

**CITY OF MAHTOMEDI, WASHINGTON COUNTY, MINNESOTA
ORDINANCE NO. 2020-02**

AN ORDINANCE AMENDING MAHTOMEDI CITY CODE CHAPTER 3, SECTIONS 3.01 AND 3.02 AND ADDING SECTION 3.13 RELATED TO THE HARBORING AND KEEPING OF GOATS FOR PRESCRIBED GRAZING BY PERMIT

THE CITY COUNCIL OF THE CITY OF MAHTOMEDI HEREBY ORDAINS AS FOLLOWS:

Section One. Amendment. Chapter 3, Section 3.01 of the Mahtomedi City Code is hereby amended to include the following definitions:

“Goat” means an animal in the subspecies of *Capra aegagrus hircus*.

“Grazing” means goats eating vegetation.

“Prescribed Grazing” means the temporary use of Goats as a landscape management technique to control the growth of undesirable vegetation, including noxious weeds and invasive plants or trees at a specific location and for a defined length of time. For the purpose of this definition, Goats used for prescribed grazing are not considered pets or farm animals.

“Prescribed Grazing Permit” means a permit issued that allows prescribed grazing within City limits.

Section Two. Amendment. Chapter 3, Section 3.02 of the Mahtomedi City Code is hereby amended as follows. The ~~struck-out~~ text shows the deleted wording and the underlined text shows the language added to the code:

3.01 KEEPING OF CERTAIN ANIMALS PROHIBITED.

1. Prohibitions. No person may keep within the City any of the following:
 - A. Any wild animal;
 - B. Any hoofed animal; or
 - C. Any farm animal.

2. Exceptions. This Section does not apply to the following:
 - A. Animals which are brought into the City solely for participating in any circus or show;
 - B. Any bona fide research institution or veterinary hospital, provided that such

institution or hospital employs protective devices adequate to prevent such animal(s) from escaping or injuring the public;

- C. Chickens pursuant to the issuance of a permit as allowed in Section 3.12 of this Chapter;
- D. Goats kept temporarily pursuant to the issuance of a permit as allowed in Section 3.13 of this Chapter for prescribed grazing on specified property in the City for a defined period for the express purpose of controlling invasive, noxious or unwanted vegetation; or
- E. Any animals prohibited in Section 3.02, subdivision 1 that are kept within the City as of the date the City Council adopts this Chapter, and that are reported to the City in writing by the Owner on or before April 1, 1999.

Section Three. Amendment. Chapter 3, Section 3.13, of the Mahtomedi City Code is hereby added as follows:

3.13 HARBORING AND KEEPING OF GOATS FOR PRESCRIBED GRAZING BY PERMIT

- 1. Purpose. The purpose of this this Section is to establish conditions under which the temporary and periodic use of a limited number of goats for invasive species and other weed control is permitted and to establish the requirements for doing so in order to protect the health, safety, and welfare of the general population.
- 2. Prescribed Goat Grazing Permit Required. It is unlawful for any person to keep, harbor, maintain, or otherwise possess any goat within the City, except pursuant to a permit issues by the City under this section.
- 3. Conditions of Permit. The keeping of goats is permitted pursuant to a permit granted under this Section, subject to the following conditions:
 - A. A permit hereunder may be granted only for:
 - 1. A parcel or lot of record that is 0.5 acres or more in size; or
 - 2. A prescribed grazing area located on more than one parcel or lot provided the grazing areas on each parcel/lot are contiguous and an aggregate of 0.5 or more acres in size.
 - B. Prescribed grazing shall only be allowed where vegetation, which may include non-native, invasive or noxious species, cannot otherwise be reasonably removed using conventional mechanical methods, such as buckthorn.

- C. All premises on which goats are kept or maintained shall be clean from filth, garbage and any substances which attract rodents. The premises shall be cleaned frequently to control the odor. Manure shall not be allowed to accumulate in a way that causes an unsanitary condition or causes odors detectible on another property.
- D. Goats shall not be kept in such a manner as to constitute a nuisance to the occupants of adjacent property.
- E. It shall be grounds for revocation of a permit for any person to keep or harbor a goat which habitually bleats. Habitual bleating is defined as bleating for repeated intervals of at least five (5) minutes with less than one (1) minute of interruption. The bleating must also be audible off of the premises for which the permit is issued.
- F. The premises for which a permit is issued shall, at all reasonable times, be open to inspection by the City forester or any other City official to determine compliance with this section, other City Code provisions and state laws relating to zoning, health, fire, building or safety.
- G. A permit issued hereunder shall be nontransferable and shall be solely for the property listed on the permit.
- H. All supplemental feed for the goats shall be securely stored in water-tight and vermin-proof containers. All goats on the premises shall have daily access to fresh drinking water (not from nearby lakes, ponds, etc.). All goats used under the permit shall receive proper veterinary treatment and regular deworming. In the event that a goat becomes ill, hurt, or perishes, the permit holder and the owner of the goat is responsible for immediate on-site care or removal of the goat from the premises.
- I. No more than one (1) goat per every one-tenth (0.10) acre of the prescribed grazing area shall be on the premises at one time under the permit.
- J. Only female goats neutered male goats, or unneutered male goats less than six months old that accompany female goats are allowed.
- K. Prescribed grazing must comply with the shoreland regulations and wetland regulations set forth elsewhere in the City Code. The permit may restrict the permissible grazing area to protect ecologically sensitive areas on the premises. Prescribed grazing shall comply with the following:
 - 1). Prescribed grazing shall comply with any best management practices established by the Minnesota Department of Agriculture, the Minnesota Department of Natural Resources, Washington County Soil and Water Conservation District, and all other pertinent agencies.

2). Prescribed grazing shall not impair water quality as defined by the Federal Clean Water Act.

3). Threatened or endangered plant species shall not be negatively impacted by prescribed grazing.

- L. The prescribed grazing area shall be fully and securely enclosed with proper enclosures, and fully maintained for the duration of the prescribed grazing permit, as required and provided herein. It is unlawful and a violation of the permit for any goat to be allowed to run at large as the term is defined elsewhere in this Chapter. The prescribed grazing area shall be fully and properly enclosed at all times.

Proper enclosure means any combination of temporary or permanent fences or structures designed to prevent the escape of the goats used for the prescribed grazing and to protect the goats from the intrusion of other predatory animals. All sides of the enclosure(s) shall be of sufficient height and the bottom of the enclosures shall be constructed or secured in a manner as to prevent the goats from escaping over or under the enclosure(s). An enclosure shall meet the following requirements:

1). Fences and structures constructed to enclose the goats but intended to remain at the expiration of the prescribed grazing permit shall comply with the regulations for the zoning district in which the prescribed grazing is located and shall be permitted separately from the prescribed grazing.

2). Temporary fencing and structures for the sole purpose of enclosing goats for prescribed grazing shall be allowed for the duration of the prescribed grazing permit. All temporary fencing or structures shall be removed within five (5) days of the removal of the goats from the premises as required under the permit.

3). Temporary fences may be electric or electrified as specified in the approved prescribed grazing permit. Where electric fences are used, a double fence system with a non-electric outer fence, maintained a minimum of three (3) feet from the electric fence, is required to serve as a safety barrier to reduce the possibility of the public coming in contact with the electric fence. If an existing natural barrier or permanent structure exist as to prevent contact with or serve as a barrier to the electric fence, then the second outer fence may not be required for the applicable segment of fencing.

4). Any electric or electrified fence in association with prescribed grazing must have a warning sign posted on every boundary of the enclosure at least every fifty (50) feet along each side of the fence. The warning sign shall

clearly identify the electric fence. No single sign shall exceed four (4) square feet in area. Each sign shall be clearly visible on the approach to the fence and be posted on or within one (1) foot of the electric or electrified fence.

5). The goat containment fences shall be set back a minimum of 30 feet from any residence other than the property owner's residence.

M. If the proposed prescribed grazing area is within a conservation easement, all requirements of the conservation easement must be met. If the terms of the conservation easement do not allow prescribed grazing, then the permit will be denied.

N. The owner of the goat(s) to be utilized under the permit shall have and maintain insurance coverage for claims arising from prescribed grazing in the amount of \$1,000,000 per occurrence and \$2,000,000 general aggregate and shall provide to the City proof of the required insurance coverage prior to issuance of the permit.

O. The permit holder shall install and maintain signs on the premises for the duration of the permit as follows:

1). Signs warning of the hazardous condition of the presence of goats such as "Do Not Enter – Goat Defoliation Area" or "Do Not Enter – Goat Invasive Species Treatment Area – No Petting Or Feeding."

2). A sign shall be located on each side of the enclosed area. The sign shall be a minimum of 4 square feet and not exceed 16 square feet in area.

3). The signs shall not contain advertising. However, the contact information of the owner of the goat(s) may be listed on the sign for emergency purposes.

4). The signs shall be set back a minimum of 10 feet from the property line of the premises if freestanding or placed on the enclosure fence.

5). All signs shall be removed when the goats are removed from the premises.

4. Permit Process.

A. An applicant shall complete an application form provided by the City and filed with the City Clerk. The applicant shall also pay the application fee for the permit which shall be established by the City fee schedule. Permit fees shall not be prorated or refundable.

- B. The applicant shall must provide a detailed site plan of the premises on which the prescribed grazing is sought to occur, including the location and dimensions of the proposed grazing area.
 - C. The full name and address of the following persons:
 - a. The applicant; and
 - b. The owner(s) of the premises on which prescribed grazing is sought to occur and for which the permit would apply.
 - D. The street address of the premises on which prescribed grazing is sought to occur and for which the permit would apply;
 - E. The number of goats to be kept on the premises under the permit, not to exceed one (1) goat per every one-tenth (0.10) acre of the prescribed grazing area;
 - F. The full name, address, and 24-hour contact telephone number of the person who owns the goats to be used for the prescribed grazing;
 - G. The type of fencing to be used for the required enclosure;
 - H. Date the temporary fence will be installed;
 - I. Date the goats will arrive on the premises for which the permit would apply;
 - J. The latest date the goats will be removed from the premises for which the permit would apply;
 - K. A statement certifying whether the property's homeowners' association rules, if any, prohibit the keeping of goats on the property for which the permit is sought;
 - L. The signature of the owner(s) of the premises where the prescribed grazing will occur;
 - M. Any other and further information as the City deems necessary.
5. Granting or Denying Issuance of Permit. The City Clerk may grant a permit under this Section provided the application filed demonstrates compliance with the requirements of this section. The City Clerk shall deny a permit hereunder for any of the following reasons:
- A. The application is incomplete or contains false, fraudulent or deceptive statements;

- B. The applicant does not or has not complied with one or more of the provisions of this section;
 - C. The premises for which the permit is sought, including, but not limited to, the proposed grazing area, is not in compliance with any provisions of this section, other City Code provisions or state law relating to zoning, health, fire, building or safety; or
 - D. The applicant or owner of the premises where the prescribed grazing is to occur has had a prescribed grazing permit revoked by the City within the past two years.
6. Duration of Permit: The duration of a permit under this Section shall be as follows:
- A. On properties with an area of less than two (2) acres, prescribed grazing shall not be permitted for more than thirty (30) consecutive days. No more than two (2) prescribed grazing permits may be issued within one (1) calendar year for the same property. There shall be a minimum of sixty (60) days between the expiration of the first permit issued and the second permit issued in a twelve (12) month period.
 - B. On properties with an area of two (2) or more acres, the duration of the prescribed grazing shall be as specified in the permit, determined solely within the discretion of the City Clerk as may be guided by City personnel trained in control and maintenance of noxious and invasive wee/plant vegetation.
7. Right of Entry for Inspection. An initial inspection of the prescribed grazing area and fencing is required to verify compliance with this section and the site plan submitted with the application prior to moving goats onto the premises. City Staff may enter and inspect any property for which a prescribed grazing permit has been issued following notice to the property owner at any reasonable time for the purpose of ensuring compliance with this Section. It shall be deemed a violation of this Section for any person to resist, impede or hinder City Staff or their designee in the performance of their duties inspecting any goat-related materials.
8. Liability. The City shall have no liability for any damages that may be caused by goats kept on a property pursuant to a prescribed grazing permit. The permit holder shall be responsible for any damage caused by goats used for prescribed grazing purposes.
9. Violation and Penalties. If a violation of the terms of this Section or the prescribed goat grazing permit is found, the City shall give written notice thereof to the permit holder. If the violation is not remedied within ten (10) days of the date of the notice, a misdemeanor citation may be issued and/or the

prescribed goat grazing permit may be revoked following notice and a hearing before the City Council. The City Clerk may summarily revoke a permit if a permit holder's Goat(s) have been found running at large on two (2) or more occurrences within the term of the permit.

Section Four. Effective Date. This Ordinance shall be in full force and effect upon its adoption and publication as provided by law.

Passed in regular session of the City Council on the 5th of October 2020.

Motion for adoption by:

Seconded by:

Ayes:

Nays:

Abstained:

None Absent:

CITY OF MAHTOMEDI

By _____

Judson Marshall

Its: Mayor

Attest:

By: Jerene Rogers
Its: City Clerk

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