

ORDINANCE 2022-10-02

**CITY OF BIRCHWOOD VILLAGE
WASHINGTON COUNTY, MINNESOTA**

AN ORDINANCE AMENDING SECTION 605 ANIMALS IN THE CITY CODE

The City Council of the City of Birchwood Village ordains that Sections 021, 028 and 029 of Chapter 605 (Animals) of the Municipal Code of the City of Birchwood Village is hereby amended to read as follows:

605.021. PERMIT.

1. Required; exceptions. No person shall, without first obtaining a permit in writing from the City Clerk or Administrator, own, keep, harbor, or have custody of any dog over six months of age. However, this section shall not apply to the keeping of small caged birds or aquatic and amphibian animals solely as pets or for police canines of any political subdivision.

a. Upon a showing by any applicant for a permit required under this division that he is prepared to comply with the regulations promulgated by the council, a permit shall be issued following payment of the applicable fee, as follows:

(1). For each dog, the fee is as may be imposed, set, established and fixed by the city council, by resolution, from time to time.

(2). No fee or permit shall be required of any Humane Society or veterinary hospital.

b. No permit shall be granted for a dog which has not been vaccinated against rabies as provided in this section on such date, and when not more than two years will have elapsed from the date of such vaccination to the time of the expiration of the permit to be issued, unless stated upon the certificate that the vaccination is effective for at least three years. Vaccination shall be performed only by a doctor qualified to practice veterinary medicine in the state in which the dog is vaccinated, and the applicant shall present an original certificate from a qualified veterinarian showing that the dog to be permitted has been given a vaccination against rabies and the date on which the vaccination was administered.

2. Term; renewal; late penalty charge. Dog permits shall be issued for three-year terms starting in 2022 and every third year thereafter, and the owner shall pay the fee set in the fee schedule for the year of the term in which the permit is first required. A permit for each licensed dog shall be renewed every third year after 2022 by every owner and a permit fee paid. A permit, if not revoked, shall be valid until the end of the permit period three calendar years after the permit deadline in the first year of the term. Renewal permits must be obtained prior to the expiration date, and there shall be a late penalty charge fee on all renewal permits received after the expiration date for dogs that have been kept in the City for more than fourteen (14) consecutive days.

~~A new permit shall be obtained each even year by every owner and a new fee paid. A permit, if not revoked, shall be valid until the end of the permit period. Renewal permits must be obtained prior to the expiration date, and there shall be a late penalty charge on all renewal permits issued after the expiration date.~~

The City Clerk or Administrator may revoke any permit issued under this division if the person holding the permit refuses or fails to comply with this article, any regulations promulgated by the council pursuant to this article, or any state or local law governing cruelty to animals or the keeping of animals. Any person whose permit is revoked shall, within ten days thereafter, humanely dispose of all dogs being owned, kept or harbored by such person; and no part of the permit fee shall be refunded.

3. Administrative Fee If the City Administrator receives a complaint or observes a dog and reasonably believes that the dog is kept in violation of 605.021, the owner shall pay a Dog License Administrative Fee in addition to the Permit fee and the Late fee. Late and Administrative Fees may be appealed using the procedures in Chapter 310

4. Tags. Upon issuing a permit to keep any dog under this division, the City Clerk or Administrator shall issue to the owner a metallic or durable plastic tag stamped with an identifying number and with the month/date/year of expiration and so designated that it may be conveniently fastened to a dog collar or harness. Such tag shall be fastened to the dog's collar or harness by the owner and shall be worn at all times. The City Clerk or Administrator shall maintain a record of the identifying numbers and shall make this record available to the public.

5. Exemptions from division. The sections of this division requiring a permit shall not apply to owners of certified seeing eye and other handicapped-aid dogs, owners and handlers of bona fide working dogs (guard dogs, search dogs, etc.) and nonresidents of the city who are keeping only domestic pets, provided that domestic pets of nonresident owners shall not be kept in the city longer than 30 days annually and the animals shall be kept under restraint.

605.028. **CHICKENS.**

1. Chickens may be kept within the City limits on residential properties subject to the following conditions:

a. A maximum of six (6) hen chickens or pullets are permitted.

b. Roosters are prohibited.

c. The butchering of chickens is prohibited.

d. Shelter. Proper shelter in the form of barns, coops or hutches shall be provided in any area where chickens are permitted to roam. Such shelters shall be adequately fenced to ensure the chickens remain on the owner's premises. Shelters must comply with all requirements of the Zoning Code concerning accessory structure and said structures shall not be placed in the front, side yard or side yard abutting a street on residential property. Said shelters shall be setback a minimum of 30-feet from an adjacent principal dwelling.

(1). All chicken coops must have a minimum size of three (3) square feet per chicken, a maximum size of forty (40) square feet, and must not exceed six (6) feet in total height.

(2). Chicken coops must be elevated a minimum of twelve (12) inches and a maximum of twenty-four (24) inches to allow for circulation beneath the coop.

e. Space. Chickens shall be fully contained on the property at all times through use of adequate fencing.

(1). Fencing must not exceed six (6) feet in height and must be built according to the zoning code.

(2). Chickens are restricted to the rear yard.

(3). Chicken runs may be enclosed with wood and/or woven wire materials, or any other material so long as the chickens cannot escape through the fencing.

f. Food Storage. Food materials that are stored outside shall be in closed containers with lids.

g. Manure Removal. 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. Organic matter shall not be allowed to accumulate for more than one (1) week at a time. However, organic matter shall be removed more often than one (1) time per week if it is necessary to eliminate any odors that constitute a nuisance.

h. Fighting. Chickens shall not be raised or kept for fighting. Cockfighting is prohibited.

i. Consent. The applicant for any permit required under the provisions of this section shall provide with the application the written consent of seventy-five (75) percent of the owners or occupants of real property within the City and within one hundred (100) feet of the outer boundaries of the premises for which the permit is being requested. However, where a street or right of way separates the premises for which the permit is being requested from the other neighboring property, no consent is required from the owners or occupants of property located on the opposite side of the street or right of way.

2. License. No person shall keep, maintain or breed chickens on property located within the City of Birchwood Village unless a license is obtained pursuant to the provisions stated herein. Application shall be made on a form provided by the City Clerk or Administrator. The fee shall be established from time to time by resolution as set forth in Chapter 701.

a. A license shall be issued for a period of ~~two~~ three years.

b. Upon completion of the application form and receipt of the license fee, the City Clerk or Administrator shall cause a license to be issued to the applicant.

3. Inspection. The Animal Control Officer shall, at any reasonable time, be permitted upon the premises where chickens are kept for the purpose of making an inspection to determine compliance with this Chapter.

605.029. **MINIATURE VIETNAMESE POT-BELLIED PIGS.**

1. Restrictions. Miniature Vietnamese Potbellied Pigs may be kept within the City limits if it is kept as a "Domestic-House Pet" as defined in Code 605.010 (1), and shall be subject to the following conditions:

- a. The possession of a Vietnamese Potbellied Pig is limited to two (2) per residence.
- b. Male Vietnamese Potbellied Pigs must be neutered when they reach the age of four weeks.
- c. Adult Vietnamese Potbellied Pigs shall not weigh more than 120 pounds or stand more than 22 inches at the shoulders.
- d. Vietnamese Potbellied Pigs shall undergo a blood test to show that the animal is free from pseudorabies.

2. Consent. The applicant for any permit required under the provisions of this section shall provide with the application the written consent of seventy-five (75) percent of the owners or occupants of real property within the City and within 100 feet of the outer boundaries of the premises for which the permit is being requested. However, where a street or right-of-way separates the premises for which the permit is being requested from the other neighboring property, no consent is required from the owners or occupants or property located on the opposite side of the street or right-of-way.

3. License. No person shall keep, maintain Vietnamese pot-bellied pigs on property located within the City of Birchwood Village unless a license is obtained pursuant to the provisions stated herein. Application shall be made on a form provided by the City Clerk or Administrator. The fee shall be established from time to time by resolution as set forth in Chapter 701.

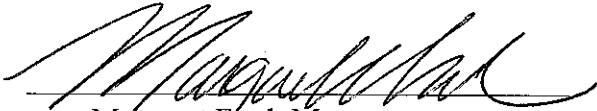
- a. A license shall be issued for a period of ~~two~~ three years.

- b. Upon completion of the application form, receipt of the license fee, and proof that the Vietnamese potbellied pig is free from pseudorabies, the City Clerk or Administrator shall cause a license to be issued to the applicant.

4. Inspection. The Animal Control Officer shall, at any reasonable time, be permitted upon the premises where Vietnamese pot-bellied pig(s) are kept for the purpose of making an inspection to determine compliance with this Chapter.

EFFECTIVE DATE: This Ordinance shall be in full force and effect from and after its passage and approval and publication as required by law.

Adopted by the City of Birchwood Village City Council this 14th day of February 2023


Margaret Ford, Mayor

Attest:


Rebecca Kellen, City Administrator-Clerk

