

ORDINANCE 2022-07

**CITY OF ST. ANTHONY
HENNEPIN AND RAMSEY COUNTY, MINNESOTA**

**AN ORDINANCE AMENDING THE ST. ANTHONY CITY CODE, BY AMENDING:
SECTION 91.06, 91.56, AND 91.57 RELATING TO KEEPING AND FEEDING OF ANIMALS;
SECTION 94.15 AND 96.02 RELATING TO USE OF THE PUBLIC RIGHT OF WAY;
SECTION 96.03 RELATING TO PRIVATE BUS AND TRANSIT BENCHES;
SECTION 150.094 RELATING TO NATURAL LANDSCAPES; AND
SECTIONS 150.070 – 150.073, RELATING TO ALLOWABLE
RESIDENTIAL FENCE HEIGHT AND MEASUREMENT**

THE CITY COUNCIL OF THE CITY OF ST. ANTHONY HEREBY ORDAINS:

Section 1. Section §91.06 (Definitions) is hereby amended to add the following:

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.

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.

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.

Section 2. Section §91.56 is hereby amended to read as follows:

KEEPING OF CERTAIN ANIMALS. No person may keep farm animals or wild animals as defined in this Code, 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.

Section 3. Section §91.57 is hereby amended to read as follows:

FEEDING OF WILD ANIMALS.

1) No person shall intentionally feed wild animals within the City. Intentional feeding means the

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provision of any grain, fruit, vegetables, nuts, salt licks, or any other food that attracts wild animals.

- a) Living food sources such as trees and other live vegetation shall not be considered food for wild animals.
- 2) Feeding Songbirds. The feeding of songbirds is permitted under the following conditions:
 - 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.
 - b) The bird feeder does not become an attractive nuisance to other wild animals.
 - c) Songbird feeding occurs on private property owned or controlled by the person responsible for the feeder.
- 3) Exemptions.
 - 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 physically possible and must comply with the other standards contained in Section 91.57(2).
 - 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
 - c) Animal Species otherwise allowed and/or licensed by the City.
 - 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.

Section 4. Section §91.58 is hereby added to read as follows:

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.

Section 5. Section §94.15 is hereby amended to read as follows:

OBSTRUCTIONS PROHIBITED.

No person, except under a proper permit issued by the City Manager or otherwise permitted in this code, shall obstruct or encumber any sidewalk, street, avenue, alley, lane, or other public way in the city with yard clippings, leaves, stone, brick, sand, lumber, or other material or property. 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.

Section 6. Section §96.02 is hereby amended to read as follows:

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 manage rights-of-way within its jurisdiction.

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

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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.

Section 7. Section §96.03 (Definitions) is hereby amended to read as follows:

Bus/Transit Bench - 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.

Section 8. Section §96.38 is hereby amended to add the following:

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.

- 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.

- B) Application: Applications for licenses shall be made to the City Manager. The application shall contain the following:
 - (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.
 - (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.
 - (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.
 - (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.
 - (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.

- C) Bus/Transit Stops: A bench shall only be placed at a bus/transit stop on an established bus route.

- 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

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pathway.

E) Number: No more than one bus/transit bench, located outside of a shelter, may be placed at a single established bus/transit stop location.

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.

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.

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.

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 inspect 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.

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.

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;

1) to permit right of way improvements or maintenance,

2) the location of the bench is a safety hazard or if it interferes with pedestrian or vehicular traffic on the right of way,

3) if the bus stop location is removed from service or

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.

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.

Section 9. Section §150.071 - is hereby amended to read as follows:

ZONING PERMITS REQUIRED.

A zoning permit is required for the construction or alteration of a fence, and for any

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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. Permit fees must be paid in accordance with Ordinance 33.061 of the City Code.

Section 10. Section §150.072 - is hereby amended to read as follows:

REQUIREMENTS.

(A) Location. 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 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. 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.

(B) Fence size. 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. 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 higher of the two posts between which such fence is constructed.

(C)(1) Residential Uses.

- a. Front Yards. No fence, fence post, or post cap shall be over fifty-two (52) inches in height within a required front yard setback.
- b. Side Yards. No fence, fence post, or post cap shall be over six feet six inches (6'-6") in height. A fence up to six feet six inches (6'-6") 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, fence post, or post cap, shall be over six feet six inches (6'-6") in height.

(C) (2) Commercial/Industrial Uses.

- a. Front Yards. No fence shall be over seven (7) feet in height within a required front yard setback.
- b. Side Yards. No fence shall be over seven (7) feet in height.
- c. Rear Yards. No fence shall be over six (6) seven (7) feet in height.
- d. Exemption. Through the approval of a conditional use permit (CUP), fence heights as listed above in §150.072, C, 2, a-c may be increased for the following types of fencing

Section 11. Section §155.03 (Zoning Definitions) is hereby amended to add the following:

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 advertising content, not to exceed 12 square feet in surface area.

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Section 12. Section §155.22 (Prohibited Signs) is hereby amended to add the following:

(20) Off-premise signs; with the exception of bus/transit bench signs as defined in Section 96.03

Section 13. Section §155.23 (Signs Requiring Permits) is hereby amended to add the following:

(D) Signs affixed on benches at public bus stops or signs within bus/transit benches as defined in Section 96.03.

Section 14. The City Clerk is hereby directed to make the changes required by this Ordinance as part of the Official St. Anthony City Code, Title XV, Zoning Ordinance, and to renumber the tables and chapters accordingly as necessary to provide the intended effect of this Ordinance. The City Clerk is further directed to make necessary corrections to any internal citations that result from said renumbering process, provided that such changes retain the purpose and intent of the Zoning Ordinance as has been adopted.

Section 15. This Ordinance shall take effect and be in full force from and after its passage and publication. This ordinance may be published by summary publication, per a duly adopted resolution of the City Council. The ordinance in its entirety and any related map shall be posted on the City website after publication. Copies of the complete Ordinance and map are available online and at St. Anthony City Hall for examination upon request.

ADOPTED BY the St. Anthony City Council this ____ day of _____, 2022.

Randy Stille, Mayor

ATTEST:

City Clerk

AYES:

NAYS: