

Code Section No.	Existing Text to Remain as is	Proposed Text (redlined)	Issue/Discussion
<p>Animals</p> <p>§ 91.06</p>		<p><u><i>Domesticated animals means house pets such as dogs, cats, and birds, or other common pets kept in small containments which can be contained within a principal structure throughout the entire year, provided that containment can be accomplished without special modification to the structure requiring a building permit from the city. In addition, the term "domestic animals" includes birds (other than chickens, ducks and geese) and rabbits normally sheltered outside the home.</i></u></p> <p><u><i>Farm animals means cattle, hogs, bees, sheep, goats, chickens, turkeys, horses and other animals commonly accepted as farm animals in the state, and/or which are kept for agricultural purposes or food production.</i></u></p> <p><u><i>Wild Animal: Any animal which is not a domesticated animal as defined herein, or which is not naturally tame or gentle, but is of a wild nature or disposition, or which would constitute a danger to human life or property. The term includes animals and birds, the keeping of which is licensed by the State or federal government, such as, wolves, raptors, and pheasants. By way of example and not of limitation, the term includes: ducks, pheasants, geese, turkeys, birds of prey, squirrels, chipmunks, raccoons, coyotes, weasels, wild ferrets, sheep, goats, swine, monkeys, chimpanzees and deer.</i></u></p>	<p>This section adds definitions for 3 classes of animals: Domesticated, Farm, and Wild.</p> <p>The current regulations in code address how “domestic” animals are regulated, but have no definition.</p> <p>A few farm animals are listed as being prohibited, but the list is not very inclusive, so the ordinance creates a definition, and a list that is more inclusive. (Chickens would continue to be treated as they currently are: prohibited, but with the allowance by Council permit).</p> <p>Finally, a definition for wild animals is created, and then a series of provisions to regulate/prohibit the feeding of such animals is new text. An exception made for songbirds and a few other specific situations.</p>

<p>§ 91.56</p>		<p>KEEPING OF CERTAIN ANIMALS. No person may keep swine, cattle, horses, goats <u>farm animals or wild animals as defined in this Code</u>, nor more than 2 dogs or 3 dogs allowed under § 91.01 through 91.05 or fowl, within the city nearer than 500 feet to any human habitation or platted land, without approval of the City Council. The City Council may, before approving or denying any request for approval, request a report from the Health Officer concerning the effect on public health.</p>	<p>The current language allows 2 dogs, or a “kennel” license for 3 dogs. No change is proposed in that language. Cats (addressed by some city’s codes), are not subject to these limitations.</p>
<p><u>§ 91.57</u></p>		<p>KEEPING OF CERTAIN ANIMALS. FEEDING OF WILD ANIMALS. <u>1)) No person shall intentionally feed wild animals within the City. Intentional feeding means the provision of any grain, fruit, vegetables, nuts, salt licks, or any other food that attracts wild animals.</u> <u>a) Living food sources such as trees and other live vegetation shall not be considered food for wild animals.</u> <u>2) Feeding Songbirds. The feeding of songbirds is permitted under the following conditions:</u> <u>a) Feeding is done from a bird feeder that is designed to prevent other wild animals from feeding and is placed at least 5 feet above the ground.</u> <u>b) The bird feeder does not become an attractive nuisance to other wild animals.</u> <u>c) Songbird feeding occurs on private property owned or controlled by the person responsible for the feeder.</u> <u>3) Exemptions.</u> <u>a) Specific to Section 91.57(2a), persons that cannot physically place materials 5 feet or higher from the ground, must place feeder at the highest point</u></p>	

		<p><u>physically possible and must comply with the other standards contained in Section 91.57(2).</u></p> <p><u>b) Snakes (less than four (4) feet in length), gerbils, hamsters, guinea pigs mice, turtles, fish (not prohibited by Minnesota DNR) and birds (not prohibited by Minnesota DNR) kept inside of a residence and within a restrictive cage or habitat</u></p> <p><u>c) Animal Species otherwise allowed and/or licensed by the City.</u></p> <p><u>d) The provisions of Section 91.57 shall not apply to the employees or agents of the City, County, the State, the Federal government or veterinarians who in the course of their official duties have wild animals in their custody or under their management.</u></p>	
§ 91. 57 <u>58</u>		INTERFERENCE WITH CITY PERSONNEL. No person may in any manner molest, hinder, or interfere with any person employed by the city to capture and impound dogs or other animals while the person is within the course and scope of employment.	This section is renumbered, with no text changes.
Gardens and Yards			
§150.094 (E)		(E) Yard cover. Every yard of premises on which a dwelling stands must be covered by lawns and/or ground cover of vegetation, gardens, hedges, shrubbery, <u>rock or wood mulch, or related decorative materials consistent with those commonly available at home and garden stores</u> , and must be maintained. Once an area has been converted to turf grass the land owner shall not allow the turf grass to exceed the height of 6 inches or be allowed to go to seed. No land owner may permit or maintain on the land any growth of weeds, grass, brush or other rank vegetation to exceed the height of an average height greater than 6 inches, any	This proposal cleans up a reference that should have been removed from the Code as a part of the prior round of updates. That Code established a setback requirement of 3 feet from adjoining property; and it has been the City's policy to allow/promote pollinator-friendly plantings in the right of way. This change deletes the conflicting language. Additional language will help limit the encroachment and extent of natural landscapes in the setback or public areas.

		<p>accumulation of dead weeds, grass or brush, or any noxious weeds or plants as defined by the Minnesota Department of Agriculture. Gardens (pollinator, vegetable, flower, rock, etc.) are permitted types of yard cover, and must be maintained. and not encroach on other property or the right of way.</p>	
<p>Fences</p>			
<p>§ 150.071</p>		<p><u>BUILDING ZONING PERMITS REQUIRED.</u> A building zoning permit is required for the construction or alteration of a fence, and for any additions to a fence. The permit must be obtained in the name of the owner of the property on which the fence is or will be located. Applications must be made on forms provided by the city. The applicant must provide the Building Inspector with a set of plans and specifications for the fence. Permit fees must be paid in accordance with Ordinance 33.061 of the City Code.</p>	<p>This change corrects the application process and permitting, which is no longer a building permit under that separate code. The zoning ordinance regulations fences, so a zoning permit is the proper avenue.</p>
<p>§ 150.072</p>		<p>REQUIREMENTS. (A) <i>Location.</i> Any fence constructed or altered after 6-3-1982 must be located entirely upon the private property of the owner to whom the building permit was issued. Ownership of the permit fence passes with ownership of the property. The fence must be setback a distance from the owner’s property line sufficient to avoid encroachment onto adjoining private or public property or a public right-of-way. <u>The applicant represents that the fence will be entirely on the property of the fence applicant. At its sole discretion, the city may require the applicant for the permit to locate and mark the property line abutting the public property by having a registered surveyor place permanent survey pins or stakes on the property line.</u></p>	<p>Add the requirement for survey data to the location section, as it applies to any fence permit (not just when the fence is adjacent to the public right of way as in (B) below).</p>

		<p>If the survey information is not available and the applicant elects not to establish the property line by survey, the permit will not be issued unless the applicant signs an affidavit stating that the applicant is the owner of the premises upon which the fence exists or is to be located.</p>	
		<p>(B) <i>Abutting public property.</i> If a fence is or is to be adjacent to a street, alley, public right-of-way, or other public property, the city may require the applicant for the permit to locate and mark the property line abutting the public property by having a registered surveyor place permanent survey pins or stakes on the property line. If the survey information is not available and the applicant elects not to establish the property line by survey, the permit will not be issued unless the applicant signs an affidavit stating that the applicant is the owner of the premises upon which the fence exists or is to be located.</p>	<p>This section is deleted, with the elimination of the building permit requirement, and the inclusion of the property line notes in (A) above.</p>
		<p>(C) <i>Fence size.</i> All fence and wall heights shall be measured from the finished grade, except that the height of a railing, wall, fence, or screening affixed to a deck constructed on the ground but raised above ground level, will be measured from the elevation of the raised deck for that portion which is affixed to the raised deck. The grade at the fence line shall not be altered in any way that artificially increases the maximum permitted height of the fence. <u>Required fence height shall be measured and applied only at each post, and no section of fence between posts shall exceed the height of the <i>higher</i> of the two posts between which such fence is constructed.</u></p>	<p>These sections are under separate consideration by the City Council due to a pending application.</p> <p>This addition specifies measurement requirements. Because land can fluctuate, there is a potentially infinite number of locations for fence measurement. By restricting the measurement locations to the posts only, planning, construction, and enforcement of fence regulations is simplified. The proposed language specifies that the fence sections may not exceed the height of the post(s) to which it is attached.</p>

			<p>These clauses also accommodate fences constructed on a slope, in which the manufactured fence panels can be installed without running afoul of the height regulations as the ground falls away to the next (lower) post location.</p>
		<p>(C)(1) Residential Uses. a. Front Yards. No fence, <u>fence post, or post cap</u> shall be over four (4) feet <u>fifty-two (52) inches</u> in height within a required front yard setback. b. Side Yards. No fence, <u>fence post, or post cap</u> shall be over <u>six feet six inches (6'-6")</u> feet in height. A fence up to <u>six feet six inches (6'-6")</u> in height shall be allowed on corner lots along the corner side behind the nearest front corner of the principal building. c. Rear Yards. No fence, <u>fence post, or post cap</u>, shall be over <u>six feet six inches (6'-6")</u> in height.</p>	<p>Height is changed here to accommodate the fluctuations noted above by allowing a slight increase over current height limitations, again to accommodate slope, and to acknowledge that posts (and ornamental post caps) will often extend above the top line of the fence itself.</p> <p>Further, the change from 6 feet to 7 feet incorporates the building code change that increased the height threshold for when a building permit is required for fences and other structures.</p>
<p>150.072 C.2, C.3, D, and E.</p>		<p>C. (2) Commercial/Industrial Uses. a. Front Yards. No fence shall be over six (6) <u>seven (7)</u> feet in height within a required front yard setback. Fences may extend to a total height of eight (8) with a security arm for barbed wire if a conditional use permit is obtained. b. Side Yards. No fence shall be over six (6) <u>seven (7)</u> feet in height. Fences may extend to a total height of eight (8) with a security arm for barbed wire if a conditional use permit is obtained. c. Rear Yards. No fence shall be over six (6) <u>seven (7)</u> feet in height. Fences may extend to a total height of eight (8) with a security arm for barbed wire if a conditional use permit is obtained. d. Exemption. <u>Through the approval of a conditional use permit (CUP),</u> Ffence heights as listed above in</p>	<p>This section incorporates the changes from 6 feet to 7 feet heights into the Commercial District. No changes are proposed to Industrial or Recreational fencing standards. Sight visibility at intersections is likewise retained as currently stated.</p>

		§150.072, C, 2, a-c may be increased for the following types of fencing	
§ 150.073	CONSTRUCTION AND MAINTENANCE. Every fence must be constructed in a substantial manner and of substantial material, reasonably suitable for the purpose for which the fence is intended as listed in the criteria below. Any fence which is dangerous by reason of its construction or state of disrepair or is otherwise injurious to public safety, health, or welfare is hereby declared to be a nuisance.		
		(A) Fences and walls shall be constructed in a manner and of such materials that do not adversely affect the appearance of the neighborhood or adjacent property values. Fences shall not be constructed from poultry netting (chicken wire), <u>non-prefabricated welded wire</u> , snow fence, branches, or materials originally intended for other purposes, unless upon the showing of a high degree of architectural quality achieved through the use of such materials and prior approval is granted by the Zoning Administrator or other Authorized Agent.	Staff discussed the prohibited materials portion of this section, acknowledging that some (particularly the welded wire) were commonly available as fencing material within wood framing or other options. Apart from this note, and because this element has not otherwise been a significant issue, no other changes are proposed.
	(B) Fences and walls hereafter erected shall be durable, weather resistant, rust proof, and easily maintained.		
		(C) Fences shall have structural supports (posts/footings) as required <u>by the Building Official to ensure that the fence will continue to be structurally sound.</u>	This change replaces “Building Official” review (which does not occur) with general language.
		(D) Fences and walls shall be constructed of new or like new materials. <u>Like new materials used shall require prior approval is</u>	Amending this section to clarify the use of materials that may require additional review.

		<u>granted by the Zoning Administrator or other Authorized Agent prior to issuance of the required zoning permit.</u>	
		(E) The finished appearance of fences and walls shall be constructed with the higher quality finish directed toward the exterior of the property outward <u>toward adjoining property or public right of way</u> if the visual quality of the fence or wall is not the same on both sides.	Minor change to clarify intent.
	(F) The framing and posts of wood, chain link, picket, stockade, and decorative metal fences shall face the inside of the parcel area fenced. The side of the fence considered to be the face (facing as applied to fence posts) shall face the abutting property.		
	(G) No more than two (2) types of related fencing materials shall be used in any fence and wall.		
		(H) Both sides of any fence or wall shall be maintained in a condition of reasonable repair and appearance by its owner and shall not be allowed to become and remain in a condition of disrepair or danger, or constitute a nuisance, public or private. <u>Property owners should take due care in selecting maintenance-free fence materials, or in placement of fence location, in areas where ongoing maintenance activities may require access through adjoining property or is otherwise restricted.</u>	This addition reinforces the caution to fence builders that maintenance should be considered and will continue to be a requirement, despite conditions that could restrict maintenance requirements.
		(I) The property owner is responsible for providing proof of property line location.	Deleted, covered in 150.072 (A) and (B).
		<u>(I) Where permitted, temporary fences used for site protection during construction shall be no less</u>	Added text to address height and construction of temporary construction

		<u>than four (4) feet in height, shall be secured and/or anchored in such a way as ensure upright position, and shall be constructed so as to prohibit a 4-inch sphere from passing through any portion of the temporary fence.</u>	fences (created by a prior amendment to swimming pool protection fencing).
	(J) Retaining walls shall not be placed within any drainage, utility or ponding easements unless also reviewed and approved by the City Engineer.		
Depositing of Snow and/or debris on public ROW			
§ 94.15		OBSTRUCTIONS PROHIBITED. No person, except under a proper building permit issued by the <u>City Manager or otherwise permitted in this code</u> , shall obstruct or encumber any sidewalk, street, avenue, alley, lane, or other public way in the city with <u>yard clippings, leaves</u> , stone, brick, sand, lumber, or other material or property. <u>Consistent with Minnesota Statute 160.2715 Section (a) subdivision (1) which advises that pushing / blowing snow from driveways and sidewalks onto public roads may be punishable as a misdemeanor, no person shall plow, shovel or blow or permit the plowing, shoveling or blowing of snow onto any sidewalk, street, avenue, alley, lane, or other public way in the city. except as permitted in this code.</u>	These two sections relate to use of the public right-of-way, and clarify prohibition to obstruct or deposit materials in the right of way consistent with the relevant statutory sections for each.
§ 96.02		ELECTION TO MANAGE THE PUBLIC RIGHTS-OF-WAY Pursuant to the authority granted to the city under state and federal statutory, administrative and common law, the city hereby elects, pursuant Minn. Stat. 237.163 subd. 2(b), to	Adding a specific prohibition to blowing leaves, grass, snow, etc. into the public street or alley. This prohibition applies to the traveled portions of streets or alleys

		<p>manage rights-of-way within its jurisdiction.</p> <p><u>Except as specifically authorized by this Chapter, no person shall deposit or permit to be deposited onto the traveled portion of any public street or alley, leaves, grass, sand or similar materials, nor shall any person plow, shovel or blow or permit the plowing, shoveling or blowing of snow onto the traveled portion of any public street or alley. Violation of this provision shall constitute a petty misdemeanor. This provision shall not apply to any person who is in the process of constructing or maintaining a yard or drive provided that the materials are immediately removed from the street. Nothing in this section is intended to exempt any person from the requirement for permit under this Chapter.</u></p>	<p>only, not the “boulevard” or easement areas.</p>
<p>Bus/Transit Benches</p>			
<p>Section 96.03 – Definitions</p>		<p><u>Bus/Transit Bench</u> - A bench maintained on a publicly dedicated street or right-of-way for the convenience and comfort of persons waiting for buses or other vehicles.</p>	
<p>Section 96.38 – Bus/Transit Benches</p>		<p><u>Purpose. The purpose of this section is to regulate the placing and maintenance of bus/transit benches in public rights of ways in order to control location, appearance, proliferation and traffic safety.</u></p>	
		<p><u>A) License Required: No bench may be placed or maintained in a public right of way without securing a license from the City Manager, or designee thereof, and the payment of an annual license fee as established in Section 33.061.</u></p>	
		<p><u>B) Application: Applications for licenses shall be made to the City Manager. The application shall contain the following:</u></p>	

		<p><u>(1) Scale drawing showing the size and location details of the bus/transit bench relative to all other objects on the property including the layout of applicable adjacent roadways, intersections, traffic signage, sidewalks, trails, utility poles, fences and other objects in the vicinity.</u></p> <p><u>(2) Written consent of the road authority, as defined in Minnesota State Statutes 160.02, if the City of Saint Anthony Village is not the road authority.</u></p> <p><u>(3) Detailed plans and specifications of the proposed bench including the general nature of the advertising matter, if any, to be posted thereon and total surface area intended as signage not to exceed 12 square feet using the front, or seating side surface only of the bench backrest.</u></p> <p><u>(4) General liability Certificate of Insurance from an insurance company rated "A" by A.M. Best Company and authorized to do business in the State of Minnesota, naming the City as additional insured in the minimum amount of one million dollars (\$1,000,000) for any and all claims arising out of the use or existence of a bus/transit bench. The certificate shall provide for automatic notification of the City with a minimum thirty (30) days advanced notice in the event of cancellation.</u></p> <p><u>(5) An executed hold harmless agreement from the licensee, protecting the City from any and all claims arising out of the use, existence and potential removal of the bus/transit bench.</u></p>	
		<p><u>C) Bus/Transit Stops: A bench shall only be placed at a bus/transit stop on an established bus route.</u></p>	
		<p><u>D) Location: A bench shall be placed parallel to and no nearer than three (3) feet from the roadway curb or the edge of the roadway where no curb exists and shall not obstruct a pathway.</u></p>	
		<p><u>E) Number: No more than one bus/transit bench, located outside</u></p>	

		<u>of a shelter, may be placed at a single established bus/transit stop location.</u>	
		<u>F) Proximity to Other Benches: No bus/transit bench may be placed within 300 feet of any other bench on the same side of the roadway from which service is to be delivered.</u>	
		<u>G) Materials: A bus/transit bench shall be constructed of durable materials including, but not limited to concrete, wood, plastic, or combination thereof, with colors limited to whites, earth tones of subdued greens, grays, browns, reddish-browns, and golds.</u>	
		<u>H) Construction and Size: The bus/transit bench shall be of sufficient weight or shall be secured in a manner to minimize the potential of accidental tipping or vandalism. No bus/transit bench shall be fastened, secured, or anchored to any property of the City, County or public utility. Size limitations of bus/transit benches shall be; Height – 42 inches maximum, Width – 30 inches maximum and Length – seven feet maximum.</u>	
		<u>I) Structure Maintenance: When directed by the Code Official, Licensee shall within forty-eight (48) hours remedy any report of refuse and litter issues. Within 72 hours of a snow fall or other weather event, removal of ice and snow in a manner such that each bench shall be fully accessible to and from any sidewalk or roadway adjacent to the bus/transit bench shall be achieved. Licensee shall inspected benches monthly for any grass or weeds in excess of six (6) inches, graffiti, damaged or broken parts and shall remedy deficiencies within 48 hours after being discovered or reported.</u>	
		<u>J) Revocation of License: The City Council may revoke a license for failure to comply with the conditions of the license by three (3) affirmative votes.</u>	

		<p><u>K) Removal: At the request of the City, a bench shall be removed within thirty days of notice, at the permittee’s sole expense, if:</u></p> <ul style="list-style-type: none"> <u>1) to permit right of way improvements or maintenance,</u> <u>2) the location of the bench is a safety hazard or if it interferes with pedestrian or vehicular traffic on the right of way,</u> <u>3) if the bus stop location is removed from service or</u> <u>4) the license issued by the City is allowed to expire or is revoked. The licensee shall incur the cost of removal within thirty (30) days of notice to remove. Licensee shall make repairs to the vacated space within the right-of -way to make it visibly consistent with the surrounding space. If licensee fails to remove the bench within the prescribed time, the City shall remove licensee’s bench and hold at the City Public Works facility for no less than thirty (30) days, after which time the bench may be disposed of. All costs for removal, disposal and remediation of ground shall be payable to City by licensee.</u> 	
		<p><u>L) Advertising Matter: Advertising matter may be displayed only on the front (roadway side) surface of the backrest of bus/transit bench and shall not exceed 12 square feet in surface area. Advertisements for liquor or beer, tobacco, political advertisements, obscene, immoral or illegal matter is prohibited on all transit bench signs. No advertising matter on any transit bench may display the words “Stop”, “Look”, “Drive In”, “Danger” or any other word, phrase or symbol, reflective material, or illumination device, which might interfere with, mislead or distract traffic.</u></p>	
<p>155.03 DEFINITIONS.</p>		<p><u>Bus/Transit Bench Sign: A bench maintained on a publicly dedicated street or right-of-way for the convenience and comfort of persons waiting for buses or other vehicles, which may include off-premise</u></p>	

		<u>advertising content, not to exceed 12 square feet in surface area.</u>	
155.22 PROHIBITED SIGNS.		<u>(20) Off-premise signs; with the exception of bus/transit bench signs as defined in Section 96.03</u>	
155.23 SIGNS REQUIRING NO PERMITS.		<u>(D) Signs affixed on benches at public bus stops or signs within bus/transit benches as defined in Section 96.03.</u>	