

AN ORDINANCE REGULATING THE KEEPING OF LIVESTOCK OR FARM ANIMALS AND PROVIDING FOR THE REQUIREMENT OF A SPECIAL OR CONDITIONAL USE PERMIT.

THE CITY COUNCIL OF THE CITY OF OAK PARK HEIGHTS, WASHINGTON COUNTY, MINNESOTA, DOES ORDAIN:

602.01 Definitions.

For the purpose of this Chapter, certain words and phrases are defined as follows:

- A. "Livestock or farm animals" are any and all cattle, sheep, swine, horses, mules and goats, turkeys, chickens, or ducks.
- B. "Domestic House Pet Animals" are those customary and usual house pets such as dogs, cats, et cetera, which are maintained on the premises being sheltered within the primary residential structure located thereon and being kept by the owner or person in occupation thereof for personal or family purposes.

602.02 General Provisions.

- A. Except as otherwise provided for in this Ordinance or other City regulations, all domestic house pet animals shall be allowed as permitted uses in any zoning district.
- B. Farm animals or livestock shall be prohibited in all districts except for the O-Open Space Conservation District where the keeping of farm animals or livestock may be allowed by conditional use permit. Prior to being granted a conditional use permit, any applicant seeking to maintain livestock or farm animals upon his property shall demonstrate conditions of this Ordinance.

602.03 Pollution Control Agency Standard Minimum Requirements.

- A. All regulations imposed by the Minnesota Pollution Control Agency (MPCA) relating to the keeping of livestock or domestic farm animals shall be adhered to, and such regulations shall be considered the minimum safeguard necessary to prevent pollution of public waters or creation of a health hazard.
- B. New livestock feedlots, poultry lots, and other animal lots are prohibited within the following areas:
 - 1. All districts within the City except for the O-Open Space Conservation District.
 - 2. Within one thousand (1,000) feet of the normal high water mark of any lake, pond or flowage; or within three hundred (300) feet of a river or stream.

3. Within a flood way.
4. Within one thousand (1000) feet to the boundary of a public park.
5. Within one-half (½) mile to the nearest point to a concentration of ten (10) or more private non-farm residences.

602.04 Permit Required.

No feedlot or manure storage site shall be maintained unless a permit therefore has been first issued by the Minnesota Pollution Control Agency and by the City Council as provided herein. The application for permit by the owner or other person responsible for a feedlot or manure storage site shall be accompanied by plans showing the features and method of operation and construction and existing or proposed safeguards or disposal systems. The governing body may thereafter issue a permit therefore upon such conditions as it shall prescribe to prevent pollution of any public water or creation of a health hazard.

602.05 Storage of Manure or Livestock Waste.

No manure or livestock waste shall be deposited, stored, or kept or allowed to remain in or upon any storage site or feedlot without reasonable safeguards adequate to prevent the escape or movement of such manure or waste or a solution thereof from the site which may result in pollution of any public waters or any health hazards.

602.06 Inadequate Safeguards.

In case the City Council of the City of Oak Park Heights shall find that any manure is stored or kept on any feedlot or storage site without a safeguard, or that any existing safeguard is inadequate, it may order the owner or other responsible person to immediately remove the manure from the feedlot or storage site and refrain from further storage or keeping of any manure thereat, unless and until an adequate safeguard is provided as herein prescribed.

602.07 Notice Concerning Loss.

It shall be the duty of the owner of a feedlot or manure storage site or other responsible person in charge thereof to notify immediately the City Clerk of any loss of stored manure, either by accident or otherwise, when such loss involves a substantial amount which would be likely to enter any waters of the State. Such notice shall be by telephone or other comparable means and shall be made without delay after discovery of the loss. The notification shall include the location and nature of the loss and such other appurtenant information as may be available at the time.

602.08 Hazards and Nuisances.

On parcels less than forty (40) acres, which are not part of a larger crop producing commercial agricultural farm, keeping of horses, cattle, livestock, or other domestic farm animals on a site with less than two (2) acres of existing grazable land per animal is hereby declared to be a nuisance. No domestic farm animals shall be placed on any site of less than five (5) acres.

602.09

Grazable Acres.

Grazable acreage shall be defined as open, non-treed acreage currently providing enough pasture or agricultural crops capable of supporting summer grazing at a density of one animal unit or its equivalent per two (2) acres. For purposes of these regulations, the following animal equivalents apply:

	<u>Animal Units</u>
1 Slaughter Steer or Heifer	1
1 Horse	1
1 Mature Dairy Cow	1.4
1 Swine over 55 pounds	.4
1 Sheep and Goats	.5
1 Turkey	.1
1 Chicken	.1
1 Duck	.2

602.10

The Keeping of Domestic Farm Animals in Greater Density than Allowed by this Ordinance Shall be Prohibited.

Variance from the above provisions may be applied for, however, the applicant must demonstrate that facilities are present and appropriate practices are being employed to preclude surface or ground water contamination, excessive manure accumulation, odor, noise, or other nuisances. The applicant must have a Minnesota Pollution Control Agency feedlot permit for the proposed use.

602.11

Enforcement.

The provisions of Section 101.05 of the Code of Ordinances for the City of Oak Park Heights are hereby incorporated by reference. Each day during which compliance with this Ordinance is not achieved by an individual, owner, or person responsible

for such livestock domestic farm animals or feedlot operation shall constitute a separate offense.