

CHAPTER 11: ANIMAL CONTROL

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11.01 Allowed Animals

No animals shall be kept or housed by any person or entity within the city limits of Arlington except as those allowed under the terms of this ordinance. Household pets, being those animals commonly bred and used as domesticated household pets, and which are of a size and nature as to be reasonably fit for such purpose, are allowed in all areas of the City, subject to the other restrictions set out in this Ordinance. Household pets would include, but are not limited to, dogs, cats, caged rodents such as white mice and gerbils, ferrets, rabbits, small aquarium fish such as goldfish, and non-hunting birds such as pigeons, parakeets, and parrots.

11.02 Farm Animals and Horses

Farm animals, defined as animals usually held for agricultural or commercial production, including, but not limited to, cattle, hogs (including miniature "pot-bellied" pigs), sheep, goats, mink, ermine, chickens, or turkeys, and also horses, shall only be allowed to be kept or housed in portions of the city zoned as agricultural zones, subject to any further restrictions contained in other City ordinances. Except that

backyard chickens and ducks may be allowed in the R-1 One Family Residential District and the R-2 One and Two Family Residential District. subject to the following standards.

11.02.01 Definitions

Backyard Chicken. “Backyard Chicken or Duck” shall mean a female chicken or female duck that serves as a source of eggs or meat.

Coop. “Coop” shall mean the structure for the keeping or housing of backyard chickens as permitted by this chapter.

Drake. “Drake” shall mean a male duck.

Rooster. “Rooster” shall mean a male chicken.

Run. “Run” Shall mean an area attached to a coop where backyard chickens can roam unsupervised.

11.02.02 Keeping of Backyard Chickens and Ducks.

- A. Purpose. It is recognized that the ability to cultivate one's own food is a sustainable activity that can also be a rewarding past time. It is further recognized that the keeping of backyard chickens and ducks, if left unregulated, may interfere with the residential character of certain neighborhoods. Therefore, it is the purpose and intent of this Section to permit but strictly limit the keeping of backyard chickens and/or ducks for egg and meat sources in a clean and sanitary manner that is not a nuisance to or detrimental to the public health, safety, and welfare of the community.
- B. Keeping of Backyard Chickens and/or Ducks Allowed. A person may keep up to six (6) backyard chickens and/or ducks on a residential property provided:
 1. The parcel where the backyard chickens and/or ducks are kept is within a Residential District as provided for in Chapter 31-Zoning of the Arlington City Code:
 2. The keeper of the backyard chickens and/or ducks resides in a detached dwelling at the parcel at which the backyard chickens are kept;
 3. The owner of the subject parcel obtains a backyard chicken/duck permit for the City, issued in compliance with this Chapter
- C. Permit Required: A permit is required for the keeping of backyard chickens and/or ducks.
 1. Those desiring to keep backyard chickens and/or ducks shall file a written application with the City Administrator on a form provided by the City and pay an application fee. Fees to be charged for the permit to keep backyard chickens/ducks shall be set by City Council on the fee schedule.
 2. The application shall include:
 - a) The breed-and number of chickens and/or ducks to be maintained on the premises:

- b) A site plan of the property showing the location and size of the proposed coop and run, setbacks from the coop to property lines and surrounding buildings (including houses on adjacent lots), and the location, style, and height of fencing proposed to contain the backyard chickens in a run; and.
 - c) Such other and further information as may be required by the City Administrator; and
 - d) The required fee
 3. The City Administrator and/or designee shall process the application,
 4. The City upon written notice may revoke a permit for failure to comply with provisions of this Section or any of the permit's conditions.
 5. The City may inspect the premises for which a permit has been granted in order to ensure compliance with this Section. If the City is not able to obtain the Occupant's consent to enter the property, it may seek an administrative search warrant or revoke the permit.
- D. General Standards and Limitations for the keeping of backyard Chickens and Ducks.
 1. The keeping of roosters as a backyard chicken is prohibited.
 2. Backyard chickens and/or ducks shall not be raised or kept for the purpose of fighting.
 3. Backyard chickens and/or ducks shall not be kept in a dwelling, garage, or accessory structure other than those meeting the requirements of an enclosed coop.
 4. All backyard chickens/ducks must have access to an enclosed coop meeting the following minimum standards:
 - a) The enclosed coop may not occupy a front or street-side yard.
 - b) The enclosed coop shall be setback a minimum of ten (10) feet any property line. The enclosed coop shall not exceed ten (10) feet in height.
 - c) The enclosed coop shall be similar in color to the principal structure on the lot and in general be in harmony with residential uses in the locale.
 - d) The enclosed coop must be built to protect the backyard chickens/ducks from extreme heat or cold.
 - e) The enclosed coop shall be at all times maintained in good repair and sanitary condition.
 - f) The enclosed coop shall meet all applicable building, electrical, HVAC, plumbing, and fire code requirements.
 5. All backyard chickens/ducks shall have access to a run meeting the following minimum standards:
 - a) The run shall be a fully enclosed and covered area attached to a coop where backyard chickens/ducks can roam unsupervised.

- b) The run shall be setback at least ten (10) feet from all property lines and not located in a front or street-side corner yard.
 - c) The enclosed run shall be well drained so there is no accumulation of moisture.
 - d) Run components shall feature fencing materials approved for use in residential zoning classifications.
 - e) The run shall be at all times maintained in good repair and a sanitary condition.
6. The following minimum sanitation standards shall be observed at all times:
- a) All premises on which backyard chickens/ducks are kept or maintained shall be kept clean from filth, garbage, and any substances which attract rodents. The coop and its surrounding area must be cleaned frequently enough to control odor. Manure shall not be allowed to accumulate in a way that causes an unsanitary condition or causes odors detectible on another property. Failure to comply with these conditions may result in the City Administrator and/or Enforcement Officer removing backyard chickens/ducks from the premises or revoking the backyard chicken/duck permit.
 - b) All grain and food stored for backyard chicken/duck permit shall be kept indoors in a rodent proof container.
 - c) Backyard chickens/ducks shall not be kept in such a manner as to constitute a Nuisance as provided for under the City Code.
 - d) Persons no longer intending to keep backyard chickens/ducks on the subject property shall notify the City in writing and remove the enclosed coop and runs
 - e) The enclosed coop and run shall be removed from the property upon permit expiration and/or permit revocation.

11.03 Wild or Predator Animals

No wild animal of any kind taken from its natural habitat shall be kept or harbored in the City limits. These may include, but are not limited to, raccoons, squirrels, beavers, badgers, or muskrats. No predator animal, defined as any animal normally considered a predator in the wild, even if bred in captivity, including, but not limited to bears, wolves, coyotes, lions, tigers cougars, panthers, lynx, and other members of the large hunting cat family, eagles, hawks, falcons and other large hunting bird species, alligators, crocodiles, iguanas, and any poisonous or constrictor snakes, shall be allowed to be kept or housed within the City of Arlington. This section shall not prohibit the keeping or housing of hunting dogs within the city, these being recognized as household pet animals.

11.04 Exotic Animals

Certain species of animals that are sometimes kept in captivity for exhibit, controlled hunting purposes, or agricultural production, may fit some or all of the other categories listed above. These exotic animals are of such a size and nature as to not be reasonably considered as appropriate domesticated household pets. Such animals include, but are not limited to, buffalo, elk, deer, llamas, ostriches and emus. No such exotic animals may be kept or housed within the City of Arlington, except by special use permit in agricultural zones.

11.05 Pet Number Limitation

No person or entity shall keep or house in the City of Arlington more than three adult household pet animals of any species. An adult animal is defined as an animal of breeding age. For example, a person can keep two adult dogs and one adult cat, or three adult dogs, or three adult cats, or two adult cats and one adult dog. The immature offspring of the allowed adult animals may be kept or housed until they reach breeding age, at which time they must be immediately removed from the premises. For purposes of this section, neutered or spayed animals which have reached breeding age shall be considered adult animals, even though they have been altered and cannot actually breed. This section shall not apply to small animals subject to close confinement at all times in a cage or aquarium, such as small birds or fish.

As an exception to the limitations under this Section 5, the limitation on the number of household pet animals shall not apply to a veterinary clinic, pet hospital, or a pet shop duly licensed and permitted to operate in a business zone within the City of Arlington.

11.06 Licensing.

All dogs and cats kept or held within city limits must obtain a license from the city and pay the required license fee, which is set by the City Council from time to time. Proof that the dog or cat has been vaccinated for rabies must be presented at the time the license application is made. Licenses are to be obtained no later than 30 days after the animal is first acquired to be kept or housed within city limits. Such licenses expire March 31 each year, and owners are given a month grace period in which to renew said licenses, which are to be renewed no later than April 30 of each year. The full year license fee is payable for any part year the animal is kept or held in city limits, and there shall be no refund of the yearly license fee for any animal that dies or is removed from city limits prior to the expiration of the 12-month license issued.

11.07 Animal Care and Control

All animals kept or held within city limits must be physically controlled by the person or entity keeping or holding said animal, and in a manner to provide proper care for said animal. This control can be exercised as follows:

- A. By keeping the animal caged, housed within a building that does not allow the animal free exit through a pet door or other uncontrolled opening, or
- B. By a fenced enclosure of sufficient construction and dimensions to prevent the animal from escape by jumping or climbing over or digging through under said enclosure. The floor of the fenced in enclosure can be natural soil, wood chips or pea rock, but in such case the surrounding fence shall be installed to extend at least 6 inches under ground level, to prevent the animal from easily digging out from under the fence. However, if the animal is found to have escaped from the enclosure by digging, then escape by digging shall be prevented by providing a floor to the cage or enclosure consisting of concrete, plastic, wood of sufficient thickness, or other material that the animal cannot dig or chew through to escape from the enclosure, or
- C. By confining the animal by electronic control measures such as an “invisible fence”, and electronic collar. In such case, the electronic control of the animal shall be used only in the rear yards of lots in the City of Arlington, so that the animal cannot appear to be free and threaten or

upset persons who may be using the public sidewalks or streets fronting the property. If it is found that the electronic restraint is not sufficient to confine the animal to the back yard of the property, and the animal is found to have crossed beyond the electronic barrier, then the electronic confinement shall no longer be considered adequate for that animal, and the animal must be restrained by physical means as set out in subparagraphs 7A, 7B or 7D herein, or

- D. By controlling the animal by a leash of sufficient composition to prevent the animal from breaking free of said leash, and with said leash held at all times by a person of sufficient size and strength to control the animal, or by anchoring the leash to a stake, ring, bolt or other device of sufficient strength and composition to prevent the leash from detaching from said connection.
- E. In addition, any cage, building, enclosure or leash arrangement must be of sufficient composition, dimensions and location so as to reasonably prevent the animal from injuring any person or property. For example, if it is known that a dog has aggressive tendencies, it will not be considered sufficient control to merely stake the dog in the yard with a leash, if it can be reasonably anticipated that young children in the neighborhood may be able to approach the dog within the diameter of the leash. In this example, reasonable control would be to have the dog fenced in a cage or enclosure out of reach of any young children.
- F. Any animal restraint or enclosure shall be set up in such a way as to properly care for the health of the animal. This shall include providing the animal with sufficient source of food and water available to the animal, shade in the summer and shelter from the elements in the winter.
- G. Animals will be restrained or housed as required under this ordinance only in the rear yards of lots in the City of Arlington. No animals shall be leashed or housed in any manner in the front or side yards of any property in the City of Arlington. No animals shall be leashed or housed at a location which would allow the animal to trespass onto the property of any other owner or onto public street, sidewalk or alley rights of way.
- H. Animals may be given exercise walks along the public streets, sidewalks and alleyways, as long as the animal is held by a leash controlled by a person of sufficient size and strength to restrain the animal. No animal shall be allowed to trespass onto private property without the express permission of the property owner. If the animal conducts a bowel elimination during any such exercise walk, the person controlling the dog must immediately pick up and remove said bowel movement and dispose of it in a covered garbage container located where the animal resides. Animals should be restrained from conducting bowel eliminations on public boulevards, parks and playgrounds, but if the animal cannot be prevented from doing so, said bowel eliminations must immediately be picked up by the person controlling the animal and disposed of in a covered garbage container located where the animal resides.

11.08. Noise Control

Any person or entity who keeps or harbors a pet or other animal, or allows another to keep or harbor a pet or other animal on his property, in the case where the pet or animal is of such a nature or disposition or is kept in such confinement or condition that the animal disrupts the peace of the neighboring property owners by emitting barking or other noises during normal sleep hours, shall be considered as maintaining a public nuisance in violation of this ordinance. Normal sleep hours for purpose of this section shall be defined as any time after 11:00 P.M. and before 7 A.M. It shall also be a violation of this ordinance if any person keeps or harbors a pet or other animal who emits barking or other noises at any time of the day or night in

a continuous or persistent manner. The phrase "continuous or persistent manner" for purpose of this section shall be defined as any barking or loud noises created by the pet continuously for a period of 10 minutes or more, or on an average of more than once each hour.

11.09 Manure Control

No person or entity shall keep or house any animal within the city limits in such a manner or in such a condition as to allow a buildup of manure on the property where the animal is housed, which could reasonably be considered offensive to any neighbor. It shall automatically be considered a violation of this section if the person or entity keeping or holding the animal allows more than six separate bowel eliminations to remain on the premises for a period of more than 24 hours. Such manure must properly be disposed of in a garbage container, sealed sufficiently to avoid odors from escaping from the container, and to avoid the accumulation of flies and other insects. Such garbage containers must be picked up for disposal outside City limits at least once each week. This section does not apply to animals kept in an agricultural zone.

11.10 Vicious Animals

No person will keep or harbor an animal within the city limits if said animal is known to have vicious tendencies. Any animal which attacks and causes serious injury to a person is automatically considered to be a vicious animal. Any animal which is found to have attacked or attempted to attack a person or another household pet animal at least two occasions shall automatically be considered a vicious animal. If such animal is not immediately removed from city limits by the person keeping or holding said animal after the second such attack, the police are authorized and directed to seize said animal and have it destroyed in a humane manner by a veterinarian. This section shall not apply to trained police dogs directed to attack in a law enforcement situation by their handler, or to an animal attacking a person or other animal in legitimate defense of itself, its owner or the owner's property. As an example, a family dog attacking a burglar inside the family home shall not be deemed a vicious animal on the basis of that attack.

11.11 Stray Animals

The City of Arlington shall not be responsible for the collection or impoundment of stray animals, unless such animals pose a clear danger to the public.

11.12 Exceptions.

This ordinance shall not prohibit the keeping of farm animals in appropriate places, and appropriately controlled, on the Sibley County Fairgrounds during the celebration of the county fair and other livestock exhibitions. In addition, the City Council, may, in its discretion, issue a special permit from time to time to allow the presence of animals within city limits that would normally be restricted by this ordinance, in conjunction with parades, circuses or other community celebrations, but in such case the city shall have the right to place conditions on the presence of such animals, to include provisions that will ensure that the animals are properly controlled and that the public health and safety are protected.

11.13 Penalty

Any person or entity keeping or housing an animal in violation of any provision of this ordinance shall be guilty of a petty misdemeanor, punishable by a fine as set out under state law for petty misdemeanors in force at the time the violation occurs, plus all impoundment and boarding charges, and in the case of destruction of an animal, any charge for said service. Any person or entity violating this ordinance more than once within a 12-month term shall be guilty of a misdemeanor, punishable by a fine and other penalties as set out in state law at the time the violation occurs, for each violation after the first violation. In addition, if the same animal is the subject of a second violation within a 12-month term, the police are authorized and directed to serve notice on the person or entity keeping or harboring the animal, that the animal will be confiscated if the violation is not corrected within 5 days after the second violation citation is issued. If the violation is not corrected within said 5-day term, the police are authorized and directed to impound the animal and dispose of it as the police deem appropriate, which may include sale, adoption or destruction, and the person or entity keeping or harboring the animal shall pay all costs related to said impoundment and disposal. If an animal is found to be the subject of a third violation within a 12-month term, the animal shall be impounded by the police without any further notice to the person keeping or harboring the animal, and disposed of by sale, adoption or destruction as the police deem appropriate, with the person or entity who kept or harbored the animal paying the impoundment and disposal costs.