

STATE OF MINNESOTA
COUNTY OF CHISAGO
CITY OF WYOMING

ORDINANCE NO. 2012-04

AN ORDINANCE AMENDING THE CITY OF WYOMING CODE OF ORDINANCES, CHAPTER 8, ARTICLE II, ANIMALS; ESTABLISHING REGULATIONS FOR THE KEEPING OF LIVESTOCK, PROHIBITED ANIMALS, ANIMALS RUNNING AT LARGE, NUMBER OF ANIMALS PERMITTED TO BE KEPT, ANIMAL POUND, AND THE KEEPING OF URBAN FOWL WITHIN THE CITY OF WYOMING.

NOW THEREFORE, it is hereby ordained by the City Council of the City of Wyoming, Chisago County, Minnesota, that Chapter 8, Animals, is deleted in its entirety and replaced with the following:

Chapter 8 ANIMALS*

***Cross references:** Environment, Ch. 16; Zoning Ordinance Ch. 40.

State law references: Authority to regulate the keeping of animals, Minnesota Statutes § 412.221, subd. 21.

ARTICLE I. IN GENERAL

Sec. 8 – 1. Definitions.

Sec. 8 – 2. Running at large prohibited.

Sec. 8 – 3. Seizure of an animal running at large.

Sec. 8 – 4. Muzzling proclamation.

Sec. 8 – 5. Specific Prohibitions.

Sec. 8 – 6. Premises entry right.

Sec. 8 – 7. Number of animals permitted.

ARTICLE II. POUND

Sec. 8 – 41. Authorized.

Sec. 8 – 42. Impoundment of animals.

Sec. 8 – 43. Redemption.

Sec. 8 – 44. Selling of impounded animals.

Sec. 8 – 45. Disposition of proceeds of sale.

Sec. 8 – 46. Breaking pound.

ARTICLE III. URBAN FOWL

Sec. 8 – 71. Authorized.

Sec. 8 – 72. Facilities.

ARTICLE I. IN GENERAL

Sec. 8 – 1. Definitions.

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

- (1) **Agricultural Purposes:** Means animals that are raised, kept, or bred as commodities and are sold, or their offspring sold, whole or in part for meat, food, fur, skin, fiber, or egg production.
- (2) **Buildable:** Means an area of land excluding surface waters, wetlands or floodplains.
- (3) **Domestic Animal:** Domestic animal means, animal species that have been selectively bred for hundreds of generations to accept humans or live with humans, and are commonly considered to be domesticated in the United States. Domestic animals include companion animals and livestock.
- (4) **Companion Animal:** Means any animal that is commonly kept by persons as a pet or for companionship. The definition of “companion animal” includes, but is not limited to: domesticated dogs, domesticated cats, domesticated birds, and horses/donkeys.
- (5) **Educational Purposes:** Means possession of a non-releasable prohibited animal(s) for educational, or exhibition purposes as allowed only under a separate permit from the Minnesota Department of Natural Resources, pursuant to Minnesota Rules 6244.0800.
- (6) **Livestock:** means domestic animals that are traditionally raised as agricultural commodities whole or in part, or the produce of the animals is sold as a commodity and animals traditionally used as beasts of burden or transportation. When kept and/or raised for agricultural purposes the following animals include, but are not limited to, any of the following orders and families and are considered livestock:
 - (a) Equus caballus (domestic horse)
 - (b) Equus asinus (domestic ass)
 - (c) Members of the genus Mustela lawfully kept commercially for fur production.
 - (d) The following members of the Order Artiodactyla:
 1. Family Bovidae, Subfamily Bovinae;
 - i. Bison bison (American bison)
 - ii. Bison Bonasus (European bison)
 - iii. Bos grunniens (domestic yak)
 - iv. Bos taurus (common cattle)
 2. Family Bovidae, Subfamily Caprinae;
 - i. Capra hircus (domestic goat)
 - ii. Ovis aries (domestic sheep)
 3. Family Camelidae;
 - i. Camelus bactrianus (camel)
 - ii. Camelus dromedarius (camel)
 - iii. Lama glama (lama)
 - iv. Lama pacos (alpaca)

4. Family Cervidea, Sub-family Capreolinae
 - i. Odocoileus hemionus (mule deer)
 - ii. Odocoileus virginianus (white-tail deer)
 - iii. Rangifer tarandus (reindeer)
 5. Family Cervidea, Sub-family Cervinae
 - i. Axis axis (axis deer)
 - ii. Axis porcinus (hog deer)
 - iii. Cervus albirostris (Thorold's deer)
 - iv. Cervus elaphus (elk)
 - v. Cervus nippon (sika deer)
 - vi. Cervus timorensis (Timor deer or Javan rusa)
 6. Dama dama (fallow deer)
 - i. Elaphorus davidainus (Pere David's deer)
 7. Family Suidae, Sub-family Suinae;
 - i. Only domesticated varieties of Sus scrofa (pigs)
- (e) The following members of the Order Struthioniformes;
1. Family Dromaiidae (emu)
 2. Family Rheidae (rheas)
 3. Family Struthionidae (ostrich)
- (f) The following members of the Order Galliformes;
1. Domestic animals of the Family Nemididae (guinea fowl)
 2. Domestic animals of the Family Phasianidae (pheasant, peafowl, chicken, turkey)
- (g) Domestic animals of the species Cyprinus carpio (common carp, koi)
- (7) **Prohibited Animal:** Means any animal that is not normally domesticated in the United States or is wild by nature. Prohibited Animals include, but are not limited to, any of the following orders and families, whether bred in the wild or captivity, and also any of their hybrids with domestic species.
- (a) Order Carnivoria, Family Ailuridae (red panda);
 - (b) Order Carnivoria, Family Eupliridae (mongoose);
 - (c) Order Carnivoria, Family Canidae, other than Canis familiaris (domestic dogs);
 - (d) Order Carnivoria, Family Felidae, other than Felis catus (domestic cats);
 - (e) Order Carnivoria, Family Mephitidae (skunks)
 - (f) Order Carnivoria, Families Nandiniidae and Viverridae (civet);
 - (g) Order Carnivoria, Family Odoenidae, Otariidae and Phocidae (walruses and seals);
 - (h) Order Carnivoria, Family Procyonidae (raccoons);

- (i) Order Carnivoria, Family Ursidae (bears, including hybrids);
 - (j) Order Carnivoria, Family Mustelidae (wolverines);
 - (k) Order Carnivoria, Family Hyaenidae (hyenas);
 - (l) Order Primates (monkeys, apes, etc.), other than the species *Homo sapiens*;
 - (m) Order Proboscidea, Family Elephantidae (elephants);
 - (n) Order Perissodactyla, Family Rhinocerotidae (rhinoceroses);
 - (o) Order Artiodactyla, Family Suidae (warhogs) and Family Hippopotamidae (hippopotamuses);
 - (p) Order Crocodylia (crocodiles, alligators, and caimans);
 - (q) Venomous reptiles, including all members of the following families:
 - 1. Helodermodidae (gila monsters and Mexican beaded lizards);
 - 2. Viperidae vipers;
 - 3. Crotalidae (pit vipers);
 - 4. Hydrophilidae (sea snakes);
 - 5. Elapidae (cobras, coral snakes, and related); and
 - 6. Any rear-fanged snakes of the family Colubridae that are known to be life-threatening to humans, including but not limited to the following:
 - i. *Dispholidus typus* (boomslang);
 - ii. *Thebtonis kirtlandii* (twig snake); and
 - iii. *Rhabdophis* (keelbacks).
 - (r) Any constricting snake greater than four (4) feet in length or 20 pounds in weight;
 - (s) Any species of the class Insecta (insects) considered life-threatening to humans in general;
 - (t) Any species of the class Arachnida (spiders, scorpions, and related) considered life-threatening to humans in general;
 - (u) Any species of the genera *Catoprion*, *Pygocentrus*, *Pygopristis*, *Rooseveltiella*, *Serrasalmus*, *Serrasalmo*, and *Taddyella* of the superorder Teleostei of the class Osteichthyes (piranhas);
 - (v) Any regulated animal;
- (8) **Public nuisance animal:** Is any animal which:
- (a) Is repeatedly found at large.
 - (b) Damages the property of anyone other than its owner.
 - (c) Is a vicious animal.
 - (d) Causes fouling of the air by odors.
 - (e) Cause unsanitary conditions of enclosures or surroundings.
 - (f) By virtue of number of types of animals maintained is offensive or dangerous by possession.
 - (g) Makes excessively disturbing noises.

- (h) Molests passersby or passing vehicles.
 - (i) Attacks other domestic animals.
 - (j) Has been designated by the city council to be a public nuisance animal by virtue of being a menace to the public health, welfare and safety.
- (9) **Regulated Animal:** Regulated animals means any animal defined as regulated in Minn. Stat. §346.155, Subd. 1(e).
- (10) **Run at large or running at large:** means permitting any animal to be found, whether intentionally or unintentionally, on property not owned by the individual who is the animal's owner unless the animal is leashed or under control of a competent person.
- (11) **Wildlife Rehabilitator:** means a person who has a valid Department of Natural Resources novice, general, or master class wildlife rehabilitation permit issued pursuant to Minnesota Rules 6244.0100 to 6244.2000.

Cross references: Definitions generally, § 1-2.

Sec. 8 – 2. Running at large prohibited.

No person may permit an animal to run at large in the city.

Sec. 8 – 3. Seizure of an animal running at large.

The city will promptly seize, take up, and place all animals that may be found running at large or being kept or harbored any place in the city contrary to the provisions of this chapter. The city clerk-administrator is granted the authority to formulate rules and regulations for the detention, care, redemption, and disposal of all animals taken up under this section.

Sec. 8 – 4. Muzzling proclamation.

When the health officers determine that a cat or dog in the city is infected with rabies or hydrophobia, the mayor may, upon written advice from the health officer that the public safety and general welfare require it, order by proclamation that all cats or dogs be muzzled when off the premises of the owner, and that all unmuzzled cats or dogs found off the premises of the owner be immediately taken up and impounded, and may further order that after the proclamation has been published for five (5) days either by posting or printing in the official newspaper, all cats and dogs found off the premises of the owner shall be taken up, impounded and killed; except that an officer may immediately kill such unmuzzled cat or dog if with reasonable effort it cannot first be taken up and impounded. Any cat or dog seized and impounded within the first 48 hours after the publishing of any such proclamation shall, if claimed within five business days, and if not infected with rabies or hydrophobia, be returned to its owners; but after five business days, such cats or dogs may be killed. The poundmaster shall collect from the owners or persons desiring to redeem any animal which has been impounded a reasonable sum relative to the expenses incurred.

Sec. 8 – 5. Specific Prohibitions.

- (1) **Unlawful to Keep Prohibited Animals.** It shall be unlawful for any person to own, possess, keep, harbor, bring, or to have in one's possession a prohibited animal(s) within the City of Wyoming.
- (2) **Unlawful to Keep Livestock.** It shall be unlawful for any person to own, possess, keep, harbor, bring, or to have in one's possession a livestock animal(s) within the City of Wyoming.
- (3) **Unlawful to Allow Prohibited Animals.** It shall be unlawful for the owner, possessor, or any other person in control of a lot, tract, or parcel of land within the City of Wyoming or any residence or business premises situated thereon to knowingly permit any other

person to be in possession of a prohibited animal or prohibited animals upon the property, residence, or premises.

- (4) **Unlawful to Allow Livestock.** It shall be unlawful for the owner, possessor, or any other person in control of a lot, tract, or parcel of land within the City of Wyoming or any residence or business premises situated thereon to knowingly permit any other person to be in possession of a livestock animal or livestock animals upon the property, residence, or premises.
- (5) **Unlawful to Sell or Trade.** It shall be unlawful for any person, corporation, business, or broker to sell, trade, barter, or exchange for valuable consideration any prohibited animal in any way within the City
- (6) **Non-Native Species.** It is unlawful to possess non-native, (to Minnesota,) prohibited animals. The exceptions in Subdivision (6) do not apply to non-native, (to Minnesota,) prohibited animals.
- (7) **Wildlife Sanctuaries.** Wildlife sanctuaries or wildlife sanctuary of any type are not permitted within the City of Wyoming.
- (8) No person shall keep, own, harbor, or otherwise possess in the city an animal which is a public nuisance as defined by this Chapter.
- (9) **Exceptions.**
 - (a) Wildlife rehabilitators licensed by a state or federal agency;
 - (b) Veterinary clinics in possession of prohibited animals for temporary treatment or rehabilitation purposes, not to exceed six (6) months. Wildlife sanctuaries or Exotic Animal shelters shall not be considered veterinary clinics;
 - (c) Nonresident circuses, carnivals or traveling fairs for no longer than one seven-day period, per each separate location where such circus is held within the County per calendar year;
 - (d) Persons temporarily transporting prohibited animals through the city, provided that the animal is in a secured enclosure with no public contact and such transport time shall not exceed 24 hours; and
 - (e) Falconers in possession of valid Minnesota DNR Falconry permit, and valid U.S. Fish and Wildlife permit. Only animals listed on the permits are excepted from this ordinance.
 - (f) Livestock being used for agricultural purposes if:
 1. Their location and use conforms to the provisions of Chapter 40.
 2. All animals and animal quarters are kept in a clean and sanitary condition and so maintained as to eliminate objectionable odors.
 3. Animals are maintained in quarters constructed as to prevent their escape.
 - (g) The provisions of subsections (2) and (4) shall not apply to domestic fowl kept in accordance with Secs. 8 – 71 and 8 – 72.
- (10) **Penalty.** Any person violating any provision of this section is guilty of a misdemeanor.

Sec. 8 – 6. Premises entry right.

The city police officers may enter upon any premises at reasonable times for the purpose of discharging the duties imposed upon them by this chapter where there is a reasonable belief that a violation of this chapter has occurred.

Sec. 8 – 7. Number of animals permitted.

- (1) No person may own, keep, or allow the keeping of more than the following number of animals of the dog, cat, ferret, rabbit, or rodent kind over the age of six (6) months on his or her premises without first receiving a kennel permit or conditional use permit from the City:
 - (a) Three dogs; or
 - (b) Three cats; or
 - (c) Two ferrets; or
 - (d) Four rabbits; or
 - (e) Four rodents; or
 - (f) Five animals that consist of a combination of any animal permitted to be kept under this ordinance (but no more of any one kind than listed in subdivisions 1 (a) through (e) above).
- (2) The limitation contained in paragraph (1), (f), does not apply to farm animals on property being used for agricultural purposes that qualifies for the agricultural property tax classifications established in Minn. Stat. § 273.13.
- (3) All dogs, cats and ferrets four (4) months of age and older shall be vaccinated against rabies and records for such vaccination retained.
- (4) In the event that the City repairs, remediates, condemns, demolishes or removes any property or removes, houses, transfers, shelters, cares for or euthanizes any animals because they were kept in numbers in excess of that permitted then the City shall be permitted to assess all costs incurred by it therein against the property under this code and any Minnesota Statute permitting assessment for any service to the property.

Secs. 8-9--8-40. Reserved.

ARTICLE II. POUND

Sec. 8 – 41. Authorized.

Any suitable place within or without the city limits may be established as the animal pound of the city by the city clerk-administrator.

Sec. 8 – 42. Impoundment of animals.

The police officers of the city or such persons as may be designated by the council may take up and impound in the animal pound any animal found running at large.

Sec. 8 – 43. Redemption.

The poundmaster shall collect from the owners or persons desiring to redeem any animal which has been impounded a reasonable sum relative to the expenses incurred.

Sec. 8 – 44. Selling of impounded animals.

If any animal taken up and impounded has not been redeemed within five business days after impounding, the poundmaster shall give three days' notice of time and place where the animals shall be sold by posting notices in his office and on the bulletin board of the municipal building and also in the pound. Should the poundmaster for want of bidders, or from any other cause, be unable to sell the animal on the day stated, it shall be lawful for him to sell such animal on the succeeding day, or as soon thereafter as possible, without further notice.

Sec. 8 – 45. Disposition of proceeds of sale.

The poundmaster, after paying the expenses of impounding, keeping, and sale of such animal, shall hold the balance of such sale for the benefit of the owner of the animal; and if not claimed in one year, such funds shall be placed in the general funds of the city.

Sec. 8 – 46. Breaking pound.

No person shall break open or aid, assist in, counsel or advise the breaking open of a pound, or take or let out any animal, except when done by an officer duly authorized by law.

Secs. 8-47--8-70. Reserved.

ARTICLE III. URBAN FOWL

Sec. 8 – 71. Authorized.

- (1) Fowl.
 - (a) Chickens ducks, geese or other fowl or poultry may be kept within the City limits on residential properties located in the R1, R2, R3, and R4, Residential Districts subject to the following conditions:
 - 1. On residential properties with less than two (2) buildable acres:
 - i. A maximum of four (4) hens are permitted.
 - ii. Roosters are prohibited.
 - 2. On residential properties containing two (2) or more buildable acres:
 - i. Four hens are allowed per acre.
 - ii. Roosters are prohibited.
 - 3. The butchering of fowl is prohibited.
 - 4. Hens shall be fully contained on the property at all times through the use of fencing.
 - 5. Housing facilities and grounds shall be maintained in a clean and sanitary condition, and in good repair. Flies, rodents, and noxious odors shall be controlled. Facilities shall be kept free of fecal matter and collected fecal material shall be properly stored and disposed.
 - 6. Food materials that are stored outside shall be in closed containers with lids. Feed must be kept in metal predator proof containers.
 - 7. All containment areas and shelters shall be maintained in a clean, sanitary, and odor free environment and shall be free from the presence of rodents or vermin at all times.
 - 8. Stored fecal matter shall not be allowed to accumulate on the property. Stored fecal matter shall be removed at least once a week. Manure may be placed in yard compost piles.
 - 9. Coops are not allowed to be located in any part of a home and/or garage.
 - 10. Hens must be secured in a chicken coop from sunset to sunrise each day.
 - 11. Chickens shall not be raised or kept for fighting. Cockfighting is prohibited.

Sec. 8 – 72. Facilities.

- (1) All poultry and fowl must be contained with the following restrictions:
 - (a) Coops and Runs.
 - 1. All coops and runs must be located within the rear yard subject to a twenty (20) foot setback from any adjacent premises and be at least twenty-five (25) feet from any residential structure or dwelling or any other structures or dwellings on any adjacent premises. All chicken coops must be a minimum of four (4) square feet per chicken in size must not exceed ten (10) square feet per chicken in size and must not exceed six (6) feet in total height. Attached fenced-in runs must not exceed 20 square feet per chicken and fencing must not exceed six (6) feet in total height. Runs may be enclosed with wood and/or woven wire materials, and may allow the fowl contact with the ground.

- i. The exterior finish and roofing materials of coops shall match as closely as possible the construction materials and appearance of the principal structure on the lot.
 - ii. Coops and runs shall be screened in accordance with Chapter 40 of the City Code.
- 2. Coops must either be:
 - i. Elevated with a clear open space of at least twenty-four (24) inches between the ground surface and framing/floor of the coop; or,
 - ii. The coop floor, foundation, and footings must be constructed using rodent resistant construction.

Secs. 8-73--8-100. Reserved.

WHEREUPON the following members voted in favor:

WHEREUPON the following members voted against:

PASSED AND ADOPTED by the City Council of the City of Wyoming, Chisago County, Minnesota, this ____ day of September, 2012.

Eric Peterson, Mayor

ATTEST:

This Document Drafted by:
The City of Wyoming
26885 Forest Boulevard
Wyoming, Minnesota 55092

Craig J. Mattson, City Clerk