

City of East Bethel
Planning Hearing for Lowell Friday
Land Use Request for Interim Use Permit Horses
Hearing Conducted by Hearing Officer
The Honorable J.E. Cast
9:00 AM
May 14, 2012



| | Item | |
|----------|-------------|--|
| 9:00 AM | 1.0 | Call to Order |
| 9:02 AM | 2.0 | Adopt Agenda |
| 9:04 AM | 3.0 | Public Hearing/Interim Use Permit – A request by owner/applicant, Lowell Friday, to renew an Interim Use Permit for the keeping of horses. The location being 18215 Greenbrook Drive NE, East Bethel, MN 55092, PIN 33-33-23-44-0003. The zoning classification on this property is R-1/Single-Family Residential District. |
| 10:00 AM | 4.0 | Adjourn |



City of East Bethel Agenda Information

Date:

May 14, 2012

Agenda Item Number:

3.0

Agenda Item:

Public Hearing - Interim Use Permit (IUP) Request by Mr. Lowell Friday for the Keeping of Twenty-Seven (27) Horses at 18215 Greenbrook Drive, East Bethel, MN, and PIN 34-33-23-33-0027

Requested Action:

Conduct a Public Hearing for the Interim Use Permit Request by Mr. Friday for the Keeping of Twenty-seven (27) horses at 18215 Greenbrook Drive, East Bethel, MN, and PIN 34-33-23-33-0027

Background Information:

Property Owner:

Lowell Friday
18215 Greenbrook Drive
East Bethel, MN 55092
PIN 33-33-23-44-0003 (20.5 acres)
PIN 34-33-23-33-0027 (4.6 acres)

Applicant:

Mary Haivala
18215 Greenbrook Drive
East Bethel, MN 55092

Mr. Friday and Ms. Haivala are requesting an IUP for a Class III horse operation for the keeping of up to 27 horses on two parcels Mr. Friday owns in the City of East Bethel; parcel 33-33-23-44-0003 being 20.5 acres and parcel 34-33-23-33-0027 being 4.6 acres in size. Attachment 1 depicts the location of each of the parcels.

East Bethel City Code Article V. Farm Animals regulates the keeping of domestic farm animals. Article V is attached for your review as attachment 4. Code requires one (1) grazable acre per horse. Mr. Friday is required to have 27 grazable acres for the keeping of 27 horses. The existing acreage is 25 acres in which the home and numerous barns take up a large portion of the land; therefore, Mr. Friday does not have the required acreage within the City of East Bethel. Meeting the acreage requirements set out in code does not in itself entitle an applicant to an IUP.

East Bethel City Code Article V. Farm Animals also regulates setbacks of shelters, manure piles and pastured lands; manure, rodent, and insect management; care and maintenance of animals; and animal health/shelter regulations that need to be complied with as part of the IUP. Some of the regulations include but may not be limited to the following:

Section 10-153. Manure, Rodent, and Insect Management states that *manure must be handled or treated in such a manner as to not create a public and/or private nuisance, paddocks or*

similar enclosures must be maintained in a manner that minimizes concentrations of breeding insects and rodents, and stockpiling of manure requires a manure management plan that meets requirements set by the MN Pollution Control Agency.

Section 10-154. Care and Maintenance of Animals states that *no animal regulated under this article shall be treated cruelly or inhumanly by any person or in violation of any provision of MN Stats. Ch 343, as amended and/or renumbered from time to time.*

Section 10-154.5. Animal Health and Animal Shelter Regulations states *all animals must be maintained to standards of health specific to the breed, must have access to potable water, shelters must be kept in a sanitary manner, consistent and adequate food and water supply must be available to all animals and fencing must be kept in a manner consistent with MN Stat 344.01-344.20, as amended and renumbered from time to time.*

In October 2007, Mr. Friday was charged with criminal animal cruelty. Despite this intervention, the Animal Humane Society (AHS) in Golden Valley continues to receive calls and complaints alleging the continued neglect of horses.

On August 29, 2011, AHS took action once again by conducting a search of the property and a veterinarian inspection of the horses. AHS submitted a report summarizing the inspections of the property completed on August 29th which resulted in the seizure of ten (10) horses. Observations included but were not limited to the following:

- Many of the outdoor pens and paddocks had excessive accumulation of feces and/or manure;
- the farm and paddock areas continue to be in a state of dilapidation and includes pens with antiquated fencing, sharp objects, and other potential health hazards to horses;
- many penned horses did not have access to hay at the time of inspection;
- water supply in many pens was algae ridden and/or contaminated;
- numerous horses showed evidence of evidence of external parasite loads including lice;
- and horses needing farrier work, and horses with distended bellies from internal parasites.

Most recently, on January 6, 2012, a Findings of Fact Conclusions of Law and Order (Court File No. 02-CV-11-7750, Anoka County District Court, Tenth Judicial District) was executed by Judge Jenny Walker Jasper. The findings of fact concluded the following:

- On November 16, 2011, the Animal Humane Society executed a search warrant at 18215 Greenbrook Drive NE, East Bethel, owned by Mr. Lowell Friday;
- a veterinarian was present during the execution of the search warrant and examined 28 horses owned by Mr. Friday;
- of the 28 horses, 7 were seized because of malnutrition and dehydration;
- a veterinarian observed the feed located on the property and testified that the available hay was of poor quality and garbage was visible in the bales; and
- the only available water source which she found was to be half-full, dark, and full of debris.

Attachments:

1. Site Location
2. Application
3. Aerial Photo
4. Article V. Farm Animals

Fiscal Impact:

Undetermined at this time

Recommendation:

Staff recommends the denial of the IUP request by Mr. Lowell Friday for the keeping of twenty-seven (27) horses at 18215 Greenbrook Drive, East Bethel, MN, and PIN 34-33-23-33-0027 for the following reasons:

1. Applicant has demonstrated an inability to properly and consistently care for horses.
2. Applicant's proposal to use another person to provide that service is inadequate and incomplete, lacks details, continuity, and assurances of long term performance, fails to demonstrate a professional long term service being secured for necessary provision of quality and consistent care needed to comply with ordinance requirements.

City Council Action

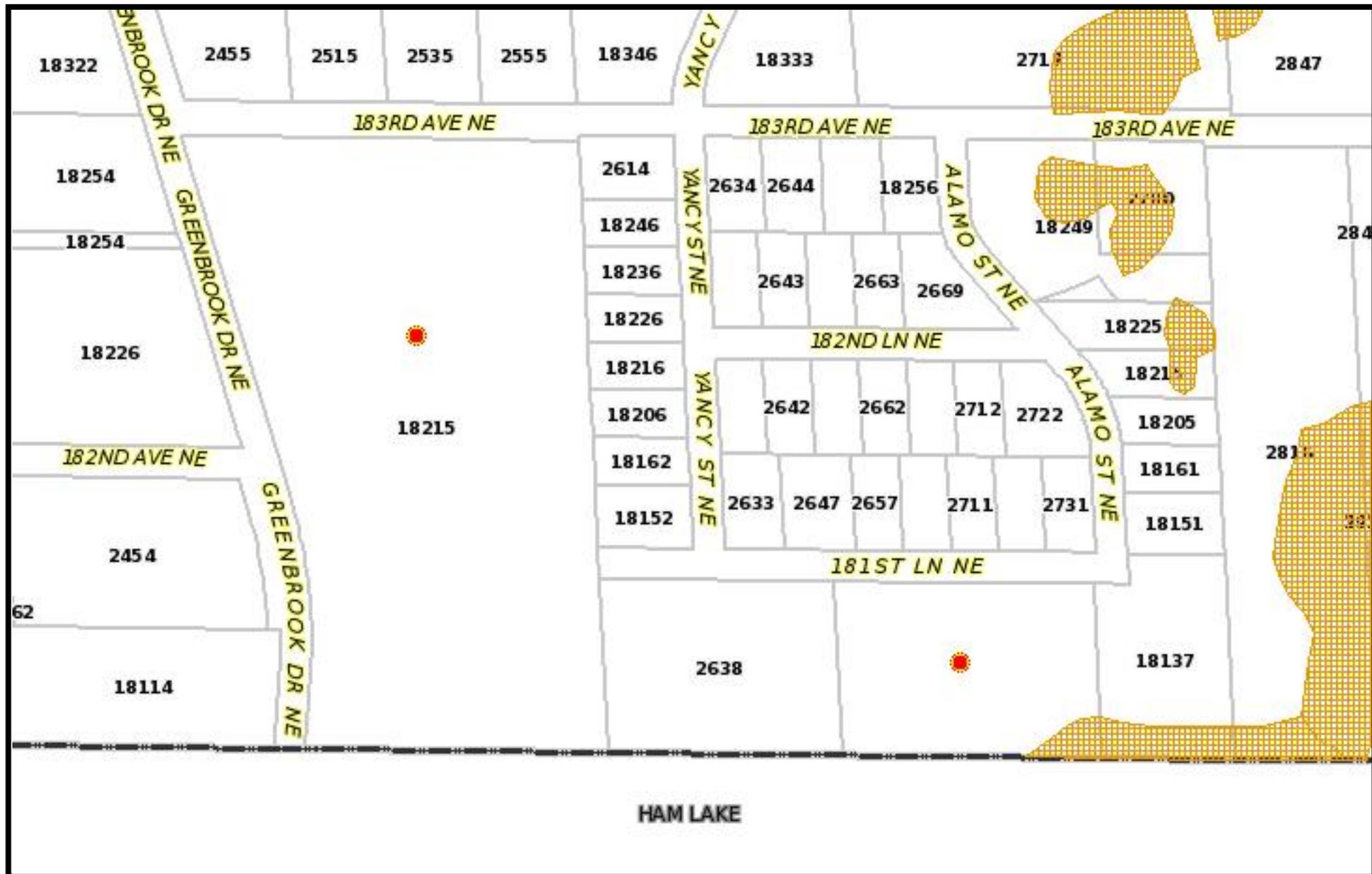
Motion by: _____

Second by: _____

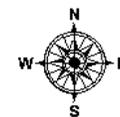
Vote Yes: _____

Vote No: _____

No Action Required: _____



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LAND USE APPLICATION

| | |
|-----------------|--------------------|
| OFFICE USE ONLY | |
| Date Rec'd | 3/14/12 |
| By | <i>[Signature]</i> |
| Fee \$ | 150 |
| app. fee | |

Check appropriate box: VARIANCE CUP IUP FINAL PLAT

BUSINESS CONCEPT PLAN PRELIMINARY PLAN SITE PLAN REVIEW OTHER Renewal

3 Linked Properties

Application shall include the following items and be submitted thirty (30) days prior to scheduled meeting date.

Application is hereby made for Renewal or Extend 3 Year (provide narrative below describing proposed use).

horse permit. See attached sheets & information 53 A total
21 in East Bethel - May on 3 linked properties
Call attached property Home solicited
 LOCATION: PID 3333 2344 0003 Legal: Lot Block Subdivision
 Print# 03-32-23-22-0003
 Print# 34-33-23-33-0007

PROPERTY ADDRESS: 18215 Greenbrook Dr. Wyoming Wm. 55092 PRESENT ZONING: Farm # 83

PROPERTY OWNER Lowell G Friday *will send cover letter on Tuesday call if you need more information*

CONTACT NAME: Lowell G Friday PHONE: 763-434-4496

ADDRESS: 18215 Greenbrook Dr FAX:

CITY/STATE/ZIP: Wyoming, Mn. 55092 E-MAIL:

APPLICANT

CONTACT NAME: Mary E. Hailala PHONE: 763-434-4800

ADDRESS: 18165 Greenbrook Dr NE FAX:

CITY/STATE/ZIP: Wyoming, Mn. 55092 E-MAIL: maryhailala@hotmail.com

I fully understand that I must meet with City Staff to review all submission requirements and conditions prior to official submission, and that all of the required information must be submitted at least thirty (30) days prior to the Planning/Zoning Commission and City Council scheduled meeting dates to ensure review by City Staff.

Property Owner's Signature: *Lowell Friday* *Ch #25918 for 3 years - \$150.00 fee* Printed Name: Lowell Friday Date: March 16 - 2012

| OFFICE USE ONLY - DO NOT COMPLETE | | | |
|-----------------------------------|-----------------------|-----------------------|----------------------|
| | Received | Approved/Denied | Notes |
| Community Dvlp. | | | <u>IUP - 12 - 03</u> |
| Planning Commission | <u>4/24/12</u> | | |
| 7:30pm City Council | <u>5/2/12</u> | | |
| | <u>5/14/12</u> 60 Day | <u>7/12/12</u> 90 Day | |

Attachment #2

18215 Greenbrook Dr NE

Wyoming, MN 55092-9510

2/25/2012

Dr. Jeff Johnson

26850 Kettle River Blvd.

Wyoming, MN 55092

Dear Dr. Jeff Johnson:

This is in response on the herd check that you completed on, 2-24-2012. Thank you for coming out.

Summer Rain is better with no limp at all. The kids and Mary are exercising her up and down the alley way in the barn. Daily video in barn to keep animal rights and rescue from graining her again as you suggested before they could kill her like they did Lil Joe Cartwright. Thank you for assuring Mary and the kids that she will be all right after their second try to do her in. Will keep her in stall for 2 weeks or more till I get video on pen so H.S. animal rights or rescue will get caught trespassing, or over graining her or any other horses on the property.

Fancy's wound has healed over and she is doing fine. It is about the size of a quarter and she never has favored it. So we are no longer wrapping it.

Wild Flower was the lowest rated on the BCS est. of a 4 BCS, we put her on even more feed as she will eat. You had guessed her weight at; about 960lbs. and asked us to run a weight tape on her. We weight taped her again, currently by weight tape she is at 998 lbs. as a BCS 4, 38lbs heavier than your guess. The check before this check on 2-24-12 you gave her a BCS of a 5 with a weight tape measurement of 926lbs, 72 lbs she had gained between checks but by your opinion she lost 1 BCS. We also took pictures as you suggested both times. If we can get her to eat more she should keep gaining at same rate or more and end up weighing approx. 1070 lbs. or a 6 BCS on weight to height chart. Well over the Saddlebred Registry weight for a BCS 5 of 950 lbs. at her height.

The other one was weight taped at; 1054 and you rated her a 4.5 on the BCS. All 3 are getting an extra scoop of grain, a.m. and p.m. as 1/4, 1/2, 3/4 and then a full one as not to founder them. You also had estimated that the bales weighed 40 lbs. and we thought it was 60 lbs. We weighed the bale and it was 68 lbs. So we are feeding more by weight than estimated at a bale each horse with an extra one in the larger pens per day as; 1/2 a.m. and 1/2 p.m. Plus 2 scoops a.m. and 2 scoops p.m. with the exception of 3 that you want fed more.

If you have a new herd check sheet done with up to date worming and trimmed hoofs, please send. Summer Rain is on list to be done again as I explained. Others are getting chips and a little long, but as you seen there are no big hoof problems. We are completing 3 or 4 on weekends with Farrier.

Have orders for compost and will clean pens as weather permits.

Herd Manager

Mary E. Hainan

Property Owner

Yvonne L. Linton

Date: 2-25-12

Date: 2-25-12

Cc: Attorney

Robert Richman

Date: 2-25-12

March 20, 2012

Mary E. Haivala

18165 Greenbrook Dr NE

Wyoming, MN 55092

763-434-4800

maryhaivala@hotmail.com

I have been around horses since I was about 2-3 yrs old. I started working with different stables around my 18th.yr.and have continued on and off throughout the years. Some of these stables included were; a Tennessee Walker Establishment, Riding Academy's, boarding facilities and riding stables, as well as having a horse when I was younger.

Some of my job ethics are; I am a very conscience person, ability for working with different kinds of people. Attention to detail. Following any individual health care plans as well as able to design a health care plan to meet an individual's own needs, which not only can be applied to people but also to horses.

The job duties that I have performed throughout the years working with horses were depending on the type of farm, ranch, or stable.

The work of a barn manager may include duties that, in a stand-alone position, might also come under such headings as assistant trainer, farm assistant or groom.

Below is a list of jobs duties that I have performed.

Cleaning stalls.

Providing hay, feed, rations or supplements, and water. Cleaning buckets and tubs in the feeding process.

Grooming, saddling, unsaddling and bathing horses. Cleaning all horse equipment.

Hand walking horses. Lunging horses.

Turning horses into pasture or turnout.

Maintaining the barn area-sweeping, washing, and general cleaning. Laundry of horse gear.

Administering medications and appropriate bandaging. First Aid delivery to horses. Following instructions from a trainer, Farrier, veterinarian, or other equine care provider. Handling horses for the veterinarian, Farrier, or trainer during medical or other treatments.

Monitoring and maintaining level of feed, hay and bedding in stock.

Loading and unloading horses from trailers. Braiding the mane and/or tail for show. Trimming a horse's coat with clippers (face, legs, and ears). Totally clipping a horse for winter with clippers (entire body). Traveled to and from horse shows. Unpacking equipment at the show grounds, preparing the stall, and acclimating the horse(s) to the new surroundings.

Ordering supplies when necessary.

Farm maintenance and repairs. Worked with small farm equipment.

Handled horses in the breeding shed. Implementing exercise routines.

Training in general manners, correcting behavioral issues.

I have moved down onto the property of Lowell Friday for the love I have for horses and for the opportunity to continue to be around these majestic animals.

Sincerely ,



Date: 3-20-12

Mary E. Haivala

RECEIVED

MAY 09 2012

**MANAGEMENT, CARE, CUSTODY
CONTROL CONTRACT**

BY: JEB

JANUARY 15TH, 2012

Management, Care, Custody and Control to be given to Mary E. Haivala of current 27 horses including any horses out on lease, or on contract sale come back to Property.

Providing complete dietary needs of said horses including; times to feed, amount of feed, complete instructions to anyone helping. Followed by inspection of work done by others on completion.

Cleaning Pens, feeders, water tanks, repairs to fences and buildings as needed. Do Vet Herd check and all necessary items for IUP.

Lowell Friday will be responsible for the Vet and Farrier costs if funds aren't available. As Management requests. Including providing the feed.

Written notice shall be given to Lowell Friday of items needing repairs or cleaning To aide in getting this done.

Repairs on ranch and care, custody and control of horses shall be 100% applied for current and future rent.

Compensation of work stated above from Management; Mary E. Haivala Max. \$500.00 per month allowed in exchange for rent can be carried over for future months rent. Further more any horses that are out on lease or sold on contract that come back, are released / resold, 1/2 of monies taken in will be applied toward current or future rent for Mary E. Haivala. Payment funds to be used for Vet/Farrier Expenses

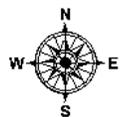
Full Management, Care and Control with Final say given to Mary E. Haivala this day of; January 15th. 2012

Print Name: Lowell Friday Signature: Lowell Friday Date: 1-15-2012

Print Name: Mary E. Haivala Signature: Mary E. Haivala Date: 1-15-2012



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ARTICLE V. FARM ANIMALS***Sec. 10-150. Definitions.**

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Adult horse means a horse which is six or more months of age.

Animals, domestic farm means cattle, horses, hogs, sheep, goats, chickens, and other animals commonly kept on farms, or kept for commercial food production purposes.

Animals, non-domestic means animals considered to be indigenous naturally wild or exotic and not naturally trained or domesticated.

Animal shelter means a structure for which the primary purpose is the housing of domestic farm animals.

Bovine means bovids including cows and bison.

Class I horse operation means the keeping of one to four adult horses at any time during a calendar year.

Class II horse operation means the keeping of five to ten adult horses at any time during a calendar year.

Class III horse operation means the keeping of 11 plus adult horses at any time during a calendar year.

Contiguous means sharing an edge or boundary; neighboring; adjacent. Parcels which are separated by a right-of-way, easement, or railroad right-of-way, are considered contiguous for the purpose of this article.

Equine means (as defined by the Minnesota Department of Agriculture), pertaining to, or resembling a horse, including donkeys and mules.

Fowl means birds that are barnyard, domesticated or wild, such as chickens, ducks, geese, and turkey.

Manure storage area means an area where animal manure or process wastewaters are stored or processed.

Nuisance means a nuisance that unreasonably interferes with a right that is common to the general public.

***Editor's note**—Ord. No. 13, Second Series, adopted Oct. 7, 2009, repealed the former Art. V, §§ 10-150—10-154, § 10-154.5, §§ 10-155—10-157, § 10-157.5, § 10-158, and enacted a new Art. V as set out herein. The former Art. pertained to farm animals and derived from Ord. No. 115b, §§ 1—8, § 10, 11-1-2006; Ord. No. 115c, §§ 1—9, § 11, 4-16-2008.

Owner means any person or persons, corporation, firm, or association owning, keeping, or harboring an animal regulated by this article.

Paddock means an enclosed area used specifically for pasturing or controlling animals.

Parcel of land means, for the purposes of this article, a parcel of land is any parcel of land as charged on the county or all adjoining county auditor's tax lists. This includes any fenced contiguous owned, contiguous leased, contiguous rented, or otherwise controlled areas of land that may be used to calculate the maximum number of animals that may be kept on a parcel of land within the city for the issuance of an interim use permit (IUP). A contiguous parcel of land may be used in the calculation if the applicant's period of control is concurrent with the term of the IUP.

Pasture land means land with vegetation coverage used for grazing livestock. Pasture growth can consist of grasses, shrubs, deciduous trees or a mixture, not including wetlands.

Platted subdivision means an area of land separated into two or more parcels, tracts, or lots by a drawing or map filed of record pursuant to Minn. Stats. ch. 505, as amended or renumbered from time to time.

Youth development organizations means a youth organization in which young people in grades kindergarten through one year past high school graduation learn together in various projects, events, and activities under the guidance of professional leadership.
(Ord. No. 13, Second Series, 10-7-2009)

Sec. 10-151. Interim use permit (IUP) and acreage requirements for domestic farm animals; nondomestic animals prohibited.

(a) Nondomestic animals are not allowed to be kept within the city.

(b) An IUP is required for the keeping of domestic farm animals as regulated by this article in the city. The procedure for the issuance of an IUP will be in accordance with the City Code.

(c) No animal regulated by this article can be kept on a parcel of land located within a platted subdivision or on any parcel of land of less than three acres. Provided further, that if 80 percent of the lots within a platted subdivision are larger than three acres, an IUP for keeping a regulated animal may be issued for any of those lots larger than three acres.

(d) Upon the transfer of the title of a parcel for which parcel an IUP is in effect on the effective date of this article, the new owner may apply for an IUP for the keeping of such animals if the existing permit is in effect and in good standing at the time the title to the property is transferred.

(e) Meeting the acreage requirements set out in this section does not in and of itself entitle an applicant to an IUP.

(f) IUPs in existence on the effective date of this article for parcels not in compliance with these acreage requirements will be allowed to continue but only as legal, nonconforming uses.

(g) It is a requirement for all IUPs issued under this article that a minimum of one fenced acre of pasture land plus any indicated fraction thereof must be provided for each animal unit described below as the animal equivalent for the animal to be kept pursuant to the IUP.

(h) The following equivalents will apply when determining the animal units defined below:

| <i>Animal</i> | <i>Animal Units Per Acre</i> |
|-----------------------------|----------------------------------|
| 1 swine | 0.4 |
| 1 goose or duck | 0.2 |
| 1 goat or sheep | 0.5 |
| 1 turkey | 0.10 |
| 1 bovine | 1.4 |
| 1 equine | 1.0 |
| 1 chicken or pheasant/quail | 0.01 |
| 1 emu or ostrich | 1.0 |
| 1 alpaca or llama | 1.0 |

(i) Animals may graze within shoreland and bluff impact zones provided permanent vegetation is maintained and a plan has been submitted that is consistent with the technical guides of the Anoka Conservation District.

(j) *Exceptions.*

(1) Youth development organizations may apply for an IUP in accordance with section 10.157. The IUP shall cover individual groups and members of the youth development organization; IUP application fees shall be waived. The IUP shall expire five years from the approval date at which time the organization must reapply for the IUP. In conjunction with the organization's approved IUP, individual members shall comply with the following:

- a. Each member of the organization must complete a youth development project permit application prior to farm animals being kept on the property. The permit will be reviewed by city staff within two weeks of submittal of a completed application.
- b. It is a requirement for all permittees to have a minimum of one acre of pasture land to accommodate the farm animals.
- c. Permittee must comply with all other farm animal regulations set forth in the code.

- d. Approved farm animals must be removed from the property within 30 days of the expiration of the permit.
 - e. In the event a permittee would like to keep the farm animals after the expiration of the project permit, an individual IUP must be applied for and approved. The permittee must meet requirements of the code.
- (2) Domestic farm animals with an animal unit of 0.01 or less per acre are permitted without an IUP with the following conditions:
- a. A maximum of ten animals may be kept on a parcel with a minimum of one acre of pasture land without an IUP so long as all other requirements set forth in the code are met.
 - b. The keeping of 20 plus animals requires an IUP and must meet all requirements set forth in the code, including acreage.
- (Ord. No. 13, Second Series, 10-7-2009)

Sec. 10-152. Domestic farm animal shelter setbacks, paddocks, and pasture land.

- (a) Domestic animal shelters are considered an accessory structure and must comply with the accessory structure regulations set forth in appendix A of this Code.
- (b) Domestic farm animal shelters and pasture land must meet the requirements of this section.
- (c) *Setbacks.* All newly constructed domestic farm animal shelters, pasture land, and manure stockpiles shall be set back as follows:

| <i>Natural/Manmade Features</i> | <i>Horizontal Setbacks</i> |
|--|--|
| (1) Property line | <ul style="list-style-type: none"> • Fenced pasture land: 5 feet • Shelters: 50 feet • Manure stockpiles: 50 feet • Fenced pasture land: 50 feet |
| (2) Existing wells | <ul style="list-style-type: none"> • Shelters: 50 feet • Manure stockpiles: 100 feet |
| (3) Ordinary high water level of a stream, river, pond, storm water retention pond, lake | 70 feet |
| (4) Residential structure | 75 feet |

(Ord. No. 13, Second Series, 10-7-2009)

Sec. 10-153. Manure, rodent, and insect management.

(a) Manure must be handled or treated in such a manner as to not create a public and/or private nuisance.

(b) Paddocks or similar enclosures must be maintained in a manner that minimizes concentrations of breeding insects and rodents.

(c) Manure must not be left on any public way.

(d) Stockpiling of manure requires a manure management plan that meets requirements set by the Minnesota Pollution Control Agency.

(e) The room or area of an animal shelter where feed is stored must be reasonably secure from rodents, pests, and the animals kept in the shelter, to the extent practicable. (Ord. No. 13, Second Series, 10-7-2009)

Sec. 10-154. Care and maintenance of animals.

No animal regulated under this article shall be treated cruelly or inhumanely by any person or in violation of any provision of Minn. Stats. ch. 343, as amended and/or renumbered from time to time.

(Ord. No. 13, Second Series, 10-7-2009)

Sec. 10-154.5. Animal health and animal shelter regulations.

It is the purpose of this section to insure the health and safety of domestic farm animals in the city by establishing regulations governing animal shelters, corrals, paddocks, and the keeping of such animals in the city.

- (1) All newly constructed animal shelters must meet or exceed all requirements of municipal, county, and state building and fire codes.
- (2) The following apply to all regulated domestic farm animals:
 - a. All animals must be maintained to standards of health specific to the breed.
 - b. All animals must have access to potable water.
 - c. Veterinary records for each animal must be disclosed upon request of the city's designated inspector.
 - d. Animal shelters must be kept in a sanitary manner, free of the odor of ammonia, to the extent practicable.
 - e. A consistent and adequate food and water supply must be available to all animals.
 - f. Fencing must be kept in a manner consistent with Minn. Stats. §§ 344.01—344.20, as amended and renumbered from time to time.
 - g. All domestic farm animals must have access to a shelter.

- (3) Class II and class III horse operations in the city must also comply with the following additional requirements:
- a. Class II and class III horse operations in the city will be inspected and evaluated annually as a requirement of the IUP for conformance with all applicable regulations. The costs of such inspection and evaluation must be paid by the holder of the permit as part of the annual permit fee. Nonpayment of such costs will be grounds for termination of the permit. In addition to a class III horse operation, an inspection by a doctor of veterinary medicine licensed to practice in Minnesota must accompany the city's inspector on all inspections. Failure to provide access for inspection will be grounds for termination of the IUP.
 - b. Stall doors must be in good repair and easily opened and closed.
 - c. An evacuation plan for humans and animals must be displayed in all animal shelters.
 - d. Grain and hay dust must be minimized to the extent practicable.
 - e. Aisles must be kept free of debris and impediments to movement by humans and animals.
 - f. There must not be any protruding objects in any animal shelter which could cause injury to humans or animals.
 - g. Drainage must be adequate to prevent accumulations of water to facilitate cleaning of animal shelters and paddock areas.
 - h. Animal bedding must be clean and of a material customarily used for animal bedding purposes.
 - i. Lights and windows must be animal proofed to prevent breakage, to the extent practicable.
 - j. Grain and forage must be free from mold and miscellaneous debris, to the extent practicable.
- (4) The city's designated inspector and any peace officers of the state and all other personnel under the direction and control of the city whom the inspector believes necessary must be allowed access for inspection purposes on any parcel with an approved IUP upon 12-hours' notice. An application for an IUP under this article will be deemed the consent of the owner of the property to such inspections.
- (5) IUPs not in compliance with this article will be cited accordingly but may be granted time, at the city inspector's discretion, to come into compliance with the requirements of this section. In the event an extension of time is granted, a plan to implement the noncompliant requirements by an agreed upon date must be signed by the parties and filed at city hall. The plan must include clearly defined steps for coming into compliance, each of which must be completed by a specific date.

Failure to complete the agreed upon steps by the specified dates will be grounds for termination of the IUP. In no case, however, may an extension exceed 75 days from the date of inspection, and only one extension can be granted.
(Ord. No. 13, Second Series, 10-7-2009)

Sec. 10-155. Running at large.

(a) No person, firm, or corporation will permit any animal regulated under this article to run at large within the city. Any such animal will be deemed to be "at large" when it is off the premises owned or rented by its owner and unattended by the owner or any agent or employee of the owner.

(b) The animal control authority, any peace officer of the state, and any other personnel under the direction and control of the city, or any agent of the city, may impound any such animal found at large as regulated by Minn. Stats. § 374.14.
(Ord. No. 13, Second Series, 10-7-2009)

Sec. 10-156. Riding.

(a) No person may ride or drive an animal regulated under this article after sunset and before sunrise along or crossing a public way without appropriate lighting or reflectorized clothing.

(b) No person may ride an animal regulated under this article in any public park or on any public beach, except in areas duly designated by the city park committee as a trail way or hitching area.

(c) Every person riding an animal regulated under this article, or driving a vehicle powered by an animal regulated under this article, upon a public way, will be subject to those provisions of city articles and Minnesota Statutes applicable to the driver of a motor vehicle.

(d) No animal regulated under this article may be ridden or driven in any manner which would cause damage to any hard-surfaced road.

(e) No person may ride any animal regulated under this article upon private property without the permission of the owner or occupant thereof.

(f) No person may interfere with any animal regulated under this article that is being ridden or kept in a lawful manner.
(Ord. No. 13, Second Series, 10-7-2009)

Sec. 10-157. Interim use permit required.

The keeping of animals regulated under this article will be allowed only after issuance by the city of an IUP for such keeping. The procedure for an IUP will be in accordance

with the city's zoning ordinance, set forth in appendix A to this Code. The required public hearing will be before the planning commission. The final decision on the IUP will be made by the city council not earlier than seven days after the public hearing.

(Ord. No. 13, Second Series, 10-7-2009)

Sec. 10-157.5. Severability and conflict.

(a) *Severability.* If any section, subsection, sentence, clause, or phrase of this article, or its application to any person or circumstance is held invalid by the decision of any court of competent jurisdiction, the remainder of this article, or the application of the particular provision to other persons or circumstances is in effect and shall remain in full force and effect.

(b) *Conflict.* If any portion of this article is found to be in conflict with any other provision of any zoning, building, fire, safety, or health ordinance of the City Code, the provision which establishes the higher standard shall prevail.

(Ord. No. 13, Second Series, 10-7-2009)

Sec. 10-158. Penalty.

Any person, firm or corporation violating the provisions of this article will be guilty of a misdemeanor and may be punished with a maximum fine of \$1,000.00 or 90 days in jail or both.

(Ord. No. 13, Second Series, 10-7-2009)