



DRAFT

ORDINANCE NO. 2021-008

**CITY OF ARDEN HILLS
COUNTY OF RAMSEY
STATE OF MINNESOTA**

**AN ORDINANCE AMENDING CHAPTER 4,
ANIMALS AND PETS, SECTIONS 400 and 410; AND CHAPTER 1325,
ZONING CODE, SECTION 1325 OF THE ARDEN HILLS CITY CODE**

THE CITY COUNCIL OF THE CITY OF ARDEN HILLS, MINNESOTA, ORDAINS:

SECTION 1. Chapter 4 – Animals and Pets, Section 400 – General Provisions, Subsection 400.01, Definitions is hereby amended by deleting ~~strike through~~ language and adding the underlined language as follows:

Section 400 – General Provisions

400.01 Definitions.

The following definitions shall be used in the application and interpretation of the provisions of this chapter:

- Animal. Any non-human mammal, reptile, amphibian, or bird.
- Animal Control Officer. An individual or employee of a business retained by the City for purposes of enforcing the provisions of this Chapter; or a member of the City's law enforcement agency.
- Animal, Domestic. Animals kept within the home as pets, such as fish, dogs, cats, household bird, and similar animals.
- Animal, Non-Domestic. Animals which are kept outside the home for purposes of food or pleasure such as cattle, hogs, horses, bees, sheep, goats, chickens, birds, such as falcons and pigeons, and similar animals.
- Animal, Wild. Any animal which is of a species not usually domesticated and of a species which, due to size, wild nature or other characteristics, is dangerous to humans and would ordinarily be confined in a zoo or found in the wild. The term includes but is not limited to:
 - Animals and birds, the keeping of which is licensed by the state or federal government, such as wolves, raptors, and pheasants.
 - Eagles, ocelots, jaguars, cougars, weasels, wild ferrets, badgers, monkeys, chimpanzee, deer, and bison.

- Crossbreeds of wild animals and domesticated animals such as the cross between dogs and coyotes and dogs and wolves.
- Any large cat of the family Felidae, such as lions, tigers, jaguars, leopards, cougars and ocelots, except commonly accepted domesticated house cats.
- Any member of the family Canidae, such as wolves, coyotes, dingoes, and jackals, except domesticated dogs.
- Any poisonous snake such as a rattlesnake, coral snake, water moccasin, puff adder, or cobra.
- Any snake or reptile which by its size, vicious nature or other characteristic is dangerous to human beings.
- Any skunk, raccoon, or fox whether captured in the wild, domestically raised, descended or not descended, vaccinated against rabies or not vaccinated against rabies.
- Any bear, ape, gorilla, monkey, or badger.
- Any other animal or reptile which is commonly considered wild.
- At Large. An unattended animal on public property; or an unattended animal on private property without the consent of the property owner.
- Cat. Any domesticated feline animal, male or female, whole or neutered.
- Coop. An accessory structure for the keeping or housing of chickens permitted by the ordinance.
- Dangerous Dog. Any dog that has committed any of the acts set forth below:
 - Without provocation, inflicted substantial bodily harm on a human being on public or private property;
 - Killed a domestic animal without provocation; or
 - A potentially dangerous dog which aggressively bites, attacks, or endangers the safety of humans or domestic animals.
- Dog. Any canine animal, male or female, whole or neutered.
- Enclosure. Any structure, except a dwelling, designed to securely enclose and prevent an animal from escaping therefrom.
- Proper Enclosure. Proper Enclosure means securely confined indoors or in a securely enclosed and locked pen or structure suitable to prevent the animal from escaping and providing protection from the elements for the animal. A Proper Enclosure does not include a porch, patio, or any part of a house, garage or other structure that would allow the animal to exit of its volition, or any house or structure in which windows are open or in which door or window screens are the only obstacles that prevent the dog from exiting.
- Exercise yard. Is a larger fenced area adjacent to chicken coop and pen that provides space for exercise and foraging for the birds when supervised.
- Hen. Is a female chicken.
- Owner. Any person, firm, or corporation, organization or department possessing, harboring, keeping, having an interest in or having custody or control of an animal.
- Pen. A fully enclosed and covered area attached to a coop where the chickens can roam unsupervised.
- Potentially Dangerous Dog. Any dog that has committed any of the acts set forth below:
 - When unprovoked, bites a human or domestic animal;

- When unprovoked, chases or approaches a person upon the streets, sidewalks or any other public property in an apparent attitude of attack; or
- Has a known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.
- Restrained. On a leash of not more than six (6) feet in length or on a leash which can be retracted to a length of six (6) feet or less, and in the custody of a person of sufficient age to adequately control the animal; in a vehicle; or confined to the owner's property by enclosure or fencing.
- Rooster. Is a male chicken.
- Substantial Bodily Harm. Bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily member or organ, or which causes a fracture of any bodily member.

SECTION 2. Chapter 4 – Animals and Pets, Section 410 – Licenses, Subsection 410.01, Licenses Required, is hereby amended by deleting ~~strickethrough~~ language and adding the underlined language as follows:

410.00 - Licenses

410.01 License Required.

The following animal licenses shall be required within the City of Arden Hills.

Subd. 1 Dog/Cat Licenses. All dogs and cats within the City of Arden Hills, except as hereinafter provided, shall be licensed.

A. Application. Within thirty (30) days after acquiring possession of a dog or cat which has not been licensed by the City of Arden Hills, the owner of the dog or cat shall make application for a dog or cat license. The application shall be on forms provided by the City of Arden Hills.

B. Vaccination. It shall be unlawful for any dog or cat owner to keep or maintain any dog or cat older than six (6) months of age unless it shall have been vaccinated with an anti-rabies vaccine certified to be effective by a licensed veterinarian. No license renewal shall be issued except upon compliance with this section.

C. License Fee. The license fee for each dog or cat must be submitted with the application. The fee will be established by City Council Resolution.

D. Duration of License. A license shall be issued for a period of time not to exceed the expiration date of the rabies vaccination. No dog or cat license shall be renewed without proof of vaccination.

E. Issuance of License. Upon completion of the application form, receipt of the license fee and receipt of the proof of vaccination, the City Administrator shall cause a dog or cat license to be issued to the applicant for a particular dog or cat.

F. Receipt and Tags. The City of Arden Hills shall issue a license fee receipt to the applicant along with a metallic dog or cat license tag. The applicant shall permanently affix the tag by a metal fastening device to the collar of the licensed animal in a manner that allows the tag to be easily observed. If a tag is lost, a duplicate may be issued by the City of Arden Hills

upon presentation of a receipt showing payment of the initial license fee and upon payment of an additional fee for each duplicate tag.

G. Change of Address. An applicant who has obtained a dog or cat license shall notify the City of the applicant's address changes within the corporate limits of the City within ten (10) days of any address change.

H. Counterfeit Tags. No person shall counterfeit or attempt to counterfeit dog or cat license tags.

I. Transfer of Tags. No person shall transfer a dog or cat tag from one dog or cat to another.

J. Exceptions. The following dogs and cats are not required to be licensed:

1. Dogs and cats less than six (6) months of age.
2. Dogs and cats whose owners are temporary visitors within the City for thirty (30) days or less.
3. Dogs and cats which are brought into the City for appearance in an animal show.
4. Dogs being used by law enforcement officers

Subd. 2 Wild Animal Licenses.

A. General Prohibition. All wild animals except the following are prohibited within the City of Arden Hills:

1. Wild animals brought into the City for entertainment, exhibition or show purposes by persons keeping wild animals for a public zoo.
2. Wild animals which are part of a permanent display sponsored by a bona fide research institution, a veterinary hospital, public zoo or other institution.
3. Nonpoisonous snakes, birds kept indoors, hamsters, mice, rabbits, gerbils, white rats, guinea pigs, chinchillas, or lizards and similar small animals capable of being kept in cages continuously.
4. Monkeys trained as personal helpers and kept by handicapped persons.
5. Raptors owned by licensed Falconers holding valid state and federal Falconry permits so long as the conditions of such permits are being satisfied.
6. Wild animals and birds that are part of the natural habitat and environment.

B. License Application. Applications for a Wild Animal License shall be submitted on forms provided by the City along with a Certificate of Insurance which indicates that applicant has \$200,000 of liability coverage on the Wild Animal and which includes an endorsement indicating that the liability coverage will not be cancelled without twenty (20) days written notice to the City of Arden Hills.

C. Investigation. The Animal Control Officer shall review the application, conduct such investigation as the Animal Control Officer deems necessary, and shall prepare a written recommendation regarding the issuance of a Wild Animal License. The City Administrator shall within ten (10) days mail a notice to all property owners within 350 feet of the site on which the Wild Animal will be kept. The notice shall indicate that the City has received an application for a Wild Animal License and shall request comments from such property owners.

D. Review. The City Council shall review the application, the Animal Control Officer's recommendations, and the comments from property owners. The City Council may issue a Wild Animal License if it determines that the application is in compliance with the City's regulations. The City Council may attach any reasonable conditions to the issuance of a license as it determines to be necessary in order to protect the health, safety, and welfare of Arden Hills residents.

E. Existing Wild Animals. Anyone keeping a Wild Animal in Arden Hills at the time of the adoption of this regulation shall have ninety (90) days in which to comply with the provisions of this regulation or otherwise remove the Wild Animal from the City. Extensions beyond ninety (90) days may be granted by the City Council for good cause but in no case shall such extension permanently exempt a person from the requirements of this regulation.

F. Wild Animal Restrictions.

1. Confinement. No person owning or harboring or having the care or custody of a wild animal shall suffer or permit such animal to go unconfined on the premises of such person. A wild animal is "unconfined" as the term is used in this section if such animal is not securely confined indoors or confined in a secure enclosure suitably sized for the wild animal is confined therein. An "enclosure" is secure within the meaning of this section if it is constructed of heavy gauge mesh steel, or other suitable material; consists of a top and sides, with the bottom of such sides fastened along their perimeter to a slab floor of concrete or other suitable material; where no slab floor is provided, the sides must be embedded into the ground no less than one foot; all access points of the enclosure must be locked when the animal is confined therein. The Animal control officer may seize a wild animal that has been declared dangerous that is unconfined.

2. Muzzling. No person owning or harboring, or having the care of a wild animal shall suffer or permit such animal to go beyond the premises of such person unless such animal is securely muzzled and restrained with a chain not exceeding three (3) feet in length, and having a tensile strength sufficient to restrain the animal. Wild animals which are actively participating in recognized local, regional or national trials, training or other such sponsored competition, need not to be muzzled while being transported to or from during such competitions.

3. Summary Destruction. Any person harboring or owning a wild animal that is found to be in violation of the City's Animal Control Regulations may be summarily destroyed.

Subd. 3 Chickens License. All chickens within the City of Arden Hills, except as hereinafter provided, shall be licensed.

A. Application. Within thirty (30) days after acquiring possession of a chicken which has not been licensed by the City of Arden Hills, the owner of the chicken(s) shall make application for a chickens license. The application shall be on forms provided by the City of Arden Hills. If the Applicant is a renter, the Property Owner signature shall be required on the license application form.

B. Neighbor Consent. The Applicant shall be responsible for providing notification to the neighbors immediately adjacent to the property of their intent to keep chickens. This notification will be distributed in the format provided by the City. Neighbor written responses will be returned to the City. Neighbor consent from all of the immediately adjacent properties is required for issuance of the license. The failure of a neighboring Property Owner to respond does not constitute consent.

C. License Fee. The license fee for each chicken must be submitted with the application. The fee will be established by City Council Resolution.

D. Duration of License. A two year license shall be issued.

E. Issuance of License. Upon completion of the application form and receipt of the license fee, the City Administrator shall cause a chicken license to be issued to the applicant subject to:

- (1) Leg banding of all chickens is required. The bands must identify the owner and the owner's address and telephone number.
- (2) Dead chickens must be disposed of according to the Minnesota Board of Animal Health rules which require chicken carcasses to be disposed of as soon as possible after death, usually within forty-eight (48) to seventy-two (72) hours. Legal forms of chicken carcass disposal include burial, off-site incineration or rendering, or composting.
- (3) Prior to issuance of a license, the prospective annual license holder certifies as part of the application review that they have read "Recommendations for Municipal Regulations for Urban Chickens".

F. The following are prohibited within the City of Arden Hills for chickens:

- (1) Roosters are prohibited.
- (2) No breeding of chickens is allowed.
- (3) Slaughtering of chickens on the property is prohibited.

SECTION 3. Chapter 13 – Zoning Code, Section 1325 – General Regulations, Subsection 1325.07, Performance Standards, is hereby amended by deleting ~~strickthrough~~ language and adding the underlined language as follows:

1325.00 – General Regulations

1325.07 Performance Standards.

Subd. 1 Maintenance.

A. Health and Safety. In all districts, all buildings and structures, including fences and required landscaping, shall be maintained so as not to be unsightly or present harmful health or safety conditions.

B. Snow Removal. In all districts, it shall be the responsibility of the residential and/or business land owner to insure proper snow removal from the sidewalks within twenty-four (24) hours after the last accumulation of two (2) inches or more.

Subd. 2 Refuse.

A. Containment. In all districts, any waste materials, debris, refuse or garbage shall be stored and kept in accordance with the requirements of Section 660.05 of the City Municipal Code, as the same may be amended from time to time.

B. Noxious Weeds and Objectionable Plant Growth. Land shall be kept free of noxious weeds and unsightly or objectionable plant growth of eight (8) inches or more in height.

C. Home Interiors. Home interiors shall be kept in a clean and sanitary condition free of any accumulation of rubbish and garbage in compliance with State Health Regulations.

D. Compliance Deadline. Existing uses shall comply with these provisions within thirty (30) days following the effective date of this Code.

Subd. 3 Exterior Storage.

A. Residential Districts.

1. Materials and Equipment. All materials and equipment shall be stored within a building or be fully screened so as not to be visible from adjoining lots, except for the following: Laundry drying and recreational equipment, construction and landscaping materials currently (within a period of twelve (12) months) being used on the premises; agricultural materials and equipment if these are used or intended for use on the premises; off-street parking of passenger cars and pickup trucks.

2. Boats, Trailers and Utility Vehicles. Exterior storage of boats, trailers and utility vehicles is not permitted in any residential district, except as regulated in Section 1325.12.

B. Business and Industrial Districts.

1. Screening. All exterior storage in the business and industrial districts shall be screened from public view, except materials and equipment currently being used for on-site construction.

2. Parking. Vehicles, including but not limited to cars, trucks, buses and RV's parked and/or stored in public view for more than a period of seven (7) days shall be prohibited unless allowed by the permitted business or industrial use, except as regulated in Section 1325.12.

Subd. 4 Electrical and Radiation Emissions. No activities shall be permitted that emit dangerous radioactivity beyond an enclosed area. There shall be no electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbances.

Subd. 5 Environmental Pollution. Emission or creation of noise, odors, vibrations, glare, dust, smoke, heat and toxic or noxious fumes shall conform to such standards as are from time to time established by the Minnesota Pollution Control Agency. None of these shall be at a level that is objectionable to surrounding properties.

Subd. 6 Animals.

A. Location for Buildings Housing Farm Animals. Any building in which farm animals are kept shall be located a distance of two hundred (200) feet or more from any lot line. Any open structure in which farm animals are kept shall be a distance of four hundred (400) feet or more from any lot line, except for chicken coops in the R-1, R-2, and R-3 Districts provided the following requirements are met:

- (1) No more than three (3) hens shall be housed or kept on any one (1) residential lot with the issuance of a City license.
- (2) A separate coop is required to house the chickens. Coops must be constructed and maintained to meet the following minimum
 - a. A coop with a minimum of 12 square feet and no larger than 25 square feet is permitted as an accessory structure subject to Section 1325.01. Subd. 4 A. for Size.
 - b. Exemption to Ordinance - A residential property with a single car detached garage and an accessory structure/shed will be allowed a third accessory structure for keeping chickens. The combined square footage of all three detached structures may not exceed 728 square feet.
 - c. Located in the rear yard. Chicken Coop, pen, and exercise yard are not permitted in the front or side yard.
 - d. Setbacks are subject to applicable accessory structure setbacks of the underlying zoning district. In no instance shall the coop be located in front of the rear building line of the principal structure.

- e. The outer limit of coop including pen and exercise yard shall be located closer to the principal dwelling upon the property that is issued a license than any other residential dwelling on an abutting property.
 - f. Climate control – adequate ventilation and/or insulation to maintain the coop temperature between 45 – 85 degrees Fahrenheit. Prior to issuance of an annual license, the prospective annual license holder must provide a plan for maintaining an adequate temperature in the coop for safety of the fowl or poultry. The plan must address both extreme winter and summer temperature conditions.
 - g. Rodent proof – coop construction and materials must be adequate to prevent access by rodents.
 - h. Coops shall be constructed and maintained in a workmanlike manner.
- (3) A pen and exercise yard is required. Pen and exercise yard must be constructed and maintained to meet the following minimum standard:
- a. The pen and exercise yard is located adjacent to the coop and shall be fenced with adequate coverage to keep hens in and predators out of a material that can be easily raked or regularly replaced to reduce odor and flies.
 - b. Minimum size per bird shall be:
 - i. Pen – 10 square feet of floor space
 - ii. Exercise yard - 174 square feet
- (4) Screening shall be installed around the perimeter of the area dedicated for the keeping of chickens in a manner that minimizes view from adjacent parcels. A screening plan shall be approved as part of license application subject to any additional permit requirements for installation. Acceptable forms of screening are a six (6) foot tall solid fence or vegetation that shall consist of plantings which shall provide for year round screening and installed at a minimum of six (6) feet tall.
- (5) Chickens must not be housed in a residential house or an attached or detached garage.
- (6) All premises on which hens are kept or maintained shall be kept clean from filth, garbage, and any substances which attract rodents. The coop and its surrounding must be cleaned frequently enough to control odor. Manure shall not be allowed to accumulate in a way that causes an unsanitary condition or causes odors detectible on another property. Failure to comply with these conditions may result in the officer removing chickens from the premises or revoking a chicken license.
- (7) All grain and food stored for the use of the hens on a premise with a chicken license shall be kept in a rodent proof container.
- (8) Hens, coop, pen, and exercise yard shall not be kept in such a manner as to constitute a nuisance to the occupants of adjacent property.
- (9) Any violation of the above conditions, (i.e. roaming chickens, uncontrolled odor), if not remedied within 10 days, may result in revocation of the homeowner’s license.
- (10) If the license holder discontinues having chickens, the homeowner shall have 60 days to remove the coop, pen, and exercise yard associated with the keeping of chickens in its entirety. If the coop was licensed as an allowed third accessory structure for chickens, the coop/third structure must be removed and cannot be repurposed for a storage structure. If the homeowner/license holder fails to perform either of the above, the City may

enter upon the subject property, remove the coop, pen, and exercise yard from the homeowner's property, and charge the amount back to the homeowner as an assessment on the property tax roll.

B. Number of Animals Allowed. Up to four (4) domestic animals, excluding birds and fish, are permitted in any dwelling unit, but without a residential dog kennel license not more than two (2) may be dogs. Up to three (3) dogs are allowed with a residential dog kennel license. Dog enclosures may be located only in a rear yard in all zoning districts.

C. Animals for Research. Animals for research may be kept in appropriate places by conditional use permit.

D. Wild Animals. Wild animals are not permitted in any district.

Subd. 7 Site Grading.

A. Erosion Prevention. Earth surfaces shall be planted or stabilized to prevent erosion.

B. Drainage onto Neighboring Property. Finished slopes and grades shall not cause adverse drainage effects on adjoining properties.

SECTION 4. This Ordinance shall become effective immediately upon its passage and publication according to law.

PASSED and ADOPTED this ____ day of _____, 2021, by the City Council of the City of Arden Hills, Minnesota.

CITY OF ARDEN HILLS

By _____
David Grant, Mayor

ATTEST:

Julie Hanson, City Clerk

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