

**ORDINANCE NO. 52, EIGHTH SERIES**

**AN ORDINANCE OF THE CITY OF FERGUS FALLS, MINNESOTA, ADDING  
CHAPTER 91.53, TEMPORARY GOAT GRAZING FOR VEGETATION  
MANAGEMENT, TO THE CITY CODE.**

THE CITY OF FERGUS FALLS DOES ORDAIN:

Section 1. Chapter 91.53 entitled Temporary Goat Grazing for Vegetation Management is hereby added as follows:

- A. ***Purpose and need for policy.*** The purpose of this policy is to allow prescribed grazing of approved grazing animals on certain property in the City of Fergus Falls for a specific period and for the express purpose of controlling invasive, noxious, or unwanted vegetation. Invasive species and/or noxious vegetation pose a significant environmental risk to the environment. Prescribed grazing is intended to provide an alternative to the use of chemicals to control undesired vegetation, as well as an alternative to other land management techniques like mowing, brush cutting and prescribed burning. It is also intended to provide an alternative means to control undesirable vegetation on steep slopes or other challenging terrain where it is difficult for humans to access. Prescribed grazing is not intended to allow the raising or keeping of goats as pets or livestock on property where it is not currently allowed under zoning requirements.
- B. ***Policy.*** Property owners intending to use prescribed grazing must have a property that meets all criteria laid out within this policy. Property owners must hire a contractor who has received a prescribed grazing permit from the Public Works Director. Contractors must obtain an annual permit prior to working in the city, meet all city requirements and agree to follow all guidelines laid out within the policy. The specific policy requirements are as follows:
1. Goats are the only animals approved for prescribed grazing.
  2. Significant invasive, noxious, or unwanted vegetation must exist on the site and removal of it will clearly benefit the property receiving the prescribed grazing.
  3. Prescribed grazing is allowed in any zoning district.
  4. Grazing services will be provided by a permitted contractor. Contractors must obtain an annual permit from the Public Works Director and must provide all requested documentation. Permits may be revoked if contractors do not follow ordinance and policy requirements, or if repeat issues arise regarding grazing activities causing public nuisances or other unwanted situations. The contractor will need to specifically provide the following information within the city's permit form and adhere to the following contractor guidelines:

- (a) No permit shall be granted, nor be effective, until the applicant files with the Public Works Director proof of a public liability insurance policy covering all operations of such applicant under this section for the maximum liability amounts pursuant to Minnesota Statute 466.04. The policy shall provide that it may not be cancelled by the insurer except after ten (10) calendar days written notice to the Public Works Director, and if such insurance is so cancelled and the permittee fails to replace the same with another policy conforming to the provisions of this section, the permit shall be automatically suspended until such insurance is provided.
  - (b) No permit shall be granted, nor be effective, until the applicant files with the Public Works Director acceptable evidence of compliance with the worker's compensation insurance coverage requirements by providing the name of the insurance company, the policy number, and date of coverage, if applicable.
  - (c) All contractors permitted under the provisions of this section must abide by all ANSI (American National Standards Institute) and OSHA (Occupational Safety and Health Administration) regulations while operating as a business within the city limits.
  - (d) Upon issue, the applicant must be able to produce their permit upon request when operating within the city limits.
  - (e) Applicant must have staff available to respond to any emergency complaints or concerns at all times of day or night. Applicant will furnish emergency contact information when applying for a permit.
  - (f) All contractors must notify the Public Works Director at least ten (10) business days in advance of any prescribed grazing projects that are to occur within the city limits.
5. Prescribed grazing will be allowed on a parcel or lot that is one-half (1/2) acre or greater in size. Prescribed grazing will also be allowed on more than one (1) parcel or lot provided that the grazing areas on each parcel or lot are contiguous and aggregate of one-half (1/2) acre or more in size. All property owners in the grazing area must grant permission to the contractor.
  6. Prescribed grazing cannot occur on a parcel or lot more than two (2) times in a given calendar year. Each grazing event must be thirty (30) consecutive days or less in duration from the time the goats arrive to the time the goats are removed from the site. Grazing events must be separated by at least thirty (30) calendar days.
  7. Goat herd size cannot exceed two (2) goats per every one-tenth (1/10) acre of enclosed grazing area.

8. If exceptions to the standard grazing duration, stocking rates or fencing requirements are desired, the permitted contractor must submit a written request to the Public Works Director. Factors, such as proximity to adjacent properties, will be assessed when evaluating extension requests. Extensions will be approved or denied in writing by the Public Works Director or their designee.
9. Prescribed grazing must occur in an area that is properly enclosed through temporary or permanent fencing. Fencing must be designed to prevent escape by goats and prevent access by other animals and cannot be constructed of barbed wire and follow all requirements outlined below.
  - (a) Energized fence is allowed, but if used within thirty (30) feet of an adjacent property boundary, it must be a part of a double fence system where the outer line of fencing is non-energized and separated from the inner line of energized fence by at least three (3) feet or written approval must be obtained from the adjacent property owner. This protects the public from encountering the energized fence. The fence must be powered by a low impedance energizer.
    - (i) Low impedance energizers use a short duration pulse that minimizes risk to people. The Public Works Director reserves the right to require that the prescribed grazing contractor install a double fence system in any situation if determined that a single energized fence line would present a significant risk to the public.
  - (b) Energized fencing must be clearly identified with warning signs no more than ten (10) feet apart and signed on every enclosure boundary. Energized fence must be installed by the prescribed grazing contractor. Temporary fencing must be removed within seven (7) calendar days of the date the goats are removed from the project site. Permanent fencing must follow all other applicable city ordinances.
  - (c) The fence, including the wires, shall not exceed the height limitations in City Code Section 154.086.
10. Where the project area is visible to the public, a sign must notify the public that prescribed grazing is occurring and list twenty-four (24) hour contact information for any emergency situations that may arise, such as a goat outside the fenced enclosure. The sign must follow ordinance requirements for the appropriate zoning district as described beginning in City Code Section 154.170.
11. Shelters, if provided, must follow all city structure and setback requirements.
12. Only females, neutered male goats or unneutered male goats less than six months old that accompany female goats are allowed.
13. Grazing areas must be monitored to prevent overgrazing, erosion and damage to natural resources, including but not limited to:

- (a) Complying with requirements and best management practices established by Minnesota Department of Agriculture, the Minnesota Department of Natural Resources, Natural Resources Conservation Service, the local watershed district, and all other pertinent agencies.
- (b) Preventing impairment of water quality as defined by the Federal Clean Water Act.
- (c) Avoiding adversely impacting threatened or endangered plant or animal species.

**C. Procedure.**

1. Contractors wishing to provide prescribed grazing services within city limits must obtain a permit application from the Public Works Director. Contractors must submit their permit request together with the required consents or notices in Section C.2 below, and insurance documentation, at least fifteen (15) business days in advance of any work proposed within city limits.
2. The permit application shall include written consents to the prescribed grazing of goats including how many goats will be used for this purpose on the subject property from all abutting property owners, or shall provide proof of the certified mailing of a notice to all abutting property owner(s) which advises the abutting property owner(s) the applicant is applying for a permit from the Public Works Director to allow prescribed grazing of goats on their premises and advising how many goats will be used for this purpose. The abutting property owner may object to the applicants permit application, any objection must be received by the Public Works Director within fourteen (14) days of the mailing date of the notice, and failure to provide written objections to the Public Works Director within ten (10) days of the mailing of the notice may authorize the Public Works Director to issue a permit to allow prescribed grazing of goats on the applicant's property.
3. The Public Works Director will review permit requests and respond within ten (10) business days. A written permit will be issued if the request is approved. The contractor cannot start work until the permit has been received.
4. If a permit is issued, it will be valid for the remainder of the year assuming the contractor follows all requirements. Permits are issued for each specific project.
5. Contractor will inform the Public Works Director or their designee of planned project locations at least ten (10) business days prior to arriving to start work.
6. Contractor will notify the Public Works Director or their designee on the day that goats arrive on any project site within city limits.

7. If policy requirements or other city ordinances are not followed, contractor permits can be revoked by the Public Works Director or their designee or the City Administrator. Violations of policy may include but are not limited to:
- (a) Providing any false or inaccurate information on permit application.
  - (b) Failure to notify the Public Works Director of impending projects in a timely fashion.
  - (c) Failure to respond in a timely fashion to or failing to correct issues or concerns raised by the Public Works Director or residents.
  - (d) Failure to prevent grazing services from resulting in a public nuisance, including repeated issues with animals escaping from fenced areas.
  - (e) Failure to maintain appropriate insurance coverage throughout the duration of the permit.
  - (f) Failure to adhere to parcel size, stocking rate, stocking duration or fencing requirements.
- D. **Authority.** Administrative implementation of state statutes, city ordinances and city policies.

Section 2. Effective date. The effective date of this ordinance shall be the 10<sup>th</sup> day of March, 2024.

The following summary is approved by the City council and shall be published in lieu of publishing the entire ordinance pursuant to Minnesota Statutes Section 412.191:

PUBLIC NOTICE

WHEREAS, Chapter 51.93, Temporary Goat Grazing for Vegetation Management, has been added to the Fergus Falls City Code by Ordinance No. 52, Eighth Series, which ordinance has been duly adopted by the City Council; and,

WHEREAS, Said ordinance is lengthy and the Council has therefore determined that, pursuant to City Charter Section 4.04, Subd. 2, publication of the title and summary of said ordinance would clearly inform the public of the intent and effect of the ordinance; and,

WHEREAS, The Council, by at least four-fifths of its members, has directed that only the title of the ordinance and a summary be published and that printed copies of the ordinance be

available for inspection by any person during regular office hours at the office of the City Administrator and also at the public library where the entire text of said ordinance is posted.

NOTICE IS HEREBY GIVEN, that the title of Ordinance No. 52, Eighth Series, is as follows:

**AN ORDINANCE OF THE CITY OF FERGUS FALLS, MINNESOTA,  
ADDING CHAPTER 91.53, TEMPORARY GOAT GRAZING FOR  
VEGETATION MANAGEMENT, TO THE CITY CODE.**

NOTICE IS FURTHER GIVEN, that a summary of Ordinance No. 52, Eighth Series, is as follows:

Section 1 provides:

- A. Purpose and need for policy.
- B. Policy.
- C. Procedure.
- D. Authority.

Section 2 provides for the effective date.

NOTICE IS FURTHER GIVEN, that the Council has approved the text of the foregoing summary and determines that it clearly informs the public of the intent and effect of the ordinance.

THIS ORDINANCE was introduced on the 5<sup>th</sup> day of February 2024, and adopted by the City Council of the City of Fergus Falls, Minnesota, on the 20<sup>th</sup> day of February 2024, by the following vote:

AYES: Hicks, Fish, Job, Kvamme, Rufer, Kremeier, Thompson, Rachels

NAYS: None

ATTEST:

APPROVED:

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City Administrator

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Mayor

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