

Eagan City Code

Sec. 10.12. Subd. 10 – Prescriptive Grazing Regulations

Subd. 10. Harboring and keeping of goats—For prescribed grazing by permit.

A. *Definitions.* As used in this subdivision, the following definitions shall apply:

Prescribed grazing shall mean the use of goats as a landscape management technique to control the growth of undesirable vegetation, including noxious weeds and invasive plant or trees at a specific location for a defined length of time. For the purpose of this definition, goats used for prescriptive grazing are not considered pets or farm animals.

B. *Prescribed goat grazing permit required.* It is unlawful for any person to keep, harbor, maintain, possess, or otherwise control any goat within the city, except pursuant to a permit issued by the city under this subdivision. A permit hereunder may be granted only for: (1) a parcel or lot of record that is 0.5 acres or more in size; or (2) a prescribed grazing area located on more than one parcel or lot provided the grazing areas on each parcel/lot are contiguous and an aggregate of 0.5 acres or more in size. No goat may be kept, maintained or harbored on or in any other property, except agriculture containing not less than five acres.

C. *Permit application and permit fees.* An application for a permit hereunder shall be filed with the city clerk upon an application form furnished by the city. The permit fee, which shall be paid and filed with the permit application, shall be in an amount established by city council resolution. The permit application shall include, but not be limited to, the following:

1. The full name and address of the following persons:
 - (a) The applicant signed thereto; and
 - (b) The owner(s) of the premises on which prescribed goat grazing is sought to occur and for which the permit would apply;
2. The street address of the premises on which prescribed grazing is sought to occur and for which the permit would apply;
3. The number of goats to be kept on the premises under the permit, not to exceed two goats per every one-tenth acre of the prescribed grazing area;
4. The full name, address, and 24-hour contact telephone number of the person who owns the goats to be used for the prescribed grazing;
5. The type of fencing to be used for the required enclosure;
6. Date the temporary fence will be installed;
7. Date the goats will arrive on the premises for which the permit would apply;
8. The latest date the goats will be removed from the premises for which the permit would apply;
9. A detailed site plan of the premises on which prescribed grazing is sought to occur, including the location and the dimensions of the proposed grazing area, a list of the vegetation existing on the site and sought to be controlled by the prescribed grazing, the location and delineation of any wetland or public water shoreline, and the location of the proposed enclosure fencing.

10. A statement certifying whether the property's homeowners' association rules, if any, prohibit the keeping of goats on the property for which the permit is sought;
 11. If the applicant is not the fee owner of the premises on which the goats for prescribed grazing is sought to be kept and for which the permit would apply, the application shall be signed by all fee owners of the premises; and
 12. Any other and further information as the city deems necessary.
- D. *Granting or denying issuance of permit.* The city clerk may grant a permit under this subdivision; however, a permit may not be issued unless the application filed demonstrates compliance with the requirements of this subdivision. A permit shall not be issued until the city forester or designee inspects and determines the existence and need for control of undesirable vegetation, as well as review of any ecologically sensitive areas, on the premises at which prescribed grazing is sought to be implemented. The city clerk shall deny a permit hereunder for any of the following reasons:
1. The application is incomplete or contains false, fraudulent or deceptive statements.
 2. The applicant does not or has not complied with one or more of the provisions of this subdivision.
 3. The premises for which the permit is sought, including, but not limited to, the proposed grazing area, is not in compliance with any provisions of this subdivision, other City Code provisions or state laws relating to zoning, health, fire, building or safety.
 4. The applicant or owner of the premises where the prescribed grazing is to occur has been previously convicted of a violation under this subdivision within the past two years.
 5. The applicant is not the occupant of the premises for which the permit is sought to be issued.
 6. The owner of the goats has violated any provision hereunder, or on more than two prior occasions, the owner's goats have been found running at large.
- E. *Conditions of permit.* A permit granted under this subdivision shall be subject to the following conditions:
1. *Ownership/occupancy of premises.* The permit holder under this subdivision must occupy the premises for which the permit is issued at all times that the permit is in effect and goats are present on the premises.
 2. *Inspection.* The premises for which a permit is issued shall, at all reasonable times, be open to inspection by the city forester or any other city official to determine compliance with this subdivision, other City Code provisions and state laws relating to zoning, health, fire, building or safety.
 3. *Transferability of permit.* A permit issued hereunder shall be nontransferable. It is unlawful to keep, harbor, maintain, possess, or otherwise control any goat on any property that is not permitted on the permit.
 4. *Specifications for feeding and care of goats.* All supplemental feed for the goats shall be securely stored in water-tight and vermin-proof containers. All goats on the premises shall have daily access to fresh drinking water (not from nearby

lakes, ponds, etc.). All goats used under the permit shall receive proper veterinary treatment and regular deworming. In the event that a prescribed grazing goat becomes ill, hurt, or perishes, the permit holder and the owner of the goat is responsible for immediate on-site care or removal of the goat from the property.

5. *Number of goats permitted.* No more than two goats per every one-tenth acre of the prescribed grazing area shall be on the premises at one time under the permit.
6. *Natural resources protection.* Prescribed grazing must comply with the shore land regulations and wetland regulations set forth elsewhere in this Code. The permit may restrict the permissible grazing area to protect ecologically sensitive areas on the premises. Prescribed grazing activities shall comply with the following:
 - (a) Prescribed grazing activities shall comply with the best management practices established by the Minnesota Department of Agriculture, the Minnesota Department of Natural Resources, Dakota County Soil and Water Conservation District, and all other pertinent agencies.
 - (b) Prescribed grazing activities shall not impair water quality as defined by the Federal Clean Water Act.
 - (c) Threatened or endangered plant species shall not be negatively impacted by prescribed grazing activities.
7. *Proper enclosures.* The prescribed grazing area shall be fully and securely enclosed with proper enclosures, and fully maintained for the duration of the prescribed grazing period, as required and provided herein. It is unlawful and a violation of the permit for any goat to be allowed to run at large as the term is defined elsewhere in this chapter. The prescribed grazing activity shall be fully and properly enclosed at all times.

Proper enclosure means any combination of temporary or permanent fences or structures designed to prevent the escape of the goats used for the prescribed grazing and to protect the goats from the intrusion of other predatory animals. All sides of the enclosure(s) shall be of sufficient height and the bottom of the enclosures shall be constructed or secured in a manner as to prevent the goats from escaping over or under the enclosure(s). An enclosure shall meet the following requirements:

- (a) Permanent enclosures. Fences and structures constructed to enclose prescribed grazing goats, but intended to remain at the expiration of the prescribed grazing activity, shall comply with the regulations for the zoning district in which the prescribed grazing is located and shall be permitted separately from the prescribed grazing activity.
- (b) Temporary enclosures. Temporary fencing and structures for the sole purpose of enclosing prescribed grazing goats shall be allowed for the duration of the prescribed grazing. All temporary fencing or structures shall be removed within five days of the removal of the goats from the premises as required under the permit.
- (c) Temporary fences may be electric or electrified as specified in the approved prescribed grazing permit. Where electric fences are used, a double fence system with a non-electric outer fence, maintained a minimum of three feet from the electric fence, is required to serve as a safety barrier to reduce the possibility of the public coming in contact with the electric fence. If an existing

natural barrier or permanent structure exist as to prevent contact with or serve as a barrier to the electric fence, then the second outer fence may not be required for the applicable segment of fencing.

- (d) Any electric or electrified fence in association with a prescribed grazing activity must have a warning sign posted on every boundary of the enclosure at least every 50 feet along each side of the fence. The warning sign shall clearly identify the electric fence. No single sign shall exceed four square feet in area. Each sign shall be clearly visible on the approach to the fence and be posted on or within one foot of the electric or electrified fence.
 - (e) The outer fence line shall be inside the property line of the premises on which the permit applies, and shall not be located within any public or private right-of-way.
8. *Conservation easements.* If the proposed prescribed grazing area is within a conservation easement, all requirements of the conservation easement must be met. If the terms of the conversation easement do not allow prescribed grazing, then the permit will be denied.
9. *Unneutered male goats.* Unneutered male goats over six months of age are prohibited.
10. *Liability insurance.* The owner of the goat(s) to be utilized under the permit shall have and maintain insurance coverage for claims arising from prescribed grazing activity in the amount of \$1,000,000.00 per occurrence and \$2,000,000.00 general aggregate and shall provide to the city proof of coverage prior to the issuance of the permit.
11. *Signage.* The permit holder shall install and maintain signs on the premises for the duration of the permit as follows:
- (a) Signs warning of the hazardous condition of the presence of the goats; the information sign, such as "do not enter—goat defoliation area" or "do not enter—goat invasive species treatment area—no petting or feeding."
 - (b) A sign shall be located on each side of the enclosed area. The sign shall be a minimum of four square feet and not exceed 16 square feet in area.
 - (c) The signs shall not contain advertising, however the contact information of the owner of the goat(s) may be listed on the signs for emergency purposes.
 - (d) The signs shall be setback a minimum of ten feet from property line if freestanding, or placed on the enclosure fence.
 - (e) All signs shall be removed when goats are removed from the premises.
- F. *Duration of permit.* The duration of a permit under this section shall be as follows:
- (a) *Properties under two acres in area.* On properties with an area of less than two acres, prescribed grazing shall not be permitted for more than 30 consecutive days. No more than two prescribed grazing permits may be issued within one calendar year for the property. There shall be a minimum of 60 days between the expiration of the first permit issued and the second permit issued in a 12-month period.
 - (b) *Properties two or more acres in area.* On properties with an area of two or more acres, the duration of the prescribed grazing activity shall be as

specified in the permit, determined solely within the discretion of the city clerk as may be guided by city personnel trained in control and maintenance of noxious and invasive weed/plant vegetation.

- G. *Revocation of permit.* A violation of any provision of this subdivision or any condition of the permit issued hereunder shall constitute grounds for revocation of a permit. The clerk may summarily revoke a permit if a permit holder's goat(s) have been found running at large on two or more occurrences within the term of the permit.