

ORDINANCE 501

AN ORDINANCE REGULATING THE HOUSING AND CONFINEMENT OF ANIMALS IN THE CITY OF NEW AUBURN, MINNESOTA

The City Council of The City of New Auburn, Minnesota does ordain:
SECTION 1. Definitions

- a) Domestic Animals: Domestic animals shall mean those animals (male or female) commonly accepted as domesticated household pets. Unless otherwise defined, such animals shall include but is not limited to dogs, cats, caged birds, gerbils, guinea pigs, domesticated rabbits, fish, non-poisonous, non-venomous, and non-constricting reptiles or amphibians, and other similar animals.
- b) Non-domestic Animals: Non-domestic animals shall mean those animals (male or female) commonly considered to be naturally wild and not naturally trained or domesticated, or which are commonly considered to be inherently dangerous to health, safety, and welfare of people. Unless otherwise defined, such animals shall include:
1. Any member of the large cat family including lions, tigers, cougars, bobcats, leopards, and jaguars, but excluding commonly accepted domesticated house cats.
 2. Any naturally wild member of the canine family including wolves, foxes, coyotes, dingoes, and jackals, but excluding commonly accepted domesticated canines.
 3. Any crossbreed between a wild animal and a domestic animal unless the crossbreed is commonly accepted as a domesticated house pet.
 4. Any member or relative of the rodent family including any skunk, raccoon, squirrel, or ferret, but excluding those otherwise defined or commonly accepted as domesticated house pets.
 5. Any poisonous, venomous, constricting, or inherently dangerous member of the reptile or amphibian families including rattlesnakes, boa constrictors, pit vipers, crocodiles, and alligators.
 6. Any other animal which is not explicitly listed above, but which can be reasonably defined by these definitions, including but not limited to bears, deer, monkeys, and game fish.
- c) Farm Animals: Farm animals shall mean those animals commonly associated with a farm or performing work in an agricultural setting. Unless otherwise defined, such animals shall include members of the equestrian family (horses, mules), bovine family (cows, bulls), sheep, poultry (chickens, turkeys), fowl (ducks, geese), swine (including Vietnamese pot-bellied pigs), goats, bees, and other animals associated with a farm, ranch, or stable.
- d) Owner: Owner shall be intended to mean any person(s), firm, association, or corporation owning, keeping, or harboring an animal
- e) At Large: At large shall be intended to mean off the premises of the owner and not under the custody or control of the owner or other authorized person either by leash, cord, chain, or otherwise under restraint or confined Under Restraint: means a dog is

under restraint if: (1) The dog is within a secure vehicle; (2) The dog is within a secure fence or building within the owner's property limits; (3) The dog is secured by means of a chain or metallic cable to a fixed object thereby confining the dog to a specified area; (4) The dog is controlled by a leash, provided that when persons or other animals are within twenty (20) feet of the dog, the leash is shortened to six feet; or (5) The dog: (a) Is within the owner's property limits, or is involved in a scheduled dog show or obedience demonstration or trial, or is legally involved in hunting or retrieving game animals; and (b) Is controlled by a competent person and is immediately obedient to that person's command.

SECTION 2. Licensing

Each dog shall have an annual license to be purchased from the City Clerk's Office during business hours with a numbered tag being applied to the collar of each animal.

The license will be in effect until December 31st following purchase and will be renewed

each year the pet is within the household. A record of all licenses will be kept by the City Clerk's Office and will include the pet name and breed, vaccination records and

expiration dates, and the owner's name and address. Licensing fees will be set by the City Council annually.

SECTION 3. Licensing Exception

A licensing exception will be made for any animals brought into the City for a limited time as part of an operating zoo, veterinarian clinic, scientific research laboratory, a licensed show or exhibit, or by visitors to the City.

SECTION 4. Non-domestic animals

Except as provided in M.S. § 346.155, as it may be amended from time to time, it shall be illegal for any person to own, possess, harbor, or offer for sale, any non-domestic animal within the city. Any owner of a non-domestic animal at the time of adoption of this code shall have 30 days in which to remove the animal from the city after which time the city may impound the animal. An exception shall be made to this prohibition for animals specifically trained for and actually aiding the handicapped or disabled, and for those animals brought into the city as part of an operating zoo, veterinarian clinic, scientific research laboratory, or a licensed show or exhibition.

SECTION 5. Farm Animals

Farm animals shall only be kept in an agricultural district of the city, or on a residential lot of at least ten acres in size provided that no animal shelter shall be within 300 feet of an adjoining piece of property. Any owner of a farm animal at the time of adoption of this code shall have 30 days in which to remove the animal from the city after which time the city may impound the animal. Exceptions shall be made to this section as provided in Section 5 Subdivision 1 (chickens), and for those animals brought into the city as part of an operating zoo, veterinarian clinic, scientific research laboratory, or a licensed show or

exhibition.

Subdivision 1
Chickens

5.1.1 Generally. Chickens are allowed on any lot with a single-family residence that is issued a permit to do so by the City, with these caveats:

1. No roosters are permitted. All chickens must be hens. If a permit holder inadvertently keeps a rooster, then that rooster must be removed within twenty-four (24) hours of the date of discovery.
2. Chicken food is to be kept in containers designed to prohibit access by rodents or other pests.
3. A run or exercise yard conforming with this section is required.
4. Chickens must not be kept in such a manner as to constitute a nuisance to the occupants of any adjacent property.
5. Dead chickens must be disposed of according to applicable law and must be removed immediately and in any event within twenty-four (24) hours.
6. Chicken manure is to be contained in a weather and pest proof container.
and removed weekly or composted or used as fertilizer and incorporated into the soil. Chicken manure must not be allowed to accumulate in such a way as to cause an unsanitary condition or odors detectible on another property.
7. No more than ten (10) chickens may be kept at any one lot at any time.
8. Chickens must be always confined inside a coop or a fenced in run and chickens may not be allowed to range freely.

5.1.2 Permits. A permit issued by the City is required to keep chickens. The application for a permit fee shall be set by the City Council. A permit lasts for two years from the date of issuance. The provisions of this ordinance apply to an approved application for the same time period, at which time a new permit must be secured. The application must specify the number of chickens anticipated. A permit may allow between one and ten chickens. Only one permit per property.

A permit may only be issued if all owners of all adjoining properties approve of the application by signing the application form. Adjoining property means all properties within fifty (50) feet of the proposed location of the coop and run that the applicant is applying for a permit to keep chickens on. If an adjoining property is occupied by a tenant of a rental property, then both the tenant and the owner must approve and sign. If there are multiple rental units in an adjoining property, such as an apartment building, then every tenant in addition to the registered owner must sign and approve. If

an adjoining property is owned by a business or other entity, then the application must be approved and signed by an individual with authority to bind the business/entity. If adjoining property is owned by the State or the City or another governmental entity, then the application must be approved and signed by an individual with authority to bind the governmental entity. If the applicant is living in a rental property, then the registered property owner must also sign and approve the application.

Permits are non-transferable and do not run with the property. A permit constitutes a limited license granted to the chicken keeper by the City and in no way creates a vested zoning right. Site plans and coop designs are to be included with the permit application. A site plan must be a part of the document approved by the adjoining property owners.

By accepting the permit, the applicant is authorizing the City to inspect the chickens and facility during normal City Hall work hours. Law enforcement is exempt from this normal work hours limitation.

5.1.3 Coop and Run Coops and runs must be constructed and maintained to meet the following minimum standards:

1. A separate coop is required to house the chickens. The coop may be attached to or inside any other structure, this structure can not be in your home.
2. Only one coop is permitted.
3. The coop must be fully enclosed.
4. The run must be fenced in on all sides and include a roof.
5. The coop must be at least twenty-four (24) inches off the ground or in the alternative the coop may be placed on a concrete pad.
6. There must be sufficiently sized windows to permit natural light inside. Windows must be able to be opened for ventilation. Sufficient ventilation and insulation is required.
7. The construction must be done in a workmanlike manner and with durable material.
8. The coop and run must be located in the backyard of the property
9. There must be sufficient moisture drainage to keep the coop well drained.
10. The coop must be rodent and predator proof. Any door or access point to the coop or run shall be able to be locked or otherwise secured.
11. Coops and Runs must be constructed to comply with setbacks applicable to the zoning district in which the property to be permitted is located.
12. In addition to complying with all other applicable setbacks, coops must be at least twenty-five (25) feet away from the applicant's residence and any residence on an adjoining property.
13. Coop designs must meet basic needs of chickens including heat, cooling, food, water, and protection from the elements.

5.1.4 Violations. Any person who commits, causes, permits, or allows a violation of the provisions of this section shall be guilty of a petty misdemeanor punishable by a fine as set by the City, but no more than \$300. Each day during which a condition exists which is in violation of this section shall be deemed to be a separate offense. If a violator has two convictions under this subdivision within any two-year period, then that a permit shall be revoked. Such revocation may be appealed to the City Council within 14 days of notice of revocation. Upon revocation all chickens must be removed from the property within forty-eight (48) hours.

SECTION 6. At Large

It shall be unlawful for any person to suffer or permit any animal to run at large in public places, on public streets, or to be driven or herded thereon unless such animal is under restraint.

SECTION 7. Assistance Animals

Any animal specifically trained and certified for the assistance of the handicapped or disabled will be required to follow the provisions for licensing and restraint as provided above. Certification papers will need to be provided when purchasing a license.

SECTION 8. Kennels

a) Definition of Kennel: The keeping of more than 3 dogs, cats, or a combination of both over the age of 6 months on the same premises, whether owned by the same person or not and for whatever purpose kept, shall constitute a "kennel"; except that a fresh litter of puppies or kittens may be kept for a period of six months before such keeping shall be deemed a "kennel".

b) Kennel as a Nuisance: Because the keeping of more than 3 dogs, cats, or the combination of both on the same premises is subject to great abuse, causing discomfort to persons in the area by way of smell, noise, hazard, and general aesthetic depreciation, the keeping of more than 3 dogs, cats, or the combination of both on the premises is hereby declared to be a nuisance and no person shall keep or maintain a kennel within the City.

SECTION 9. Cleanup

The owner of any animal or person having the custody or control of any animal shall be responsible for cleaning up any feces of the animal and disposing of such feces in a sanitary manner whether it is on their own property, on the property of others, or on public property.

SECTION 10. Penalties

Any person violating any provision of this Ordinance shall be guilty of a misdemeanor and punishable by the fines and/or jail sentence as defined by Minnesota Statute.

SECTION 11.

This Ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed by the City Council of New Auburn, Minnesota on November 14, 2022.

By: _____
Acting Mayor

Attested By: _____
City Clerk

