

ORDINANCE NO. 1333

AN ORDINANCE OF THE CITY OF WILLMAR, MINNESOTA AMENDING CITY CODE
CHAPTER 4, ANIMALS, ARTICLE I, IN GENERAL

The City Council of the City of Willmar hereby ordains as follows:

Section 1. City Code Chapter 4, Animals, Article I, In General shall be repealed in its entirety, and replaced with the following:

Sec. 4-1. - Intent

The City of Willmar recognizes a need to balance the desire of persons to introduce, harbor, own, keep, care for, feed, or shelter an animal within the boundaries of the city limits against the general safety, health, peace, and repose of the general population of the city. It is with this intent that the following regulations are imposed.

Sec. 4-2. - Definitions

The following definitions apply for the purpose of this ordinance.

Animal shall mean any living animal, domesticated, semi-domesticated, captive-wild or wild which is not specifically named or having been identified as meeting one of the conditions listed in Sec. 4-6.

At large shall mean off of lands owned or possessed by the owner and upon the public streets, sidewalks, alleys or other public or private property.

Owner shall mean any person owning, harboring or keeping an animal.

Sec. 4-3. - Keeping of animals declared a nuisance.

It is unlawful to introduce, permit, harbor, keep, care for, feed, or shelter any animal in the city of Willmar except as otherwise provided under Sec. 4-6; doing so constitutes a public nuisance.

Sec. 4-4. - Allowing animals to run at large.

It shall be unlawful for any owner or any person having the control of any animal, including those listed in Sec. 4-6, to allow or permit the same to run at large within the city.

Sec. 4-5. - Animals found to be in violation.

Animals found in violation of this ordinance shall be confiscated, held for five regular business days and summarily destroyed if not claimed. If the owner of an animal found in violation of this ordinance can be determined, the owner shall be notified of the City's possession of the animal and the date on which the animal will be destroyed pursuant to this Section. During those five regular business days an owner may arrange for the care and shelter of the animal outside the city limits of Willmar, in which case the City shall release the animal to the owner upon proof that satisfactory arrangements have been made. The owner shall pay for all costs incurred for the care, shelter and keep of the animal during the impoundment period prior to the release of the animal. In addition, the owner may also be charged with violation of this ordinance.

Sec. 4-6. – Allowable Exclusions

- (a) Animals may be kept temporarily in a designated stockyard or farm produce establishment or processing plant while awaiting further transportation or slaughter.
- (b) Animals may be introduced, harbored, kept, cared for, fed, and sheltered in connection with and during parade, county fair or circus events. The animal(s) must remain in proximity and under the control of the owner in regards to where the event is being held.
- (c) Animals may be introduced, harbored, kept, and cared for, fed, and sheltered, within the confines of a licensed pet store or licensed veterinarian business.
- (d) Dogs and household cats are regulated elsewhere under other city ordinances and shall be excluded from Sec. 4-1 through Sec. 4-6.
- (e) The following animals specifically listed under this subsection are allowed. Any person may introduce, permit, harbor, transport, keep, care for, feed, or shelter these animals but only when in compliance with the further restrictions imposed.
 - 1. Fish, reptiles, exotic birds, spiders, rats, mice, hedge hogs, guinea pigs, and hamsters are allowed subject to the following additional restrictions:
 - a. These animals shall remain at and contained within the actual dwelling in which the owner or caretaker resides.
 - b. If a dwelling is rented, permission from the landlord or owner to

maintain animals must be obtained.

- c. Proper care and treatment of the animal(s) are provided.
 - d. There are no restrictions as to the number of these animals kept.
2. Rabbits and pigeons are allowed subject to the following additional restrictions:

Location:

- a. These animals may only be kept in areas zoned R1, R2, AG or Industrial within the city.
- b. These animals must be kept outside the family dwelling.
- c. If the property is rented, permission from the property owner to maintain animals must be obtained.
- d. All shelters or attached fenced enclosures must have a minimum setback of ten (10) feet from the rear property line and ten (10) feet from the side property line.
- e. No structure or fenced animal yard shall be closer than twenty-five (25) feet to any residential dwelling on the adjacent lots.
- f. No structures or fenced animal yards will be allowed in the resident's front yard.

Shelter:

- g. These animals must be provided proper shelter that is fully enclosed with a well-ventilated roof and a source to maintain adequate livable temperatures during extreme heat or cold conditions.
- h. The floors of the structure shall be kept clean and sanitary with body excretions collected daily and removed from the structure.
- i. If a fenced animal yard enclosure is erected, the fenced-in area shall share a common wall of the structure, be securely constructed in a manner complying with all other city fencing ordinances, prevent predators from getting into the fenced area, prevent the animal from escaping the fenced area and be well drained so there is no accumulation of moisture.

Care and Treatment:

- j. No animal shall be allowed outside of either the shelter or properly fenced area.
- k. Food materials shall be in closed sealable containers stored inside the structure of the provided shelter.
- l. Animals shall maintain all required vaccinations.

Number and Type of Animals Allowed with Minimum Square Footage of Each:

- m. Pigeons - No more than thirty (30) pigeons may be kept. Pigeons shall be given a minimum of 1 sq. feet of space for each pigeon.
 - n. Rabbits - No more than six (6) rabbits may be kept. Rabbits shall be given space with a minimum height of 14 inches with 1.5 sq. feet floor space for each rabbit weighing less than 4 lbs. (small), 3 sq. feet floor space for each rabbit weighing 4-8 lbs (medium size); and a minimum of 4 sq. feet floor space for each rabbit weighing more than 11 lbs. (large size).
3. Chickens are allowed subject to the additional restrictions applicable to pigeons and rabbits in subparagraphs (e)(2)(b-1) of this Section, and subject to the following additional restrictions:
- a. Roosters are prohibited in all zoning districts in the City.
 - b. Chickens are prohibited in all zoning districts in the City except the AG or Industrial districts, within which it no more than fifty (50) chickens may be kept.
 - c. Chickens (Bantam size) shall be given a minimum of 2 sq. feet inside structure space for each chicken weighing less than two (2) pounds; (medium size) a minimum of 3.5 sq. feet for each chicken weighing two to four (2-4) pounds; and (large size) a minimum of 5 sq. feet for each chicken weighing more than four (4) pounds.

Secs. 4-7-4-25.- Reserved.

Section 2. This Ordinance shall be effective from and after its adoption and second publication.

This Ordinance introduced by Council Member: Christianson

This Ordinance introduced on: September 17, 2012

This Ordinance published on: September 21, 2012

This Ordinance given a hearing on: October 1, 2012

This Ordinance adopted on: October 1, 2012

This Ordinance published on: October 6, 2012