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ORDINANCE 71     ANIMALS

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Section 71.01: DEFINITIONS.

Subd. 1: At Large. Shall mean when an animal is off the property of the Person owning, harboring or keeping the animal and it is not under restraint.

Subd. 2: Citation. Shall mean a notice or complaint issued by the Police Department to the Owner of any animal apprising the Owner of one or more violations of this Ordinance.

Subd. 3: Kenel. Shall mean a place where more than three (3) dogs over six (6) months of age are kept.

Subd. 4: Owner. Shall mean any Person owning, keeping, harboring or acting as custodian of a dog or other domesticated animal.

Subd. 5: Permit. Shall mean a written warrant or license granted by one having authority.

Subd. 6: Premises. Means any building, structure, shelter or land where animals are kept or confined.

Subd. 7: Under Restraint. Shall mean when an animal is on the premises of the Person harboring or keeping the animal or if it is at heel beside a Person having custody of it or obedient to that Person's command, or is within a private motor vehicle of a Person, owning, harboring or keeping the animal, or is controlled by a leash not exceeding six (6) feet in length.

Subd. 8: Veterinary Hospital. Means a place for the treatment, hospitalization, surgery, care and boarding of animals and birds owned and operated by a licensed veterinarian.

Section 71.02: PROHIBITED BEHAVIOR. It shall be a violation of this Ordinance for which the owner or keeper shall be held responsible, for any animal that does any of the following:

- a) Repeatedly runs at large.
- b) Trespasses on, damages or destroys the property of anyone other than its Owner.
- c) Has an infectious disease or other condition for which the owner has not sought appropriate veterinary care.

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- d) Causes fouling of the air by odors.
- e) Causes unsanitary conditions of enclosures or surroundings.
- f) Is offensive or dangerous to the public health, safety or welfare.
- g) Makes disturbing barks, noises or sounds.
- h) Molests passer(s)by or passing vehicles.
- i) Attacks other domestic animals.
- j) Has been designated by the Police Department to be a public nuisance animal by virtue of being a menace to the public health, welfare and safety.
- k) Has been designated a dangerous dog pursuant to Minn.Stat. 347.50, et seq. (as may be amended), for which the owner has not obtained a certificate of registration, has failed to tag, or has not posted the property where the dog is kept with the warning symbols provided by the City.

Section 71.02 amended 10/7/09

Section 71.03. EXOTIC ANIMALS. It shall be unlawful to keep or permit any wild, undomesticated or exotic animal to remain within the City limits.

Subd. 1: Wild Animal, Undomesticated Animal, or Exotic Animal. Means any mammal, amphibian, reptile, or bird, which is of a species usually not domesticated, or a species which, due to size, wild nature, or other characteristic, is dangerous to humans. By way of example, and not of limitation, the term includes: skunks, bears, snakes, alligators, crocodiles, bats, weasels, ferrets, raccoons, badgers, foxes, non-human primates such as monkeys, chimpanzees, and orangutans; hooved animals such as deer and bison may be permitted by special permit; excepted from this are common farm animals, such as horses, cows, sheep, pigs, or goats; also prohibited are large cats or members of the cat family Felidae, such as lions, tigers, jaguars, leopards, panthers, cougars, bobcats, and ocelots, except commonly accepted domestic cats; and any member of the dog family Canidae, such as wolves, dingos, wolverines, coyotes, and jackals, except domesticated dogs. This term also includes crossbreeds such as dog-coyote cross or a dog-wolf cross.

Subd. 2: This Section does not apply to animals which are temporarily brought into the City to participate in any circus or show; nor does it apply to any public zoo, or persons keeping animals for a public zoo as volunteers; nor to any bona fide research institution or veterinary hospital; nor a pet store operating in a commercial area; nor to any animal humane society or animal shelter; nor to any public or private school or university; as long as protective devices adequate to prevent such animals from escaping or injuring the public are provided

Section 71.04: ENFORCEMENT. The Police Department shall enforce this Ordinance under the Mayor or City Council's direction.

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Section 71.05: RIGHT OF ENTRY. The Police Department may enter upon any premises at all reasonable times to discharge their duties under this Ordinance where there is a reasonable belief that a violation of this Ordinance has accrued.

Section 71.06: KENNELS. No kennels shall be permitted within the City limits.

Section 71.07: RUNNING AT LARGE PROHIBITION. No animals shall be permitted to run at large within the City limits. Any female animal when in season shall be confined indoors or in a secure enclosure so that she will not be in contact, except for intentional breeding purposes, with another animal, nor create a nuisance by attracting other animals. If an animal is found at large, and the owner or custodian can be identified, the Police Department or City may proceed against the owner for violating this Ordinance.

Section 71.07 amended 10/7/09

Section 71.08: DANGEROUS OR VICIOUS ANIMALS. Every fierce, dangerous or vicious animal shall be confined by its owner within a building or securely enclosed and locked pen or structure suitable to prevent the animal from escaping (which provides the animal protection from the elements) and shall not be taken out of the building or secure covered enclosure unless securely muzzled and restrained on a substantial chain or leash under the physical restraint of a responsible person. This section is applicable to any dog that is designated as a dangerous dog in accordance with Minn.Stat. 347.50 et seq., as may be amended. A dog shall not be considered fierce or vicious based solely upon a specific breed of the dog.

Section 71.08 amended 10/7/09

Section 71.09: ABANDONMENT. No Person shall abandon any dog or other animal within the City.

Section 71.10: PERMITS REQUIRED.

Subd. 1: Application and Fee. No Person shall own, keep or harbor any dog or canine animal over the age of six (6) months within the City without first securing a permit from the City Clerk/Administrator for the fee established in Appendix A. Each permit applicant shall pay the permit fee to the City Clerk/Administrator on or before May 1 of each year or the fee will double. All permits shall expire on April 30th of each year. Animal permits shall not be transferrable. This Section shall not apply to any humane society, veterinary hospital or laboratory.

Subd. 2: Duration and Revocation.

- a) A permit shall be valid for one (1) year, if not revoked.
- b) Every Owner shall obtain a new permit each year and pay a new fee.

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- c) The Council may revoke any permit if the Person holding the permit refuses to or fails to comply with this Ordinance, or any State law governing cruelty to animals or the keeping of animals. Any Person whose permit is revoked shall within fifteen (15) days, remove the animal permanently from the City and no part of the permit fee shall be refunded.
- d) The City may revoke an animal permit if an Owner fails to provide the animal with sufficient food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment.
- e) If any Person violates this Ordinance three (3) times in one (1) permit year, the Person's permit to own, keep, harbor or have custody of animal(s) for which the offense was cited shall be automatically revoked, and the City shall not issue a new permit for a period of one (1) year from the date the permit is revoked.

Section 71.11: TAGS. Upon receipt of the permit fee, the City Clerk/Administrator shall give a metallic tag to the Person paying the permit fee. The owner of the animal for which the tag was obtained shall permanently attach the tag to the animal's collar in a manner so that the tag may be readily seen. The tag is not transferable to any other animal or to a new owner of the animal. If a tag is lost or stolen, the Owner may obtain a new tag by surrendering the receipt for the first tag and by paying an additional fee the Council determines.

### Section 71.12: RABIES VACCINATION.

Subd. 1: Evidence of Vaccination. Before any license or permit may be issued for an animal, the owner or keeper of the animal must provide satisfactory evidence to show that the animal for whom the license is sought, has been properly vaccinated for rabies within two (2) years immediately preceding issuance of the license. Any animals not so vaccinated and tagged may be impounded and destroyed.

Subd. 2: Seizure. Any animal which has bitten a person in the City may be immediately seized, whether on, off or in the owner's premises, and impounded for a period of time necessary to determine if said animal has been infected with rabies or other contagious diseases with all costs incident to and part of impoundment to be paid by the owner of said animal.

Subd. 3: Disposition. If the animal is determined to be rabid, the animal shall be destroyed under direction of the City Health Officer or any person acting as the City Health Officer. If determined not to be rabid, the animal shall be returned to its owner upon payment of impoundment costs. If the owner fails to pay the impoundment costs within three (3) days of receiving written notice of the amount due, the animal shall be disposed of with the cost of disposal to be paid by owner or sold for the impoundment costs.

### Section 71.13: IMPOUNDMENT.

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Subd. 1: Duration and Notification. The Police Department or Humane Society shall take up and impound any dogs or animals requiring permits; or any dogs or animals violating this Ordinance. Animals shall be impounded in an animal shelter and confined in a humane manner. Impounded animals shall be kept for not less than five (5) days, not including Sundays and holidays, unless reclaimed by their owners. If the owner can be identified, the Police Department or Humane Society shall immediately upon impoundment notify the owner by telephone or mail of the impoundment.

Subd. 2: Redemption. The owner may redeem any dog or animal for which the Owner has a current permit from the pound after paying an impounding fee established in Appendix A plus feeding and care fee for each day the animal is confined in the pound to the Police Department, who shall turn over all money received to the City Clerk/Administrator for placement in the general fund.

Subd. 3: Unclaimed Impounded Animals. Any dog or animal which is not claimed within five (5) days after impounding, not including Sundays or holidays, may be sold for not less than the amount of the total charges accrued against the animal to anyone desiring to purchase the dog, if not requested by a licensed educational or scientific institution under Minnesota Statutes Section 35.71, as amended. All sums received by the Police Department shall be turned over to the City Clerk/Administrator and placed in the General Fund and the animal's owner shall be responsible for any unpaid impound fees. Any dog or animal which is not claimed by the owner or by a licensed educational or scientific institution shall be painlessly put to death and the body properly disposed of by the Police Department or its designee, and the animal's owner shall be responsible for the costs and any unpaid impound fees. The time of sale or other disposition of the dog or animal shall be at least one hundred twenty (120) hours after notice has been given to the known animal owner.

Section 71.14: ANIMAL BITES. Any Person knowing of a human being bit by a dog, cat, raccoon, skunk or other rabies susceptible animal species shall immediately notify the Police Department to kill or destroy the dog or animal.

Section 71.15: COMPLAINTS. Any Person complaining to the Police Department that a dog or other animal is allegedly running at large or otherwise constituting a danger or nuisance shall identify themselves upon request and shall make every reasonable attempt to assist the authorities in identifying the animal and its owner or custodian.

Section 71.16: MUZZLING PROCLAMATION. Whenever the prevalence of hydrophobia renders such action necessary to protect the public health and safety, the Mayor shall issue a proclamation ordering every Person owing or keeping a dog to confine it securely on his premises unless it is muzzled so that it cannot bite. No Person shall violate such proclamation and any unmuzzled dog running at large during the time fixed in the proclamation shall be killed by the Police Department without notice to the Owner.

Section 71.17: BEEKEEPING PROHIBITED. Bees are prohibited within the City limits.

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Section 71.18: PENALTY. Except as otherwise provided in Minn. Stat. 347.55 any person who violates the provisions of this Ordinance shall be guilty of a petty misdemeanor upon the first offense and a misdemeanor upon the second and subsequent offenses. Each day in which a violation occurs shall be punishable as a separate offense. Fines for violations are as established by the City Council in Appendix A.

Section 71.18 amended on 10/7/09

Section 71.19: OTHER FEES FOR DANGEROUS DOGS. Annual registration fees and fees for providing warning symbols for dogs designated as dangerous dogs shall be established by the City Council in Appendix A.

Section 71.19 adopted 10/7/09