

ORDINANCE NO. 2024-06

AN ORDINANCE AMENDING FAIRMONT CITY CODE, CHAPTER 4 – ANIMALS

THE CITY OF FAIRMONT DOES ORDAIN (new material is underlined; deleted material is lined out; sections which are not proposed to be amended are omitted; sections which are only proposed to be re-numbered are only set forth below as to their number and title):

SECTION 1. Fairmont City Code, Chapter 4 – Animals, Article 1.- In General, Sections 4-1 to 4-4, are hereby amended to read as follows:

Sec. 4-1. Definitions.

Domestic animals means those animals commonly accepted as domesticated household pets. Unless otherwise defined, such animals shall include dogs, cats, caged birds, doves, pigeons, gerbils, hamsters, guinea pigs, domesticated rabbits, fish, nonpoisonous and nonvenomous reptiles or amphibians, including constrictors, and other similar animals. Domestic animals do not include farm animals.

Nondomestic animals means those animals commonly considered to be naturally wild and not naturally trained or domesticated, or which are commonly considered to be inherently dangerous to the health, safety, and welfare of people. Unless otherwise defined, such animals shall include, but are not limited to, members of the feline family (lions, tigers, cougars, leopards, jaguars), canine family (wolves, foxes, coyotes), rodent family (skunks, raccoons, squirrels), poisonous or venomous reptiles or amphibians (vipers, crocodiles, and alligators), and any hybrid or crossbreed between any nondomestic animal with any other animal. Any animals not explicitly listed above shall include any animal that can be reasonably defined by the terms of this section, including exotic animals, primates, bear, deer, and game fish.

Farm animals means those animals commonly associated with farming or are kept for the purpose of food production or performing work in an agricultural setting. Unless otherwise defined, such animals shall include members of the equestrian family (horses, mules), bovine family (goats, sheep, cows, bulls, bison), poultry (chicken, turkeys), fowl (ducks, geese), camelid family (llamas, alpacas, camels), swine, honeybees, and other animals associated with a farm, ranch, or stable.

Sec. 4-~~12~~. Animal control officer generally.

The animal control officer shall maintain the city animal pound and perform other duties imposed on him/her by ordinance.

Sec. 4-~~23~~. Impoundment.

- (a) The animal control officer or any police officer may take up and impound in the city pound any animal or fowl found running at large in violation of this chapter and shall provide proper sustenance for every animal impounded.
- (b) Within twenty-four (24) hours after an animal has been impounded pursuant to subsection (a), the animal control officer shall post a notice in three (3) conspicuous places in the city, one (1) of them at the pound, describing the animal and stating that it has been impounded. He/she shall also make a reasonable attempt to give oral or written notice to the owner if the owner is known.
- (c) No animal impounded shall be released except to a person displaying a receipt from the clerk showing payment of the impounding fee for the sale price. The fee for impounding shall be as determined by the council by resolution.
- (d) If any impounded animal is not redeemed within six (6) days, the animal control officer shall give an additional three-day posted notice as provided in subsection (b), of the time and place when and

where the animal shall be sold. If the poundmaster is unable to sell the animal on the day stated, he/she may sell the animal as soon thereafter as possible without further notice.

- (e) The clerk shall turn over the proceeds of such sale to the director of finance. The director shall pay the animal control officer the costs of impounding. The balance shall be paid, on order of the council, to the owner of the animal or fowl if claimed within one (1) year from the date of sale; otherwise, it shall be forfeited to the city.
- (f) No unauthorized person shall break into the pound or release any animal legally placed therein.

Sec. 4-34. General restrictions on livestock; ~~wild animals prohibited~~ animals in the city.

- (a) ~~No person shall keep any horse, cattle, sheep, goat, swine, llamas, camels, buffalo or similar animal or any animal of a wild nature (does not include small animals often kept as pets such as rabbits or ferrets) in the city, except within the Agricultural Transition Zone. No person shall permit such an animal to be kept on premises owned, occupied, or controlled by him/her except under the regulations and conditions prescribed by this chapter and Fairmont City Code section 26-151 permit any animal under section 4-1 to be at large within the city. Any such animal is deemed to be at large when it is off the premises of the owner and not under custody and control of the owner or other person, either by leash, cord, chain, or otherwise restrained or confined.~~
- (b) No person shall keep any nondomestic animal in the city.
- (c) Except as provided in subsection (d), no person shall keep any farm animal in the city, except within the Agriculture-transition district. No person shall permit such an animal to be kept on premises owned, occupied, or controlled by the person except under the regulations and conditions prescribed by this chapter and Fairmont City Code, section 26-151.
- (d) Exceptions.
 - (1) Fowl and poultry.
 - ~~a.~~ a. No person shall keep more than a total of five (5) ~~chickens, fowl or poultry,~~ per recorded lot in any zoning district outside of the ~~agricultural transition zone~~ Agriculture-transition district. Roosters are ~~not only~~ allowed to be kept in the Agriculture-transition district.~~a residential zone.~~
 - ~~(e)b.~~ b. No ~~chicken~~ fowl or poultry coop, run or other structure where ~~chickens, fowl or poultry~~ are kept shall be maintained closer than thirty-five (35) feet from any property line or residence, other than the residence occupied by the owner or occupant of the premises upon which such chickens, poultry or fowl are kept.
 - (2) Honeybees.
 - a. No person shall keep more than two (2) hives per recorded lot in any zoning district outside of the Agriculture-transition district.
 - b. No hive or structure intended for the housing of a honeybee colony, or any accessory or related equipment, shall be located less than ten (10) feet from any property line or residence, other than the residence occupied by the owner or occupant of the premises upon which such honeybees are kept.
 - (3) Permit required.
 - a. Any coop, run, hive, or other structure kept, built, or maintained under this section shall require a permit.

Sec. 4-4. Animals at large

~~No person shall permit any horse, mule, donkey, pony, cattle, sheep, goat, swine, rabbit, chicken, geese, duck, or turkey of which he/she is the owner, caretaker, or custodian to be at large within the city. Any such animal is deemed to be at large when it is off the premises owned or rented by the owner or his/her agent and not under restraint.~~

SECTION 2: This Ordinance shall take effect immediately after its publication.

Passed by the City Council of the City of Fairmont, Minnesota, this ____ day of _____ 2024.

Lee C. Baarts, Mayor

ATTEST:

Betsy Steuber, City Clerk

First Consideration: November 25, 2024

In favor: Councilmember Kaweck, Lubenow, Maynard & Miller

Opposed: Councilmember Hasek

Abstain: -

Absent: -