

ARTICLE V. –

FARM ANIMALS



Footnotes:

--- (4) ---

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 No. 13, Second Series, adopted Oct. 7, 2009, repealed the former Art.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.

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.

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:

Animal	Animal Units Per Acre
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.

(3) The use of the property shall be single-family residential;

a. The property shall contain one detached single-family structure. Chickens shall not be permitted on vacant properties or those containing multi-family residential buildings including duplexes, townhomes and apartments;

b. Chickens shall not be kept inside the principal structure;

c. No person shall slaughter chickens on-site except when in an area of the property not visible to the public or adjoining properties;

d. Chicken coops and attached exercise pens shall be provided for all chickens;

e. Coops and pens shall be fully enclosed and constructed of durable weather resistant materials;

f. The floor area of the coop shall be a minimum of two sq. ft. in area per chicken;

g. The floor area of the attached pen shall be a minimum of six sq. ft. in area per chicken;

h. Coops and pens shall meet all setback requirements required of accessory structures;

i. Coops and pens shall be located in rear yards only;

j. Coops larger than 200 sq. ft. in area shall meet all accessory structure requirements of the City Code including those pertaining to location, size, number, height, use and design;

k. Chickens shall be kept in coops and/or pens at all times unless in fully fenced-in back yards while under supervision;

l. All food stored for chickens shall be kept in rodent proof containers stored inside coops or other buildings. All premises in which chickens are kept or maintained, including coops and pens, shall be kept reasonably clean from filth, garbage and any substances which attract rodents. All feces shall be collected and properly disposed of on a regular basis;

m. Chickens shall not be kept in such a manner as to constitute a public nuisance as defined by the City Code of City of East Bethel;

- n. The city may enter and inspect any property, including the coop and back yard, at any reasonable time for the purpose of investigating either an actual or suspected violation or to ascertain compliance or noncompliance with the certificate of compliance and the City Code;
 - o. No more than six chickens can be kept on lots between one-half acre and three acres in size;
 - p. No roosters shall be allowed on lots between one-half acre and three acres in size;
 - q. No chickens will be permitted on lots less one-half acres
 - r. An interim use permit would be required for this use unless the property complies with section 10-151(j)(2);
 - s. All chickens shall be of the subspecies *Gallus gallus domesticus* and tolerant of local climate conditions.
- (Ord. No. 13, Second Series, 10-7-2009; Ord. No. 49, Third Series, 5-20-2015)

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
		<ul style="list-style-type: none"> • Shelters: 50 feet
		<ul style="list-style-type: none"> • Manure stockpiles: 50 feet
		<ul style="list-style-type: none"> • Fenced pasture land: 50 feet
(2)	Existing wells	<ul style="list-style-type: none"> • Shelters: 50 feet
		<ul style="list-style-type: none"> • 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)



East Bethel City Hall

2241 221st Ave NE | East Bethel, MN 55011
Phone: (763) 367-7844 | Fax: (763) 434-9578

Please contact **East Bethel City Hall** with any questions in regards to this ordinance.

Call:

(763) 367-7844

Visit:

East Bethel City Hall
Monday – Friday
8 A.M. to 4 P.M.
2241 221st Ave NE
East Bethel, MN 55011

Online:

Or by visiting our City Ordinances
at https://www.municode.com/library/mn/east_bethel/codes/code_of_ordinances?nodeid=coor_ch70trmove_artvresn



A copy for you

A copy for a friend



East Bethel City Hall

2241 221st Ave NE | East Bethel, MN 55011
Phone: (763) 367-7844 | Fax: (763) 434-9578

Please contact **East Bethel City Hall** with any questions in regards to this ordinance.

Call:

(763) 367-7844

Visit:

East Bethel City Hall
Monday – Friday
8 A.M. to 4 P.M.
2241 221st Ave NE
East Bethel, MN 55011

Online:

Or by visiting our City Ordinances at
https://www.municode.com/library/mn/east_bethel/codes/code_of_ordinances?nodeid=coor_ch70trmove_artvresn