

ORDINANCE NO. 2018-13

AN ORDINANCE AMENDING CHAPTERS 10, 12 AND 14 THEREBY UPDATING: CHAPTER 10 CLARIFYING THE REQUIREMENT FOR MOWING RIGHT-OF-WAY AREAS ADJACENT TO PRIVATE PROPERTY; AND CHAPTERS 12 AND 14 ADDING PRESCRIBED GRAZING AS A LICENSED COMMERCIAL ANIMAL ESTABLISHMENT

The City Council of the City of Bloomington hereby ordains:

Section 1. That Chapter 10 of the City Code is hereby amended by deleting those words that are in ~~strike through~~ font contained in brackets [] and adding those words that are underlined, to read as follows:

CHAPTER 10: ENVIRONMENTAL CONTROL

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ARTICLE VI: WEEDS AND BRUSH

* * *

§ 10.38 NUISANCE.

(a) *Weeds and grass.* All weeds or growing grass upon any lot, ~~lot~~ parcel of land or adjacent right-of-way area in the city to a height greater than eight inches, or which have gone or are about to go to seed, are hereby declared to be a nuisance and a detriment to the good order of the city with the following exceptions:

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Section 2. That Chapter 12 of the City Code is hereby amended by deleting those words that are in ~~strike through~~ font contained in brackets [] and adding those words that are underlined, to read as follows:

CHAPTER 12: PUBLIC PEACE AND SAFETY

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ARTICLE IV: ANIMAL CODE

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DIVISION D: CHICKENS, FARM POULTRY, FARM ANIMALS, AND BEES

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§ 12.119 EXCEPTIONS.

The limitations upon the use of farm animals expressed in this Article IV shall not apply to the use of horses for law-enforcement purposes and uses licensed as a commercial animal establishment under Chapter 14, Article III, Division B.

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Section 3. That Chapter 14 of the City Code is hereby amended by deleting those words that are in ~~strike through~~ font contained in brackets [] and adding those words that are underlined, to read as follows:

CHAPTER 14: LICENSES AND PERMITS

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ARTICLE III: ANIMAL LICENSES

DIVISION B: COMMERCIAL ANIMAL ESTABLISHMENTS

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§ 14.94 COMMERCIAL ANIMAL ESTABLISHMENT LICENSE REQUIRED.

No person shall operate a business that breeds, raises, sells, boards, distributes, uses animals to perform a service, or exhibits animals for entertainment or educational purposes, such as, but not limited to, kennels, pet shops, petting zoos, riding schools or stables, aquariums, zoological parks, prescribed grazing, or performing animal exhibitions without first obtaining a license in compliance with this Division B of the city code.

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§ 14.99 HEALTH AND WELFARE REGULATIONS.

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(i) *Location of animals.* Where the licensee keeps animals for sale or display, all animals shall be kept entirely within an enclosed building and no animals shall be kept or maintained outdoors. Exterior walking or exercise areas shall be maintained free of wastes and other litter, and all wastes should be removed and disposed of in an approved manner immediately. Goats used for prescribed grazing are required to be fenced using permanent or temporary fencing and may be provided a shelter from the weather within their fenced enclosure.

* * *

(l) *Disposal of wastes.* All animal wastes must be disposed of in a timely and sanitary manner approved by the City Environmental Health Division. In no event shall there be an accumulation of waste beyond 24 hours. In public areas during exhibition, all wastes must be disposed of immediately or, at minimum, such waste to be stored in an approved container with tight-fitting lids and disposed of in an approved sanitary manner at the end of the day. Goats used for prescribed grazing must have animal wastes regularly removed from shelters if shelters are provided.

(m) Prescribed grazing must also meet the following requirements. Prescribed grazing:

(1) Is not intended to allow the raising or keeping of goats as farm animals or domestic animals as regulated under Chapter 12 of this code.

(2) Is allowed only where vegetation, which may include non-native, invasive or noxious species, cannot otherwise be reasonably removed using conventional mechanical methods. An example is the grazing of goats to remove buckthorn in a wooded area.

(3) Requires an annual or temporary commercial animal license.

(4) Is not allowed December through March.

(5) Is not allowed on sites less than one (1) acre in size.

(6) Is allowed for no more than thirty (30) consecutive days per location on a site. A minimum of thirty (30) days must pass before goats may graze the same location.

(7) Must utilize only neutered male goats, unneutered male goats less than six (6) months of age that accompany female goats, and female goats.

(8) Herd size must not exceed one (1) goat per every one-tenth (0.10) acre of the designated enclosure area.

(9) Areas must be monitored to prevent overgrazing, erosion and damage to natural resources, including but not limited to:

(A) Complying with requirements and best management practices established by Minnesota Department of Agriculture, the Minnesota Department of Natural Resources, Natural Resources Conservation Service, the local watershed district, and all other pertinent agencies,

(B) Preventing impairment of water quality as defined by the Federal Clean Water Act, and

(C) Adversely impacting threatened or endangered plant or animal species.

(10) Licensees must provide 24-hour contact information including a telephone number, on signs at the property where the fenced enclosure is located and to Police Dispatch for responding to emergency situations, including but not limited to, goats outside of the fenced enclosure.

(11) Signs must not exceed four (4) square feet in size and must be placed in conspicuous locations near the fenced enclosure, but not in any right-of-way areas.

(12) Signs must warn the public to not enter the grazing enclosure and to not pet or feed the goats.

(13) Fencing is required and must be designed to prevent escape by goats and access by other animals, and cannot be electric or constructed of barbed wire. Temporary enclosure fencing must be

removed within seven (7) calendar days after the expiration of the license duration or the goats are removed, whichever occurs first.

(14) Shelters, if provided, must:

(A) Not be located in a front yard area,

(B) Be less than 200 square feet,

(C) Be less than seven (7) feet in height,

(D) Be set back a minimum of 100 feet from any lot used residentially and 150 feet from any dwelling on a neighboring lot,

(E) Be designed for the use and built in a workmanship manner using approved materials, and

(F) Be removed within seven (7) calendar days of the expiration of the license duration or the goats are removed from the property, whichever occurs first.

(15) Supplemental feed held onsite must be securely stored to prevent becoming an attractant for vermin and other pests. Goats must be provided access to drinking water daily. The source of the water cannot be rivers, streams, lakes or ponds.

(16) Must be managed under a written plan indicating the pre-grazing plant species inventory, the targeted species for control and frequency of monitoring for evaluating management goals.

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§ 14.102 PENALTY.

A violation of this Division B shall be a misdemeanor under state law. Civil penalties may also be issued pursuant to § 12.15 of the city charter and § 1.19 of this city code. However, nothing in this Article III shall be construed to limit the city's other available legal remedies for any violation of the law, including without limitation, license sanctions, criminal, civil and injunctive actions.

Passed and adopted this 4th day of June, 2018.

/s/ Gene Winstead

Mayor

ATTEST:

APPROVED:

/s/ Denise M. Christenson

Secretary to the Council

/s/ Melissa J. Manderschied

City Attorney