ducks, geese, turkeys, chickens, guinea hens, bees, and rabbits.

MALTREATED ANIMAL. An animal that has not been given adequate food, water, or proper shelter from the weather, veterinary care when needed to prevent suffering and with humane care and treatment, or that has been subjected to the conduct prohibited by Minn. Stat. § 343.21.

NUISANCE ANIMAL. An animal, conditions caused by an animal, or the improper care and maintenance of an animal that result in running at large, offensive odor, excessive noise or damage to property, so as to disturb the rights of or threaten the safety of a member of the general public, or interferes with the ordinary use and enjoyment of their property.

OWNER. A person owning, keeping, harboring or acting as custodian of an animal. All adult occupants of the property where the animal resides or is kept are considered an owner or owners.

PERSON. An individual, firm, partnership, or corporation.

PREMISES. A building, structure, shelter, or land where an animal is kept or confined.

UNDER RESTRAINT. An animal being within a private motor vehicle of a person, owning, harboring or keeping the animal; or controlled by a leash not exceeding six feet in length.

VETERINARY HOSPITAL. A place for the treatment, hospitalization, surgery, care and boarding of animals and birds, under the direction of one or more licensed veterinarians.

WILD ANIMAL. Any of the following:

- a. Front-fanged venomous snakes, including the *viperidae* and *elapidae* families of snakes, such as rattlesnakes and cobras;
- b. Snakes over 8 feet in length;
- c. Reptiles that have the physical ability as an adult to cause substantial bodily injury as defined in Minn. Stat. § 609.02, subd. 7a, to humans and/or domestic animals, such as python snakes and crocodilians;
- d. Animals that can transmit rabies and cannot be vaccinated against rabies;
- e. Mammals that as a breed are considered wild by nature because of breeding, history, character, habit, or disposition; and
- f. Mammals that have at least 25 percent of their heritage from mammals specified in subparagraph e, above.
- g. Specifically, such animals as a wolf, fox, skunk, raccoon, mink, bobcat, deer, and monkey, but not including a fish, bird, ferret, hamster, or gerbil.

704.03 ENFORCEMENT.

The Chief of Police or designees will enforce the provisions of this chapter, with the assistance of other personnel when appropriate.

704.04 RIGHT OF ENTRY.

Authorized City personnel have the right to enter upon a premises at reasonable times for the purpose of discharging their duties imposed by this chapter when there is reasonable belief that a violation of this chapter has been committed.

704.05 IMPOUNDING OF ANIMALS.

- Subd. 1. *Seizure and impoundment.* Authorized city personnel may seize and impound an animal found to be in violation of this chapter. These personnel may enter onto private property to seize and impound animals when:
- a. They have a reasonable and immediate concern for the animal's health, safety or welfare;
 - b. They have a reasonable and immediate concern for the health and safety of human beings or other animals as a result of the animal's continued presence on the property; or
 - c. They have reasonable cause to believe that a violation of this chapter has occurred or is occurring and that seizure is necessary to prevent further violation, but only after a reasonable effort has been made to contact an occupant of the property.
- Subd. 2. *Interference.* A person must not interfere with authorized city personnel impounding an animal, nor refuse to surrender an animal to these personnel.
- Subd. 3. *Cost of impoundment.* The animal owner is responsible for costs for the impounding and housing of an impounded animal.

704.06 HEALTH AND MAINTENANCE STANDARDS.

- Subd. 1. *Health standards.* The owner of an animal kept in the city must comply with the following standards.
- a. An animal kept outdoors or in an unheated enclosure must be provided with adequate shelter and bedding to protect it from the sun, rain, snow, and temperatures below 50 degrees Fahrenheit.
 - b. The shelter must include a moisture proof and windproof structure of suitable size to allow the animal to stand in an upright position and to lie down stretched out so that no part of its body need touch the sides of the structure. The structure must be made of durable material sufficient to allow retention of body heat with a solid floor raised at least two inches from the ground and an entrance covered by a flexible windproof material or self-closing swinging door. The structure must be provided with sufficient quantity of suitable bedding material consisting of hay, straw, cedar shavings, blankets or the equivalent to provide insulation and protection against cold and dampness and to promote retention of body heat. The structure must be structurally sound and maintained in good repair.
 - c. In lieu of the requirements of paragraphs a. and b., an animal may be provided with access to a barn with a sufficient quantity of loose hay or bedding and protection against cold and dampness.

- d. If an animal is confined by a chain, the chain must be so attached that it cannot become entangled with the chains of other animals or other objects. A chain must be of a size adequate to restrain the animal involved and must be attached to the animal by means of a well fitted collar. The collar must be large enough to allow free breathing but small enough to avoid being easily pulled over the animal's head. A chain must be at least three times the length of the animal as measured from the tip of his nose to the base of his tail.
- e. An animal must be provided with sufficient food and water to meet necessary nutritional requirements.
- f. No person shall deposit or cause to be deposited upon any lot or in any street, alley, lake, river or other body of water, sewer or manhole or bury or conceal in any way, a dead animal or part thereof. The owner or other person having charge of an animal at the time of its death shall remove or cause to be removed the dead body of such animal within 24 hours after death to a crematory, sanitary landfill, rendering factory or any other place approved by the Chief of Police or his designee.

Subd. 2. *Maintenance standards.* An owner of an animal kept in the city must comply with the standards below. An action to enforce the provisions of this chapter shall follow the procedures set forth in Chapter 104 of this Code.

- a. An owner must maintain an animal and the area where it is kept so that no odor that offends the senses of a reasonable person is detected, for more than one day, off the property where the animal is kept.
- b. An owner must maintain the property where the animal is kept so that there is no erosion, and no drainage of water contaminated by the animal, onto adjacent properties or into public waters or wetlands.
- c. An owner must manage the feces and other bodily wastes from the animal in a timely and sanitary manner that prevents health risks and prevents odors that are prohibited under paragraph a. above.
- d. All feed kept for animals shall be stored in animal-proof, galvanized containers.

Subd. 3. *Veterinary clinic with indoor overnight care and indoor kennels.* In addition to the standards established under Subd. 1. above, veterinary clinics with indoor care and indoor kennels, where allowed by zoning, must comply with Minnesota Rules Chapter 9100, as may be amended.

704.07 WILD ANIMALS.

- Subd. 1. *Wild animals prohibited.* A person must not keep, own, harbor, or otherwise possess a wild animal within the city, except as provided in Subd. 2. below.
- Subd. 2. *Wild animals allowed.* Wild animals may be brought into the city for the purpose of entertainment, education, or display only by the following:
- a. A zoo operated by a governmental agency or a tax-exempt, non-profit corporation;
 - b. The department of natural resources;
 - c. Other similar public educational or charitable organization;
 - d. A circus; or
 - e. A City-licensed pet shop.

An organization listed above may bring a wild animal or animals into the city under this subdivision only if the organization can and does comply with the standards contained in Subd. 3. below. No organization covered by this subdivision may have wild animals within the city on more than 7 days in a consecutive 12-month period, except that an organization listed above that has a wild animal within the city on the effective date of this section may continue to keep that animal as long as it lives if the organization obtains a permit from the City and complies with the standards specified in Subd. 3. below.

- Subd. 3. *Standards for keeping of wild animals.* An organization that has a wild animal must comply with the following standards at all times that it possesses a wild animal within the city.
- a. A non-governmental organization must have liability insurance to cover potential personal injury or property damage caused by the animal(s), in an amount of at least \$300,000 per person per occurrence.
 - b. The animal(s) must be kept in a locked cage or other secure enclosure at all times when the public is allowed to be near them.
 - c. The cage or enclosure must be constructed of sufficient materials so that a person, including a child, cannot put a finger, hand, or another portion of the body into the cage or enclosure so that the animal(s) could touch it. Alternatively, structural barriers may be used to keep the public away from the cage or enclosure.
 - d. Only personnel with adequate training or experience in handling wild animals may have contact with the animal(s) while in the city.

- e. The animal(s) must be transported to the display location in the city in a secure enclosure sufficient to prohibit potential contact with humans or other animals, except the personnel identified under subparagraph (d) above.
- f. No sale of a wild animal(s) may occur, nor may orders for the sale of wild animals be taken.
- g. The display location must be inspected by authorized City personnel before the wild animal(s) may be brought into the city.
- h. Authorized City personnel must be allowed to periodically inspect the display location during reasonable hours while the animal(s) is/are in the city.
- i. If a wild animal bites a person, the animal must be forfeited immediately to authorized City personnel for rabies testing.

704.08 FORFEITURE OF ANIMAL OWNERSHIP RIGHTS.

Subd. 1. *Forfeiture of rights.* The ownership rights of a person owning the following types of animals may be forfeited to the City pursuant to the procedure in this section:

- a. A public nuisance animal;
- b. A wild animal; and
- c. A maltreated animal.

In addition, the ownership rights with respect to other animals owned by the same owner may be forfeited if he/she has demonstrated an inability or unwillingness to properly care for or control such animals in order to prevent any of them from becoming a public nuisance animal or a maltreated animal.

Subd. 2. *Notice.* Authorized City personnel must notify the owner or apparent owner of the animal sought to be forfeited that the city intends to forfeit his/her ownership rights. The notice must be served on the owner personally or by registered mail. The notice must be in writing and state the reasons why forfeiture is sought, including a summary of applicable incidents. The notice must state that the owner has a right, within 10 days after receiving the notice, to request a hearing before a Hearing Officer appointed under City Code Chapter 104. The request for a hearing must be in writing and must state the reason or reasons for the request. A failure to request the hearing will constitute an admission of the facts alleged in the notice, and the animal will be deemed forfeited to the City.

Subd. 3. *Findings of fact.* If the owner requests a hearing, the hearing will be held in accordance with City Code Chapter 104. The Hearing Officer must make written findings of fact and reach a conclusion whether the allegations are true and whether

the animal will be forfeited to the City. The findings and conclusions must be made within 10 working days after the hearing and must be served on the owner personally or by registered mail. The decision of the Hearing Officer is final but may be appealed by a writ of certiorari to the District Court.

- Subd. 4. *Animal confinement.* After receiving the forfeiture notice and during the forfeiture proceedings, the owner must keep the subject animal confined within his/her home or within a secure covered enclosure. If the owner fails to do so, or if there is an immediate threat to public health or safety or to the animal's health or safety, authorized City personnel may immediately impound the animal and keep it at the impound facility at the owner's expense until a forfeiture determination has been made.
- Subd. 5. *Forfeiture.* If the animal is deemed or ordered forfeited, the owner must immediately give the animal to authorized City personnel, and a failure or refusal to do so is a misdemeanor. Authorized City personnel may use reasonable force and go onto private property to take the animal into custody.
- Subd. 6. *Disposition of forfeited animal.* Authorized City personnel will determine on a case by case basis whether forfeited animals are destroyed or given to new owners who will adequately care for and control the animal.

704.09 FARM ANIMALS.

- Subd. 1. *Rural farm animals.* Unless otherwise provided for, a person shall not keep, own, harbor, or otherwise possess a rural farm animal within the city.
- Subd. 2. *Urban farm animals.* A person may own, keep, harbor, or otherwise possess urban farm animals within the city in accordance with the provisions of this section.
- a. An urban farm animal may only be kept in the buildable area of the rear yard of the property, as defined by the Zoning Code.
 - b. An urban farm animal that is kept outside must be provided a shelter structure of appropriate size, that is accessible to the animal at all times as provided in section 704.06 Subd. 1. of this chapter. The shelter structure and confinement areas shall be adequately screened to the satisfaction of neighboring property owners as provided in section i.(2) of this subdivision. Screening may be achieved by fencing or landscaping, or a combination of both.
 - c. The urban farm animal must be contained on the property by the use of a fence or other appropriate containment device or structure.
 - d. Roosters are not allowed.

- e. An urban farm animal must not be kept on residentially-zoned property if it is being used as part of a commercial purpose, whether or not the commercial use occurs on the residentially-zoned property.
- f. The ground or floor of the area where an urban farm animal is kept must be covered with vegetation, concrete, or other surface approved by the Shorewood Planning Department, so that it can be, and is, sufficiently maintained to adequately dissipate offensive odors, in compliance with section 704.06, Subd. 2. a. and c. of this chapter.
- g. The number of chickens, ducks, geese, turkey, guinea hens, or rabbits shall not exceed six (6).
- h. The number of bee hives shall not exceed four (4).
- i. Any person having more than the allowable number of animals set forth in paragraphs g. and h. above, at the time of the adoption of this Ordinance shall not replace animals in excess of those limitations.
- i. Permit issuance; fees.
 - (1) No urban farm animal may be kept in the City of Shorewood until a permit to do so has been approved by the Zoning Administrator and issued by the office of the Building Official. No permit shall be granted until the necessary fee has been paid and until the Building Official or staff representative has made an inspection of the property and has ascertained that the premises comply with all requirements of this chapter. Detailed plans and specifications, accurate and drawn to scale, must be submitted with the application including, but not limited to the following:
 - (a) Site plan showing the location and setbacks of existing and proposed buildings, fences and structures on the subject property.
 - (b) Architectural plans showing floor plans, building elevations and dimensions.
 - (c) Landscaping plan showing how the shelter structure and confinement areas will be screened from adjoining properties.
 - (2) The applicant for any permit required under the provisions of this chapter shall provide with the application the written consent of 75 percent of the owners or occupants of privately or publicly owned real estate within 150 feet of the outer boundaries of the premises for which the permit is being requested or, in the alternative, proof that the applicant's property lines are 150 feet or more from any structure. Where a street separates the premises for which the permit is being requested from other neighboring property, no consent is required from the owners or occupants of property located on the opposite side of the street. Where a property within 150 feet consists of a

multiple dwelling, the applicant need only obtain the written consent of the owner or manager, or other person in charge of the building.

(3) Fees:

(a) The permit fee and other fees and charges set forth in this chapter shall be collected by the City before the issuance of any permits and the Building Official, or other persons duly authorized to issue the permit for which the payment of a fee is required under the provisions of this chapter, may not issue a permit until the fees shall have been paid.

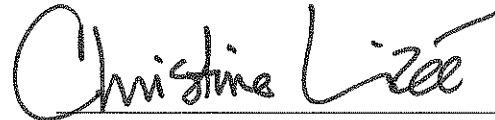
(c) The City Council shall, from time to time, establish a fee schedule by ordinance.”

Section 2. That this Ordinance shall be in full force and effect upon publishing in the Official Newspaper of the City of Shorewood.

704.10 PENALTY.

Violation of this chapter shall be grounds for administrative enforcement pursuant to chapter 104.03 of this code.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF SHOREWOOD this 12th day of March, 2012.



Christine Lizee, Mayor

ATTEST:


Jean Panchyshyn, Deputy City Clerk