

To: Birchwood City Council  
From: Margaret Ford and Ryan Hankins  
Re: Animal Barriers

A couple months back, we discussed an ordinance allowing deer fencing. The following proposal addresses that need, without creating a non-conforming structure that could be used to build something else. It includes other pests as well.

**ORDINANCE NO. 2024-08-02**

**AN ORDINANCE ADOPTING SECTION 623 OF THE CITY CODE TITLED “ANIMAL BARRIERS”**

**The City Council of The City of Birchwood, Minnesota ordains:**

Section 1. **Enactment.** Chapter 623 entitled “ANIMAL BARRIERS” is hereby enacted to read as follows:

Chapter 623: ANIMAL BARRIERS

623.010. Purpose. The City finds that residents benefit from growing and maintaining foliage, vegetation and gardens, and that deer, rabbits, rodents and other animals cause damage that impacts the public welfare. Allowing temporary animal barriers protects foliage, vegetation and gardens.

623.020. Definitions. For this section:

1. Height Above Grade shall mean the vertical distance before construction at a point on the surface of the earth to the top of the barrier or posts above that point.
2. Structure. shall have the definition in § 300.020.
3. Temporary. shall mean constructed with methods and materials that can be dismantled and relocated without lasting changes to the site.

623.030. Temporary Animal Barriers. Notwithstanding City Code Section 302, a temporary barrier to protect foliage, vegetation and gardens from damage by deer, rabbits, rodents or other animals may be erected and maintained. Such barrier shall:

1. be constructed of plastic, fabric or wire mesh, but not wood, chain link or other materials, and
2. surround only foliage, vegetation or gardens; and
3. be at least 90% open; and

4. be of the minimum width necessary and not exceed a height above grade of eight feet at any point; and
5. be set back at least ten feet from any street or road and at least 25 feet from any ordinary high water line; and
6. not constitute a structure; and
7. be supported only by attachment to a structure or posts driven into the earth, without concrete or other underground support.

623.040 Repeal or Modification. Upon adoption, repeal or modification of this ordinance, temporary animal barriers that no longer comply with City Code shall be removed or made compliant within six months.

623.050. No Permit Required. No permit shall be required to construct any temporary animal barrier in accordance with § 623.030.

623.060 Penalty. Any person violating any provision of this ordinance shall, upon conviction, be punished by a fine not exceeding \$1,000 or by imprisonment for a period not exceeding 90 days, or both, plus, in either case, the costs of prosecution.

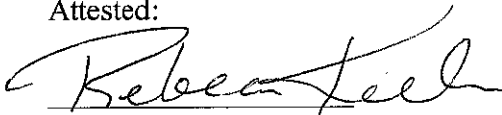
Section 2. **Effective date.** This ordinance becomes effective from and after its passage and publication.

Passed by the City Council of The City of Birchwood, Minnesota this 10<sup>th</sup> day of September, 2024.



\_\_\_\_\_  
Mayor

Attested:



\_\_\_\_\_  
City Clerk

