

709 Wild Animals Added by Ord. #94-01 Z

It is the intent of this Section to establish regulations which will allow as a conditional use, the keeping of wild animals in certain zoning districts. The County recognizes that wild animals require special handling to assure that the health, safety and welfare of the public is protected and all land use conflicts are minimized.

709.1 Definitions

For the purpose of this Section, the following terms shall have the meanings given them by this Section.

At Large means a wild animal that is outside of its secondary enclosure, or when the wild animal is outside of its primary enclosure but within its secondary closure and not is the presence of the owner.

Handling means feeding, manipulating, transporting, restraining, treating, training, working or performing any similar activity with respect to a wild animal.

Impound means to seize and hold in legal custody.

The Keeping of Wild Animals means possessing and handling of wild animals on any property and providing such an animal with the necessities of life such as feeding and sheltering. The keeping of wild animals may include animals being used or intended to be used for research, training, breeding, boarding, as a personal pet, or for agricultural purposes. The keeping of a wild animal may also include wild animals intended to be used for exhibition providing that such animals are not exhibited within the County, such as in the case of a public showing, circus, or zoo, without prior County approval and submission of proof of liability insurance in the amount \$1,000,000.00 with the County named as an additional insured.

Owner means a person who keeps a wild animal or the parents or guardians of such a person under 18 years of age.

Person means an individual, partnership, firm, joint stock company, corporation, association, unincorporated association of individuals, trust, estate, or other legal entity.

Primary Enclosure means the secure structure where the wild animal is enclosed in the evenings, during inclement weather and at such other times when the wild animal is not permitted to be in the secondary enclosure.

Portable Primary Enclosure means the portable structure used to confine a wild animal in a secure manner which prevents the running at large of a wild animal during transportation or temporarily confining such an animal during handling.

Restraint means a wild animal which is within a primary enclosure, or within a secondary enclosure in the presence of the owner, or within a vehicle specially equipped for the transportation of wild animals.

Secondary Enclosure means a structure such as a fence, wall or building, which entirely encloses the area in which the primary enclosures, exercise facilities and training facilities are located and all handling activities occur. Such secondary enclosure serves to contain a wild animal from running at large and to prevent any unauthorized public access.

Structure means anything constructed or erected, the use for which requires a permanent location on the ground or attachment to something having a permanent location on the ground, such as a fence, wall, or building.

Wild Animal means a carnivorous or omnivorous mammal, or large or poisonous reptile which, in their un-captured wild state, have the physical capacity to be dangerous to the safety and welfare of any

person or property. Examples of such wild animals are (but are not limited to): apes, including chimpanzee, gorilla, or orangutan; bear, bobcat, cheetah, cougar, coyote, fox, jaguar, leopard, lion, lynx, monkey, raccoon, skunk, tiger, wolf, and large alligators and crocodiles (greater than 4 feet in length), large snakes, (greater than 6 feet), and poisonous snakes; excluding dogs, cats, other traditional house pets and livestock.

**Reducing such carnivorous mammals and reptiles to captivity, whether trained, raised, bred or crossbred in captivity and/or other wise considered domesticated in any manner, shall not remove such wild animals from these requirements and regulations.

709.2

General Regulations

- 1) Prohibition. No person shall keep a wild animal unless such a use is specifically permitted by this Section and all regulations are complied with.
- 2) Regulations.
 - A. Enclosures.
 - a. A wild animal shall be confined, sheltered and led in a primary enclosure contained entirely within a secondary enclosure.
 - b. All primary and secondary enclosures shall meet minimum requirements of structural soundness and security as deemed satisfactory by the County. All primary and secondary enclosures –
 - (1) Shall be constructed of steel bar, link, wire, or other suitable material of sufficient strength to contain the proposed animal;
 - (2) Shall be adequately braced and securely anchored at ground level;
 - (3) Shall be constructed such as to prevent a wild animal from digging out from under the enclosure;
 - (4) Shall be key or combination locked to prevent unauthorized entrance;
 - (5) Shall be located so that all access to primary enclosures must be from within the secondary enclosure;
 - (6) Shall be adequately signed to notify the public of the presence of wild animals and the danger which exists.
 - B. Transportation. The transportation of a wild animal outside of the secondary enclosure shall be in a vehicle specially equipped for the transportation of wild animals and a portable primary enclosure as approved by the County.
 - C. Running at Large.
 - a. It shall be prohibited for a wild animal to run at large.
 - b. Tools for capturing wild animals shall be readily accessible, such as traps, firearms, tranquilizing guns and nets.
 - D. Sanitation and health.
 - a. The lot on which a wild animal is kept shall be maintained in a clean, sanitary and neat manner in accordance with the conditions of the permit.
 - b. A wild animal shall be maintained in a healthy state so as to prevent the transmittal of disease to other animals or persons.
 - c. All animal waste shall be properly and timely disposed of in accordance with the conditions of the permit.
 - E. Zoning and Lot Requirements.
 - a. All zoning ordinance regulations shall be complied with.
 - b. Additional regulations shall be as follows:

- (1) The keeping of wild animals shall be allowed only as a conditional use in the Agricultural, Residential, Commercial, and Industrial zones of the County.
- (2) The lot on which a wild animal as defined herein is kept shall be at least five (5) acres in size.
- (3) The structures, primary and secondary enclosures and all uses associated with the handling of wild animals, shall meet the normal structures set backs as defined by zoning district in which the property is located.
- (4) The structures, primary and secondary enclosures and all areas in which a wild animal is handled shall be located a minimum of 300 feet from all dwellings other than that of the owner.
- (5) The activity areas in which a wild animal is handled shall be screened or landscaped in such a manner as to prevent them from being visible at any time of the year from the road right-of-way and public properties.

709.3 Conditional Use Permit and License

- 1) Prohibition. No person shall keep a wild animal unless a conditional use permit and wild animal license have been approved by the County for that person and that activity, in accordance with this Section. Due to the increased risk of the transmission of rabies, the keeping of skunks, squirrels, raccoons, and foxes shall be prohibited entirely.
- 2) Submittal of application. Complete application for a conditional use permit allowing a wild animal to be kept in captivity shall include the following:
 - a. The completed application form.
 - b. A detailed letter explaining the proposed use and addressing the regulations and criteria of this Section.
 - c. An accurate site plan (drawn to scale) or survey of the property on which the proposed use would occur and the adjacent lots showing:
 - (1) Lot dimensions;
 - (2) Location, size and configuration of the area proposed to be used for the keeping of wild animals – including all existing and proposed buildings, structures, and enclosures;
 - (3) Setbacks from the centerline of the public road right-of-way, side lot lines, and rear lot line, and distances from neighboring dwellings, pastures, barns and corrals;
 - (4) Vegetation and terrain features such as steep slopes, wetlands, woods and any natural and proposed screening or landscaping;
 - (5) Driveways, public and private roadways, parking and loading areas;
 - (6) Easements for roads, access, open space, views, and utilities; and
 - (7) Location of well and septic.

The County reserves the right to require a certificate of survey.

- d. A copy of all permits required from the Minnesota Department of Natural Resources, United States Department of Agriculture, United States Fish & Wildlife, and any other governmental agency.
 - e. A copy of the owner's qualifications, list of references and any other background materials required by the Zoning Administrator.
 - f. Payment of application fee and miscellaneous fees as established by County resolutions and ordinances.
 - g. A copy of building plans for primary and secondary enclosures.
 - h. Any additional information required by the Zoning Administrator.
- 3) Application submission. A completed application for a conditional use permit and wild animal license shall be submitted to the Zoning Administrator for scheduling on the next regularly scheduled Planning Commission meeting.
 - 4) Review of County Board and Planning Commission. Upon submittal of a completed application, the Zoning Administrator shall schedule a public hearing at the next Planning Commission meeting. The County Sheriff shall receive a copy of the application and forward any

recommendations to the Zoning Administrator. The Planning Commission shall consider the application and thereafter make recommendations to the County Board.

If a renewal of a wild animal license is being applied for with no changes from the wild animal license issued by the County for the previous year, the Zoning Administrator may place the application for renewal of a wild animal license on the agenda of the next County Board meeting and may waive the need for public hearing or review by the Planning Commission.

- 5) Review criteria. In acting upon an application for a conditional use permit and or wild animal license, the County shall consider the following criteria:
 - a. Surrounding land uses.
 - b. Structural soundness and security of all primary and secondary enclosures.
 - c. Design, size, location and configuration of all primary and secondary enclosures.
 - d. Maintenance of the primary and secondary enclosures and all other structures and areas used in relation to the keeping of any wild animal.
 - e. Nuisances such as noise and odors.
 - f. Aesthetics, including the appearance of the lot and structure where a wild animal is kept.
 - g. Compliance with the County Zoning Ordinance and other ordinances.
 - h. Regulations of the Minnesota Department of Natural Resources, United States Department of Agriculture, United States Fish & Wildlife, or any other governmental agency.
 - i. Nature and characteristics of each type of animal being proposed such as its size, disposition, and its ability to harm a person or property.
 - j. Other criteria found relevant by the County.
- 6) Conditions of approval. In approving an application for a conditional use permit and or wild animal license, the County may attach conditions and restrictions as it finds necessary, including but not limited to the following:
 - a. Restrictions on the number and type of animals.
 - b. Setbacks greater than those required in Section 709.2 (5).
 - c. Minimum and/or maximum distance between primary and secondary enclosures.
 - d. Minimum height of enclosures.
 - e. Size of the enclosures.
- 7) Expiration. The conditional use permit shall be subject to yearly review by the Zoning Administrator. If the regulations or conditions of the conditional use permit have been violated, the conditional use permit shall be reviewed by the County Board for possible revocation. A wild animal license shall expire 12 months from the date of issuance.
- 8) Renewal of license. Application for renewal of a wild animal license with any changes shall be made a minimum of 19 days before the next regularly scheduled Planning Commission meeting. Application for renewal with no changes shall be made 14 days before the next regularly scheduled County Board meeting providing that the public hearing and review before the Planning Commission has been waived. The County Board may require an inspection upon renewal of a wild animal license and shall reserve the right to have said inspection performed by an approved qualified consultant, such as the Minnesota Humane Society.

709.4 Inspection and revocation of licenses

The County may at any time inspect the lot and structures where a wild animal is kept to determine if the conditional use permit and/or license, and the conditions and restrictions of that conditional use permit and/or license are being strictly adhered to. The County may require an inspection upon renewal of a wild animal license and shall reserve the right to have said inspection performed by an approved and qualified consultant, such as the Minnesota Humane Society.

709.5 Nonconforming uses

A person keeping wild animals within the County upon the effective date of the adoption of this Section, who does not conform to the provisions of this Section shall be given 90 days to comply with the licensing criteria of this Section.

709.6 Enforcement

- 1) Impoundment. In addition to the penalties imposed in Section 204.5 of this Ordinance, a person in violation of this Section may be subject to having the wild animals in question impounded, or destroyed by the County. Owners in violation of this Section will have ten (10) days to correct the violation and redeem a wild animal. The owner is responsible for all costs incurred by the County to capture, keep and/or destroy a wild animal. If a wild animal is not redeemed, the County will dispose of such wild animal in any manner it deems necessary such as (but not limited to) selling, destroying, or donating to an appropriate organization or agency.
- 2) Rabies. A wild animal capable of transmitting rabies which has been known to have bitten a person shall be quarantined and observed for rabies under the direction of a licensed veterinarian for a period of time and in facilities determined to be adequate by that veterinarian and the County. If a wild animal is proven to be rabid, the wild animal shall be destroyed. If a wild animal is proven to not be rabid by a licensed veterinarian, it will be returned to the owner and all permits and or licenses shall be revoked.
- 3) Enforcement authority. The Zoning Administrator, Humane Society representatives, and licensed peace officers shall have the authority to investigate any alleged violations of this ordinance. The peace officer or Humane Society representatives shall report all alleged violations to the Zoning Administrator. The Zoning Administrator, Humane Society representatives, and licensed peace officers shall have the right to destroy a wild animal posing an immediate threat of serious harm to any person, livestock or house pet.