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ARTICLE 5 - ANIMAL CONTROL

5-100 Dogs

The following provisions shall govern the keeping and maintaining of dogs:

5-110 Reserved

5-120 Running at Large Prohibited

No dog shall be permitted to run at large within the City. The police officers and Animal Control Officer of the City or anyone else designated by the City Council to do so shall take up and impound any dog so running at large in violation of this provision, and such dog shall thereafter be handled in the same manner as provided herein for other impounded dogs. The restriction imposed by this Article shall not prohibit the appearance of any dog upon the streets, roads, or public property, or on property owned, leased or where permission is granted for such presence by the owner of such dog and such dog is on a leash and accompanied by, and under the immediate control of a competent person or is, if not so leashed, under the immediate control of a competent person charged with its care.

5-130 Barking Dogs

No Person shall own, harbor, keep, or have in their possession or on their premises any dog which barks, cries, howls excessively, continuously or in an untimely manner, The phrase "barks, cries, or howls excessively, continuously or in an untimely manner" includes, but is not limited to, the creation of any noise by any dog which can be heard by any person, including a law enforcement officer or animal control officer, from a location outside of the building or premises where the dog is being kept, and which noise occurs either (1) repeatedly over at least a three minute period of time, with a thirty second or less lapse of time between each animal noise during the three minute period or (2) intermittently for a majority (five minutes or more) of a ten-minute period.

5-140 Reserved

5-150 Multiple Dog License

A Multiple Dog License shall be required at a residence which five or more dogs are kept as pets, bred for show, hunting, field trials or pleasure. The licensing requirement herein shall only apply for dogs six months of age or older.

5-151 License Required A license shall be required for any residence with five or more dogs as outlined above. All licenses shall be for a period of one year from the date of issuance.

5-152 Procedure for Issuance No Multiple Dog License shall be issued until after a public hearing is held before the Planning Commission. Written notices of the public hearing shall be mailed to all residences within 750 feet of the outside perimeter of any location where dogs will be

kept outside. Published notice of the public hearing shall also occur. Publication and mailing of notices shall occur not less than 10 days prior to the public hearing.

5-153 Conditions of License

A. Licenses shall be issued only for property that is zoned R-1, RS-1, RS-2 and R-A (or PUD carrying a single-family residential usage), and, depending on lot size, licenses shall further be restricted as follows:

- 1)** On R-A lands, no license shall be issued for any lot containing less than one acre. For lots containing between one acre and 2.5 acres, a maximum of six dogs will be allowed. For lots in excess of 2.5 acres, a maximum of eight dogs will be allowed.
- 2)** On lands zoned R-1, RS-1 and RS-2 (or carrying one of those uses if a residential PUD), no license shall be issued for any lot containing less than one acre. For lots containing more than one acre, a maximum of six dogs will be allowed.
- 3)** Lot size shall be measured from the center line of abutting roadways.

5-154 Renewal of License If no written complaints, including memorandum complaints from City staff or law enforcement personnel are received, all Multiple Dog Licenses shall be automatically renewed by City Staff each year, upon payment of the renewal fee. If one or more written complaints are received, the Planning Commission shall review the renewal, and at the discretion of the Planning Commission, a public hearing meeting the requirements for initial issuance may be required. The City Council, after receiving the recommendations of the Planning Commission, may alter or amend the conditions of a Multiple Dog License as the City Council deems appropriate.

5-155 Denial or Revocation of License If a license is denied upon initial application, the license holder shall be given written notice of the denial stating the reasons for the action. If the Planning Commission recommends revocation of a license, the license holder shall be given written notice of the reasons for the proposed revocation, and shall be given the opportunity to be heard by the City Council prior to their taking action on the revocation.

5-156 Fees An initial license fee, and an annual license fee shall be established from time to time by resolution of the City Council. In addition, a license applicant shall reimburse the City for all costs of processing, publishing and mailing notices regarding any license or renewal.

5-160 Public Dog Kennels

5-161 Definition

A “public dog kennel” means a kennel where dogs owned by others are boarded for a fee.

5-162 Conditional Use Permit Required

Public dog kennels shall be permitted only by Conditional Use Permit, issued in accord with Article 9, and shall be permitted only in the following zoning classifications:

R-A Residential-Agriculture

5-163 Standard of Operation

a. Health and Safety Standards

All public dog kennels must conform to the statutes and regulations of any State or County agency having jurisdiction over such matters as fire control, cleanliness, temperature control, waste disposal, diet and animal treatment. Waste shall not be permitted to accumulate so as to create any odor detectable by adjoining property owners.

b. Noise Control

All public dog kennels shall be housed in masonry buildings, or well insulated buildings, constructed in such a manner that animal noise cannot be heard from adjoining properties.

c. Lot Size and Setback

No public dog kennel shall be permitted on any lot containing less than 10 acres. All buildings and runways comprising the public dog kennel shall be constructed at a distance of at least 300 feet from adjoining property owners' dwellings or occupied business structures.

d. Outside Runways

Outside runways must be completely screened by an attractive solid fence at least six feet in height. The kennel operator shall not permit noise to be emitted from outside runways which can be heard by adjoining property owners.

e. Fee

Annual fee shall be required for all public dog kennels, to be established by resolution of the City Council.

5-170 Lost or Stolen License

Upon due proof, to the satisfaction of the City Clerk or person authorized to issue licenses, that said dog has been licensed, a duplicate license may be issued. The duplicate will be stamped with the letter "D".

5-180 Anti-Rabies Vaccination Required

No person shall keep any dog over six months of age within the City for a period of time in excess of 15 days unless said dog has been vaccinated with a current anti-rabies vaccine. This requirement shall apply to all dogs, including those being kept or boarded at a kennel. Before issuing a dog license as provided in this Article, the City Clerk shall require that the person applying for a license for a dog present a signed statement from a licensed veterinarian certifying the date on which said dog was vaccinated with anti-rabies vaccine. If said vaccination is not current, the City Clerk shall not issue a license for said dog.

5-190 Impounding

The police officer, or such person so authorized by the City Council may impound any dog found unleashed or so running at large. Also, in the event that any dog bites a human being on public or private property, the police officer will immediately have the dog impounded at the animal shelter for the quarantine period or shall at their discretion, follow the Alternative Discretionary Impoundment as written in Article 5-193. The City Council shall, from time to time appoint an animal control contractor, who shall maintain a shelter for impounded animals (the "pound") and perform such other duties as may be contracted for. Notwithstanding the foregoing, if the owner of any dog so impounded shall prefer that the dog be confined for the quarantine period with a licensed veterinarian, the dog, once in the pound, may be transferred to the designated veterinarian upon compliance with the following conditions:

5-190.1 Payment to pound

The owner shall provide evidence that all charges for the initial transport and kenneling at the pound have been paid in full.

5-190.2 Transport

The owner shall arrange for the transport of the dog from the pound to the veterinarian in a manner acceptable to City staff; the owner shall provide evidence that costs of such transport have been paid in full.

5-190.3 Confirmation by Veterinarian

Prior to transporting the dog from the pound to the veterinarian, the City Staff shall be provided with a written statement from the veterinarian stating that the veterinarian will:

- a) Confine the dog in the manner required by law for the entire quarantine period.
- b) Look only to the dog owner, and not to the City, for payment of any veterinary or boarding costs associated with the confinement.

5-191 Notice of Impounding

Notice of impounding shall be given to the owner of such dog if known. In case the owner is unknown, the animal control contractor shall post notice at the pound that if the dog is not claimed within 5 days of the posting of the notice it will be sold to private party as a pet, or humanely killed and its carcass disposed of or may be sold. The animal control contractor shall house and feed in a humane manner any dog held at a pound. An impounding fee and charge for feeding shall be charged for any dog held at the pound which latter sum shall be paid to the animal control contractor.

5-192 Interference with Pound

It shall be a violation of this Article for any unauthorized person to break open the pound or to attempt to break open the pound or to take or let out any dogs therefrom, or to take or attempt to take from a police officer, dog catcher, or any other person authorized by the City Council in the discharge of his duties pursuant to this Code.

5-193 Alternative Discretionary Impoundment

Notwithstanding the provisions of Articles 5-190 through 5-193, a peace officer required by this Code to impound a dog who has bitten a human being, may, in the officer's discretion, make arrangements with the dog owner for the dog owner to impound the dog on the owner's own premises, for a quarantine period of ten (10) days, under the following conditions:

- a) The peace officer must reasonably believe that the dog owner is a responsible person likely to observe the conditions of the quarantine, and that the premises in which the quarantine will take place is suitable. The only suitable premises will consist of a single family home having a garage or a fenced kennel area.
- b) The bite committed by the dog must have been a bite which did not require suturing to treat the wound of the bite victim;
- c) The dog must be kept indoors or within an outdoor fenced kennel, surrounded on all four sides by adequate fencing materials which are not penetrable by the dog, at all times within the quarantine period;
- d) On the next business day following the commencement of the quarantine period, the dog owner must make a deposit of \$150.00 with the City Administrator, in cash or by personal check payable to the City, to reimburse the City for kennel charges if the owner violates the terms of the self-quarantine; if the dog owner observes all of the conditions of the self-quarantine, the entire \$150.00 deposit shall be refunded to the dog owner;
- e) The owner must furnish evidence that the dog is currently licensed and within the required time period has had a rabies vaccination; a dog which, by reason of being less than six months of age, is not required to have a rabies vaccination, shall not be eligible for discretionary impoundment, and must be quarantined under the -provisions of Article 5-190 through 5-190.3;
- f) If the dog owner fails to observe any of the above conditions, the dog shall be immediately removed by a peace officer and quarantined as provided in Article 5-190 through 5-190.3.

5-200 Horses, Donkeys or Mules

The following provisions shall govern the keeping and maintaining of horses, donkeys or mules.

5-210 Licensing

No person, firm or corporation will keep, stable or maintain horses, donkeys or mules within the City on land other than lands classified as R-A without first obtaining a permit from the City Clerk to so keep, stable or maintain such animals. For the purposes of this Article the word "animal" or "animals" shall hereafter refer collectively to horses, donkeys or mules. No permit shall be issued on any lands zoned RS-1 or RS-2.

5-211 Application for Permit

Application for the permit shall be made in writing by the owner of the lands where such animals are to be kept, and upon blanks and forms furnished by and obtained from the City Clerk. Each application for a permit will contain the correct description of the property where such animal or animals will be kept and the name of the owner of the land; the amount of contiguous area available for such animal or animals; the total number of such animals and information identifying each such animal to be kept or stabled on the land; and the description of the shelter provided for such animal or animals.

5-212 Inspection

The Zoning Officer shall inspect or have inspected the premises before issuing a permit to assure that each person, firm or corporation has complied with the standards and regulations contained in the Articles of this Code.

5-213 Duration

The permit will be of indefinite duration, but subject to revocation for violation of any Article of this Code, for failure to keep current the information required by Article 5-211 or for good cause. Revocation will be a majority vote of the City Council after ten (10) days notice and hearing.

5-214 Fee

The owner of the premises where such animals will be kept or stabled will pay a licensing fee as set by resolution of the City Council. This fee will be used to compensate the cost of issuing the permit and the cost of inspecting the owner's premises. This fee shall not be refunded if the application is denied, or if issued, the permit is later revoked by the City Council.

5-215 Hearing

Any person, persons, firm or corporation objecting to questioning the application of this licensing requirement may petition the City Council for a hearing and decision.

5-216 Permission of Neighbors

To qualify for a Horse Permit, permission by letter must be obtained from heads of households, who reside in a dwelling, within one thousand (1,000) feet of corral.

5-220 Running at Large

No person, firm or corporation shall permit any horse, pony or colt of which he is the owner, caretaker or custodian to run at large within the City. Such animal will be deemed to run at large when it is off the premises owned or rented by its owner and unaccompanied by the owner, or an agent or employee of the owner.

5-221 Impounding

A peace officer or any designated agent of the City may impound any such animal found at large, and shall provide proper sustenance for any and all such animals impounded. The peace officer or his designated agent shall then within twenty-four (24) hours after any such animal has been impounded, post written notice in two (2) conspicuous places in the city

describing such animal and stating that it has been impounded. If the owner of such impounded animal is known to the person so impounding, personal service shall be made of notice of such impounding upon such owner in the manner prescribed by State law for the service of process. No such animal impounded shall be released except to a person displaying a receipt from the City Clerk showing payment of the reasonable costs of impounding and the cost of feeding at a rate as set by resolution by the City Council.

5-222 Sale of Impounded Animal

If any horse, pony or colt impounded is not redeemed within two (2) weeks, the peace officer or his designated agent shall give an additional three (3) days' notice of the time and place where such animal or animals will be sold by posting and servicing notices as required for notice herein. If such animal cannot be sold on the day stated, it may be sold as soon thereafter as possible without notice.

5-223 Proceeds of Sale of Impounded Animal

The City Clerk shall turn over the proceeds of any sale to the City Treasurer. On order of the City Council the City Treasurer shall pay to the owner of such animal the balance of the funds received for the sale of such animal after deducting the cost of impounding, feeding, and sales charges, if the owner makes claim for monies within one (1) year from the date of the sale; otherwise, it shall be forfeited to the City.

5-230 Riding in Public Places

5-231 General Prohibition

No person may ride or drive a horse after the hour of sunset and before the hour of sunrise along or crossing any public way without appropriate lighting or reflectorized clothing. No person may ride a horse in any public park or beach except in areas duly designated as a trailway or hitching area.

5-232 Parks and Beaches

The City shall designate and properly post those areas in public lands, parks and beaches where horses may be ridden.

5-233 Riding on Streets

No horse may be ridden on any public street, alley or highway unless said street, alley or highway is adjacent to land zoned R-A. Every person riding a horse or driving any horse-drawn vehicle upon a public roadway shall be subject to City Code and state law applicable to the driver of a motor vehicle, except those provisions which by their nature have no application.

5-234 Private Property

No person shall ride any horse upon private property without the prior permission of the owner or occupant thereof.

5-240 Acreage, Fencing and Stable Requirements

5-241 Lot Size

No such animal shall be kept on any lot or parcel of land containing less than Three (3) acres.

5-242 Number of Animals

As many as three (3) such animals may be kept on a lot or parcel of land containing three (3) acres.

5-243 Additional Animals

One (1) additional such animal, per acre, may be kept upon lots or parcels of land containing more than three (3) acres.

5-244 Pen Size

For three (3) such animals, said animals shall be enclosed in a pen or corral containing at least 3,200 square feet and there must be a stable under roof of at least 144 square feet; for each additional animal at least 1,100 additional square feet of enclosed pen or corral shall be provided and 35 additional square feet of stable under roof shall be provided.

5-245 Fence and Pen Construction Standards

Fences for pens, corrals, pasture or similar enclosures must be of sufficient height and strength to retain such animals. Reasonable extra care must be taken to ensure that stallions are properly enclosed.

5-246 Fence Setbacks

Fences for pens, corrals, pastures, or similar enclosures or stables shall not be less than one hundred (100) feet from the road right-of-way line or lines nearest the owner's land or any road passing through a lot or parcel of land where any animal is kept; and such fences for pens, corrals, pasture or similar enclosures or stables shall be no closer to adjoining real estate and shall have a setback or side yard therefrom, of at least twenty (20) feet.

5-247 Feed Lots

The feed lot or feeding area of any pasture or similar enclosure shall be a reasonable distance from the fence line thereof.

5-250 Manure and Waste Control

5-251 Removal of Manure and Waste

Manure and other waste material must be removed from the pen, corral, stable or similar enclosure every seven (7) days, except where the horses, ponies, or colts are confined to an area of four (4) acres. If however, in an area of four (4) acres or more the City Council finds that the manure and other waste materials create a nuisance by attracting flies, other insects and rodents or by creating offensive odors, the City Council may order that the manure and other waste materials be removed within four (4) days of notice to the owner of the land ordering him to do so.

5-252 Insect Control

Corrals, pens, stables, or similar enclosures shall be maintained in a manner to eliminate fly breeding.

5-260 Permit Revocation and Enforcement of Code

Any permit issued pursuant to this Article may be revoked by the City Council if the City Council finds, after investigation and after holding a public hearing

(written notice of the hearing to be given to the holder of the permit and other interested parties at least ten (10) days prior to the hearing), that any of the Articles of this Code have been violated.

5-300 Animal Permits

Domesticated pets mean dogs, cats, tropical fish, goldfish, parrots, parakeets, gerbils, hamsters, and rabbits. Except domesticated pets, and as permitted under Chapter 5-200, no raising, breeding, keeping or occupancy of livestock, poultry or other animals shall be permitted on any lands other than those zoned R-A Rural Single Family Residential. In land zoned R-A such activities may be permitted on parcels in excess of three (3) contiguous acres, provided the occupant has obtained an Animal Permit. As many as three (3) such animals may be kept on a lot or parcel of land containing three (3) acres. One (1) additional such animal, per acre, may be kept upon lots or parcels of land containing more than three (3) acres. Animal Permits shall be issued by the Zoning Officer upon approval by the City Council, which may impose such conditions on this issuance of such permits as the Council may deem appropriate. In deciding on the issuance of an animal permit, the Council shall consider the effects of the use on adjacent properties, sanitary condition, disposal of animal waste, noise, odor, or any other factor affecting the health, safety or welfare of the City.

5-310 Exception for White Tailed Deer

White Tailed Deer, as that species is commonly known, shall be allowed in areas zoned other than R-A by Temporary Conditional Use Permit, but only under controlled circumstances, which shall include, at a minimum, the following:

- a) The usage has been approved by the Minnesota Department of Natural Resources;
- b) The physical facilities have been inspected and approved by the Minnesota Department of Natural Resources;
- c) The facilities are completely screened by adequate fencing;
- d) The permit limits the number of deer which can be kept;
- e) The permit shall be for no more than two years at a time;

5-320 Exception for Certain Reptiles

Non-venomous snakes or lizards may be considered to be Domesticated Pets and kept by their owners in all of the zoning districts of the City under the following conditions:

- 1) These animals shall be kept only as household pets, and shall not be raised or kept for sale to third parties; and
- 2) These animals shall at all times be confined in secure cages designed to prevent their escape from the structure in which they are located, and shall be removed from cages only to permit such handling by their owners or persons

authorized by their owners as is necessary for feeding, exercise, treatment or inspection of condition; and

3) These animals shall be housed and areas of confinement maintained at all times in a manner that is sanitary and prevents no danger of attraction of vermin, spread of disease or other unhealthy conditions; and

4) These animals shall not be kept in quantities or under conditions that require stocks of food for the animals that:

- a) Require storage facilities occupying more than ten square feet of floor or ground space;
- b) Consist of live animals, such as rats, mice other rodents, reptiles or insects;
- c) Consist of dead animals that are not stored in sealed, sanitary containers.

5) These animals shall not be kept in quantities that require more than 100 square feet of total floor or ground space for all cages and food storage.

6) Notwithstanding the foregoing, these animals shall not be kept if to do so would violate the terms of private covenants imposed on the property by any developer or owners' association through documents of record with the Anoka County Recorder or Registrar of Titles.

5-330 Exception for Chickens

The keeping or raising of chickens in areas zoned R-1 and RS-1 shall be allowed, subject to the following terms, limitations, and conditions.

1) The following conditions shall apply to every person who owns, controls, keeps, or maintains chickens on a residential city lot in areas zoned R-1 and RS-1:

- a) No more than 20 chickens shall be allowed.
- b) No roosters or other poultry shall be allowed.
- c) The chickens shall be housed in a coop of sturdy construction which is weather tight, ventilated to insure air circulation and properly sized for the number of chickens that are housed. Roofing and siding shall be similar to existing building on the property.
- d) The chicken coop shall be located in the rear or side yard, not in the front or street side of the lot and shall meet the same setback as the dwelling.
- e) An outside pen or chicken run which allows chickens to roam shall be no more than 400 square feet, and shall be completely enclosed by chicken wire mesh, including mesh over the top to prevent any escape by the chickens. The frame of the enclosure shall be painted to blend with the colors of the other buildings, be made of decaying resistant material and the enclosure of the coop shall be maintained to present a neat and orderly appearance at all times.

- f) Chickens may be allowed outside of the coop or run if the free-range area is completely fenced to prevent escape of the chickens or attacks from predators.
 - g) So long as the structure comprising the coop is less than 150 square feet or less at the foundation level, no building permit shall be required, and the structure shall not be considered an “accessory building”. The coop shall be a freestanding building, and may not be attached to or be a part of a garage or house. The coop and screened enclosure shall be located at least ten feet from any well, and at least ten feet from any other building on the property.
 - h) Removal of manure shall be performed as needed to prevent odors and elevated ammonia levels. Manure shall not be deposited in household trash bins.
 - i) If eggs are harvested, they may not be sold to others.
 - j) Every person owning, keeping, controlling, or maintaining chickens shall be responsible for the care and the welfare of the chickens on a daily basis, and shall not violate any code, rule or regulation of any governmental entity relating to the raising of animals.
- 2) The City Council may impose additional conditions at any time, including the requirement that opaque fencing or vegetative screening be installed to prevent the coop and enclosure from being viewed by nearby residential uses. Such additional conditions may be imposed after providing notice to the person raising chickens on a particular lot and providing that person an opportunity to be heard. For the purpose of Code Enforcement, normal due process procedures will be followed by the City.

5-340 Exception for Pigeons

A. Definitions

- 1) **“Pigeon”** means a member of the family *Columbidae*, and consists of birds known as “Racing Pigeons”, “Fancy Pigeons” and “Sporting Pigeons” as those terms are commonly known and used in the pigeon raising community.
- 2) **“Recognized Pigeon Association”** means the International Federation of Raging Pigeon Fanciers, the American Racing Pigeon Union, Inc., the National Pigeon Club, the American Pigeon Club, the Rare Breeds Pigeon Club, the American Tippler Society, and the International Roller Association.
- 3) **“Loft”** means a structure especially built for the housing of pigeons.

B. Conditions

The following conditions shall be observed by every person granted to keep, breed and raise pigeons.

- 1) **Location.** All pigeons shall be kept in a Loft containing at least 50 square feet of floor area. If the Loft contains more than 150 feet of floor

area, the structure shall be deemed an *Accessory Building* and subject to the provision of Article 9-370. A Loft shall not be considered a *Farm Building*. The Loft shall meet the same setbacks as the dwelling and shall be free standing and not be part of the dwelling garage.

2) Construction Standards. The Loft shall be constructed as a wood frame building, of sufficient height and other security measures to discourage invasion by predatory animals. The property owner shall not be required to obtain a building permit for the Loft. The Loft shall provide adequate shelter from the elements, painted to blend with colors of the dwelling, and meet any standards recommended by a Recognized Pigeon Association.

3) Population Limitations. No more than 32 pigeons may be kept on any parcel of land. Pigeons that are 28 days old or younger shall not be counted against this limit.

4) Noise. The property owner shall take adequate steps to ensure that noise from the pigeons are not audible to nearby properties.

5) Personal Hobby Use Only. Pigeons kept in any district but the R-A districts shall be for the personal hobby use of the property owner, and the activity shall not be operated as any kind of a mercantile venture in areas zoned other than R-A.

6) Sanitation. All animal waste shall be removed and properly disposed of in a manner that promotes general health and safety, and all feed shall be stored inside the Loft, safe from invasion by vermin or disease-promoting forces. All feeding activities shall be carried on within the Loft.

7) Confinement. Except when involved in exercise, competition or training activities under the supervision of the property owner, pigeons shall be confined to the Loft, and shall not be permitted to perch or linger on the property of others. Pigeons that have been fed within the previous four hours shall not be released from the Loft.

8) Banding and Registration. All pigeons that are six months old or older shall be banded and registered with at Recognized Pigeon Association.

9) Screening. All Lofts shall be placed in locations where they are screened by buildings, fences or coniferous vegetation from view from adjoining properties.

C. Annual Inspection. All facilities shall be subject to an annual inspection by the City. The City may, at the discretion of its staff, delegate the inspection to a

Recognized Pigeon Association. The property owner shall comply with all requirements imposed by any inspection.

D. General Nuisance. The property owner shall conduct all activities in connection with the keeping and raising of pigeons in a manner that avoids the creation of public or private nuisances, and to this end, and without limitation, the activities shall be conducted so as to eliminate from outside the Loft all odor, noise, vibrations, attraction of rodents, vermin or predatory animals, attractive nuisance, eyesores or other aesthetic detractions from neighborhood appearance, traffic or accumulation of debris or waste.

E. The City Council may impose additional conditions at any time. Such additional conditions may be imposed after providing notice to the person raising pigeons on a particular lot and providing that person an opportunity to be heard. For the purpose of Code Enforcement, normal due process procedures will be followed by the City.

Updated through Ordinance 19-01, 19-09, 20-04, 21-01, 22-02, 23-03, 23-07