

## CHAPTER 91: ANIMALS

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### § 91.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ANIMAL.** Any mammal, reptile, amphibian, fish, bird (including all fowl and poultry) or other member commonly accepted as a part of the animal kingdom. Animals shall be classified as follows:

(1) **DOMESTIC ANIMALS.** Those animals commonly accepted as domesticated household

pets. Unless otherwise defined, domestic animals shall include dogs, cats, caged birds, gerbils, hamsters, guinea pigs, domesticated rabbits, fish, non-poisonous, non-venomous and non-constricting reptiles or amphibians, and other similar animals.

(2) FARM ANIMALS. Those animals commonly associated with a farm or performing work in an agricultural setting. Unless otherwise defined, farm animals shall include members of the equine family (horses, mules), bovine family (cows, bulls), sheep, poultry (chickens, turkeys), fowl (ducks, geese), swine (including Vietnamese pot-bellied pigs), goats, bees, ratitae (ostriches and emus), farm raised cervidae (caribous and mule deer), llamas and alpacas and other animals associated with a farm, ranch, or stable.

(3) NON-DOMESTIC ANIMALS. Those animals commonly considered to be naturally wild and not naturally trained or domesticated, or which are commonly considered to be inherently dangerous to the health, safety, and welfare of people. Unless otherwise defined, non-domestic animals shall include:

(a) Any member of the large cat family (family felidae) including lions, tigers, cougars, bobcats, leopards and jaguars, but excluding commonly accepted domesticated house cats.

(b) Any naturally wild member of the canine family (family canidae) including wolves, foxes, coyotes, dingoes, and jackals, but excluding commonly accepted domesticated dogs.

(c) Any crossbreeds such as the crossbreed between a wolf and a dog, unless the crossbreed is commonly accepted as a domesticated house pet.

(d) Any member or relative of the rodent family including any skunk (whether or not descended), raccoon, squirrel, or ferret, but excluding those members otherwise defined or commonly accepted as domesticated pets.

(e) Any poisonous, venomous, constricting, or inherently dangerous member of the reptile or amphibian families including rattlesnakes, boa constrictors, pit vipers, crocodiles and alligators.

(f) Any other animal which is not explicitly listed above but which can be reasonably defined by the terms of this section, including but not limited to bears, deer, monkeys and game fish.

AT LARGE. Off the premises of the owner and not under the custody and control of the owner or other person, either by leash, cord, chain, or otherwise restrained or confined.

CAT. Both the male and female of the felidae species commonly accepted as domesticated household pets.

DOG. Both the male and female of the canine species, commonly accepted as domesticated household pets, and other domesticated animals of a dog kind.

OWNER. Any person or persons, firm, association or corporation owning, keeping, or harboring an animal

RELEASE PERMIT. A permit issued by the Animal Control Officer or other person in charge of the pound for the release of any animal that has been taken to the pound. A release permit may be obtained upon payment of a fee to the City Clerk in accordance with the regular license requirement if the animal is unlicensed, payment of a release fee, and any maintenance costs incurred in capturing and impounding the animal. The release fee shall be as established in the Ordinance Establishing Fees and Charges adopted pursuant to § 30.11, as it may be amended from time to time

§ 91.02 DOGS AND CATS.

(A) Running at large prohibited. It shall be a violation of this code for the dog or cat of any person who owns, harbors, or keeps a dog or cat, to run at large. A person, who owns, harbors, or keeps a dog or cat which runs at large shall be guilty of a petty misdemeanor. Dogs or cats on a leash and accompanied by a responsible person or accompanied by and under the control and direction of a responsible person, so as to be effectively restrained by command as by leash, shall be permitted in streets or on public land unless the city has posted an area with signs reading "Dogs or Cats Prohibited."

(B) Vaccination.

(1) All dogs and cats kept harbored, maintained, or transported within the city shall be vaccinated at least once every three years by a licensed veterinarian for:

- (a) Rabies of the modified live vaccine type; and
- (b) Distemper.

(2) A certificate of vaccination must be kept stating the date of vaccination, owner's name and

address, the animal's name (if applicable), sex, description and weight, the type of vaccine, and the veterinarian's signature. Upon demand made by the City Clerk, the Animal Control Officer or police officer, the owner shall present for examination the required certificate(s) of vaccination for the animal(s).

In cases where certificates are not presented, the owner or keeper of the animal(s) shall have seven days in which to present the certificate(s) to the City Clerk or officer. Failure to do so shall be deemed a violation of this section.

Penalty, see § 91.99

**§ 91.03 NON-DOMESTIC ANIMALS.**

Except as provided in M.S. § 346.155, as it may be amended from time to time, it shall be illegal for any person to own, possess, harbor, or offer for sale, any non-domestic animal within the city. Any owner of a non-domestic animal at the time of adoption of this code shall have 30 days in which to remove the animal from the city after which time the city may impound the animal as provided for in this section. An exception shall be made to this prohibition for animals specifically trained for and actually providing assistance to the handicapped or disabled, and for those animals brought into the city as part of an operating zoo, veterinarian clinic, scientific research laboratory, or a licensed show or exhibition.

Penalty, see § 91.99

**§91.04 FARM ANIMALS.**

Farm animals shall only be kept on a residential lot of at least ten acres in size provided that no animal shelter shall be within 300 feet of an adjoining piece of property. An exception shall be made to this section for those animals brought into the city as part of an operating zoo, veterinarian clinic, scientific research laboratory, or a licensed show or exhibition.

**§ 91.05 IMPOUNDING.**

(A) Running at large. Any animal running at large is hereby declared a public nuisance. Any Animal Control Officer or police officer may impound any dog or other animal found running at large and shall give notice of the impounding to the owner of the dog or other animal, if known. The Animal Control Officer or police officer shall not enter the property of the owner of an

animal found running at large unless the officer has first obtained the permission of the owner to do so or has obtained a warrant issued by a court of competent jurisdiction, as provided for in § 10.20, to search for and seize the animal. In case the owner is unknown, the officer shall post notice at the city office that if the dog or other animal is not claimed within the time specified in division (C) of this section, it will be sold or otherwise disposed of. Except as otherwise provided in this section, it shall be a violation of this code to kill, destroy, or otherwise cause injury to any animal, including dogs and cats running at large.

(B) Biting animals. Any animal that has not been inoculated by a live modified rabies vaccine and which has bitten any person, wherein the skin has been punctured or the services of a doctor are required, shall be confined in the city pound for a period of not less than ten days, at the expense of the owner. The animal may be released at the end of the time if healthy and free from symptoms of rabies, and by the payment of all costs by the owner. However, if the owner of the animal shall elect immediately upon receipt of notice of need for the confinement by the officer to voluntarily and immediately confine the animal for the required period of time in a veterinary hospital of the owner's choosing, not outside of the county in which this city is located, and provide immediate proof of confinement in the manner as may be required, the owner may do so. If, however, the animal has been inoculated with a live modified rabies vaccine and the owner has proof of the vaccination by a certificate from a licensed veterinarian, the owner may confine the dog or other animal to the owner's property.

(C) Reclaiming. For the purposes of this section regular business day means a day during which the establishment having custody of the animal is open to the public at least four consecutive hours between 8:00 a.m. and 7:00 p.m. All animals conveyed to the pound shall be kept, with humane treatment and sufficient food and water for their comfort, at least five regular business days, unless the animal is a dangerous animal as defined under § 91.11 in which case it shall be kept for seven regular business days or the times specified in § 91.11, and except if the animal is a cruelly-treated animal in which case it shall be kept for ten regular business days, unless sooner reclaimed by their owners or keepers as provided by this section. In case the owner or keeper

shall desire to reclaim the animal from the pound, the following shall be required, unless otherwise provided for in this code or established from time to time by resolution of the City Council:

(1) Payment of the release fee and receipt of a release permit as established by the Ordinance Establishing Fees and Charges adopted pursuant to § 30.11 of this code, as that ordinance may be amended from time to time.

(2) Payment of maintenance costs, as provided by the pound, per day or any part of day while animal is in the pound; and

(D) Unclaimed animals. At the expiration of the times established in division (C) of this section, if the animal has not been reclaimed in accordance with the provisions of this section, the officer appointed to enforce this section may dispose of the unclaimed animal in a manner permitted by law. Any money collected under this section shall be payable to the City Clerk.

Penalty, see § 91.99

### § 91.06 KENNELS.

(A) Definition of kennel. The keeping of three or more dogs on the same premises, whether owned by the same person or not and for whatever purpose kept, shall constitute a “kennel”; except that a fresh litter of pups may be kept for a period of three months before that keeping shall be deemed to be a “kennel.”

(B) Kennel as a nuisance. Because the keeping of three or more dogs on the same premises is subject to great abuse, causing discomfort to persons in the area by way of smell, noise, hazard, and general aesthetic depreciation, the keeping of three or more dogs on the premises is hereby declared to be a nuisance and no person shall keep or maintain a kennel within the city.

Penalty, see § 91.99

### § 91.07 NUISANCES.

(A) Habitual barking. It shall be a violation of this code for any person to keep or harbor a dog which habitually barks or cries. Habitual barking shall be defined as barking for repeated intervals of at least five minutes with less than one minute of interruption. The barking must also be audible off of the owner's or caretaker's premises.

(B) Damage to property. It shall be a violation of this code for any person's dog or other animal to

damage any lawn, garden, or other property, whether or not the owner has knowledge of the damage.

(C) Cleaning up litter. The owner of any animal or person having the custody or control of any animal shall be responsible for cleaning up any feces of the animal and disposing of the feces in a sanitary manner whether on their own property, on the property of others or on public property.

(D) Warrant required. The Animal Control Officer or police officer shall not enter the property of the owner of an animal described in this section unless the officer has first obtained the permission of the owner to do so or has obtained a warrant issued by a court of competent jurisdiction, as provided for in § 10.20, to search for and seize the animal.

### § 91.08 SEIZURE OF ANIMALS.

Any police officer or Animal Control Officer may enter upon private property and seize any animal with the permission of the owner of the property, if that person is also the owner of the animal, provided that the following exist:

(A) There is an identified complainant other than the police officer or Animal Control Officer making a contemporaneous complaint about the animal;

(B) The officer reasonably believes that the animal meets either the barking dog criteria set out in § 91.07(A); the criteria for cruelty set out in § 91.13; or the criteria for an at large animal set out in § 91.02(A);

(C) The officer can demonstrate that there has been at least one previous complaint of a barking dog; inhumane treatment of the animal; or that the animal was at large at this address on a prior date;

(D) The officer has made a reasonable attempt to contact the owner of the animal and the property to be entered and those attempts have either failed or have been ignored;

(E) The Animal Control Officer or police officer shall not enter the property of the owner of an animal described in this section unless the officer has first obtained the permission of the owner to do so or has obtained a warrant issued by a court of competent jurisdiction, as provided for in § 10.20, to search for and seize the animal. If the officer has the permission of the owner, a property manager, landlord, innkeeper, or other authorized person to enter the property or has obtained a pass key from a property manager, landlord, innkeeper, or other authorized person to have that key shall not be considered unauthorized entry, and a warrant to search for and seize the animal need not be obtained; and

(F) Written notice of the seizure is left in a conspicuous place if personal contact with the owner of the animal is not possible.

**§ 91.09 ANIMALS PRESENTING A DANGER TO HEALTH AND SAFETY OF CITY.**

If, in the reasonable belief of any person or the Animal Control Officer or police officer, an animal presents an immediate danger to the health and safety of any person, or the animal is threatening imminent harm to any person, or the animal is in the process of attacking any person, the person or officer may destroy the animal in a proper and humane manner whether or not the animal is on the property of its owner. Otherwise, the person or officer may apprehend the animal and deliver it to the pound for confinement under § 91.05. If the animal is destroyed, the owner or keeper of the animal destroyed shall be liable to the city for the cost of maintaining and disposing of the animal, plus the costs of any veterinarian examination. If the animal is found not to be a danger to the health and safety of the city, it may be released to the owner or keeper in accordance with § 91.05(C).

**§ 91.10 DISEASED ANIMALS.**

(A) Running at large. No person shall keep or allow to be kept on his or her premises, or on premises occupied by them, nor permit to run at large in the city, any animal which is diseased so as to be a danger to the health and safety of the city, even though the animal be properly licensed under this section, and a warrant to search for and seize the animal is not required.

(B) Confinement. Any animal reasonably suspected of being diseased and presenting a threat to the health and safety of the public, may be apprehended and confined in the pound by any person, the Animal Control Officer or a police officer. The officer shall have a qualified veterinarian examine the animal. If the animal is found to be diseased in a manner so as to be a danger to the health and safety of the city, the officer shall cause the animal to be painlessly killed and shall properly dispose of the remains. The owner or keeper of the animal killed under this section shall be liable to the city for the cost of maintaining and disposing of the animal, plus the costs of any veterinarian examinations.

(C) Release. If the animal, upon examination, is not found to be diseased the animal shall be released to the owner or keeper free of charge.

Penalty, see § 91.99

**§ 91.11 DANGEROUS AND POTENTIALLY DANGEROUS DOGS.**

(A) Adoption by reference. The provisions of M.S. §§ 347.50 to 347.565 are adopted by reference and govern dangerous animals in the City, except that the word "animal" is substituted for the word "dog" wherever it appears in those statutes. Authorized city personnel will determine whether an animal is dangerous or potentially dangerous.



(B) Determination of Potentially Dangerous Dog. The authorized city personnel shall determine that a dog is potentially dangerous if they believe, based upon professional judgment, that a dog:

(1) has, when unprovoked, inflicted bites on a human or a domestic animal on public or private property;

(2) has, when unprovoked, chased or approached a person, including a person on a bicycle, upon the streets, sidewalks, or any public or private property, other than the dog owner's property, in an apparent attitude of attack, or

(3) has a known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.

(C) Notice of Potentially Dangerous Dog; Right to Appeal. Upon a determination by the authorized city personnel that a dog is potentially dangerous, the police department shall provide the owner with notice of the determination by personally serving the owner or a person of suitable age at the residence of such owner. The notice shall describe the dog deemed to be potentially dangerous, shall identify the authorized city personnel making the determination, shall inform the owner of the owner's right to appeal, and shall inform the owner of the obligations imposed by division (D) of this section.

(D) Regulation of Potentially Dangerous Dogs. The owner of a potentially dangerous dog shall confine the dog in a proper enclosure while on the owner's property. If the dog is outside the proper enclosure, the dog must be muzzled and restrained by a leash no longer than four feet in length and under the physical restraint of a responsible person. In addition, the owner of a potentially dangerous dog must post on the owner's property and on the dog's kennel and proper enclosure a sign warning person of the presence of a potentially dangerous dog. The sign shall be no smaller than 12 inches by 14 inches and shall read "Beware of Dangerous Dog" in letters at least two inches in height. The owner has the right to appeal the decision to the city council.

(E) Determination of Dangerous Dog. The authorized city personnel shall determine that a dog is a dangerous dog if they believe, based upon professional judgment that a dog:

(1) has, without provocation, inflicted substantial bodily harm on a human being on public or private property;

(2) has killed a domestic animal without provocation while off the owner's property; or

(3) has been found to be potentially dangerous, and after the owner has notice that the dog is potentially dangerous, the dog aggressively bites, attacks, or endangers the safety of humans or domestic animals.

(F) Exemption. Dogs may not be declared dangerous if the threat, injury, or damage was sustained

by a person:

(1) who was committing, at the time, a willful trespass or other tort upon the premises occupied by the owner of the dog;

(2) who was provoking, tormenting, abusing, or assaulting the dog or who can be shown to have repeatedly, in the past, provoked, tormented, abused, or assaulted the dog; or

(3) who was committing or attempting to commit a crime.

(G) Notice of Dangerous Dog. Upon a determination by the authorized city personnel that a dog is dangerous, the police department shall provide a notice to the owner of the dog by personally serving the owner or a person of suitable age at the residence of such owner. The notice shall describe the dog deemed to be dangerous, shall identify the officer making the determination, shall inform the owner of the owner's right to appeal within ten days after receipt of the notice, and shall inform the owner of the obligations imposed by M.S. §§ 347.50 to 347.54 and by this subsection. Immediately upon receipt of the notice the owner shall comply with all requirements imposed under division (D) of this section.

(H) Appeal of Determination. An owner may appeal a determination that a dog is potentially dangerous or dangerous by filing a written request for a hearing to the city clerk within ten days of the owner's receipt of the notice. If no timely appeal is filed, the owner of a potentially dangerous dog shall comply with the requirements of division (D) of this section, and the owner of a dangerous dog shall comply with the requirements set forth in M.S. §§ 347.50 to 347.54, including but not limited to the registration of the dangerous dog with the county auditor. If an owner files a timely appeal, a hearing shall be held within 30 days after the city's receipt of the appeal. Pending the appeal, the owner shall comply with all of the requirements of division (D) of this section. The city council may hear the appeal or may refer the appeal to a hearing examiner. After considering all of the evidence submitted, the city council or hearing examiner shall make written findings of fact and reach a conclusion whether the dog is a potentially dangerous or dangerous dog. The findings and conclusions shall be made within ten working days after the hearing and shall be thereafter personally served upon the owner or a person of suitable age at the residence

of such owner. The decision of the city council or hearing examiner shall be the final decision of the city.

(I) Emergency. Any dog which is diseased, vicious, dangerous, rabid, or exposed to rabies and which cannot be taken up and impounded without serious risk to the person or persons attempting to take up the dog, may be killed upon order of the chief of police

## § 91.12 DANGEROUS ANIMALS (EXCLUDING DOGS).

(A) Attack by an animal. It shall be a violation of this code for any person's animal to inflict or attempt to inflict bodily injury to any person or other animal whether or not the owner is present. This section shall not apply to dogs as regulated by § 91.11.

(B) Destruction of dangerous animal. The Animal Control Officer shall have the authority to order the destruction of dangerous animals in accordance with the terms established by this chapter.

(C) Definitions. For the purpose of this division, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) DANGEROUS ANIMAL. An animal which has:

- (a) Caused bodily injury or disfigurement to any person on public or private property;
- (b) Engaged in any attack on any person under circumstances which would indicate danger to personal safety;
- (c) Exhibited unusually aggressive behavior, such as an attack on another animal;
- (d) Bitten one or more persons on two or more occasions; or
- (e) Been found to be potentially dangerous and/or the owner has personal knowledge of the same, the animal aggressively bites, attacks, or endangers the safety of humans or domestic animals.

(2) POTENTIALLY DANGEROUS ANIMAL. An animal which has:

- (a) Bitten a human or a domestic animal on public or private property;
- (b) When unprovoked, chased or approached a person upon the streets, sidewalks, or any public property in an apparent attitude of attack; or
- (c) Has engaged in unprovoked attacks causing injury or otherwise threatening the safety of humans or domestic animals.

(3) PROPER ENCLOSURE. Securely confined indoors or in a securely locked pen or structure suitable to prevent the animal from escaping and to provide protection for the animal from the elements. A proper enclosure does not include a porch, patio, or any part of a house, garage, or other structure that would allow the animal to exit of its own volition, or any house or structure in which windows are open or in which door or window screens are the only barriers which prevent the animal from exiting. The enclosure shall not allow the egress of the animal in any manner without human assistance. A pen or kennel shall meet the following minimum specifications:

- (a) Have a minimum overall floor size of 32 square feet.
- (b) Sidewalls shall have a minimum height of five feet and be constructed of 11-gauge or heavier wire. Openings in the wire shall not exceed two inches, support posts shall be 1¼-inch or larger steel pipe buried in the ground 18 inches or more. When a concrete floor is not provided, the sidewalls shall be buried a minimum of 18 inches in the ground.
- (c) A cover over the entire pen or kennel shall be provided. The cover shall be constructed

of the same gauge wire or heavier as the sidewalls and shall also have no openings in the wire greater than two inches.

(d) An entrance/exit gate shall be provided and be constructed of the same material as the sidewalls and shall also have no openings in the wire greater than two inches. The gate shall be equipped with a device capable of being locked and shall be locked at all times when the animal is in the pen or kennel.

(4) UNPROVOKED. The condition in which the animal is not purposely excited, stimulated, agitated or disturbed.

(D) Designation as potentially dangerous animal. The Animal Control Officer shall designate any animal as a potentially dangerous animal upon receiving evidence that the potentially dangerous animal has, when unprovoked, then bitten, attacked, or threatened the safety of a person or a domestic animal as stated in division (C)(2). When an animal is declared potentially dangerous, the Animal Control Officer shall cause one owner of the potentially dangerous animal to be notified in writing that the animal is potentially dangerous.

(E) Evidence justifying designation. The Animal Control Officer shall have the authority to designate any animal as a dangerous animal upon receiving evidence of the following:

(1) That the animal has, when unprovoked, bitten, attacked, or threatened the safety of a person or domestic animal as stated in division (C)(1).

(2) That the animal has been declared potentially dangerous and the animal has then bitten, attacked, or threatened the safety of a person or domestic animal as stated in division (C)(1).

(F) Authority to order destruction. The Animal Control Officer, upon finding that an animal is dangerous hereunder, is authorized to order, as part of the disposition of the case, that the animal be destroyed based on a written order containing one or more of the following findings of fact:

(1) The animal is dangerous as demonstrated by a vicious attack, an unprovoked attack, an attack without warning or multiple attacks; or

(2) The owner of the animal has demonstrated an inability or unwillingness to control the animal in order to prevent injury to persons or other animals.

(G) Procedure. The Animal Control Officer, after having determined that an animal is dangerous, may proceed in the following manner: The Animal Control Officer shall cause one owner of the animal to be notified in writing or in person that the animal is dangerous and may order the animal seized or make orders as deemed proper. This owner shall be notified as to dates, times, places and parties bitten, and shall be given 14 days to appeal this order by requesting a hearing before the City Council for a review of this determination.

(1) If no appeal is filed, the Animal Control Officer shall obtain an order or warrant authorizing

the seizure and the destruction of the animal from a court of competent jurisdiction, unless the animal is already in custody or the owner consents to the seizure and destruction of the animal.

(2) If an owner requests a hearing for determination as to the dangerous nature of the animal, the hearing shall be held before the City Council, which shall set a date for hearing not more than three weeks after demand for the hearing. The records of the Animal Control or City Clerk's office shall be admissible for consideration by the Animal Control Officer without further foundation. After considering all evidence pertaining to the temperament of the animal, the City Council shall make an order as it deems proper. The City Council may order that the Animal Control Officer take the animal into custody for destruction, if the animal is not currently in custody. If the animal is ordered into custody for destruction, the owner shall immediately make the animal available to the Animal Control Officer. If the owner does not immediately make the animal available, the Animal Control Officer shall obtain an order or warrant authorizing the seizure and the destruction of the animal from a court of competent jurisdiction.

(3) No person shall harbor an animal after it has been found by to be dangerous and ordered into custody for destruction.

(H) Stopping an attack. If any police officer or Animal Control Officer is witness to an attack by an animal upon a person or another animal, the officer may take whatever means the officer deems appropriate to bring the attack to an end and prevent further injury to the victim.

(I) Notification of new address. The owner of an animal which has been identified as dangerous or potentially dangerous shall notify the Animal Control Officer in writing if the animal is to be relocated from its current address or given or sold to another person. The notification shall be given in writing at least 14 days prior to the relocation or transfer of ownership. The notification shall include the current owner's name and address, the relocation address, and the name of the new owner, if any.

(J) Dangerous animal requirements.

(1) Requirements. If the City Council does not order the destruction of an animal that has been declared dangerous, the City Council may, as an alternative, order any or all of the following:

(a) That the owner provide and maintain a proper enclosure for the dangerous animal as specified in § 91.12(C)(3);

(b) Post the front and the rear of the premises with clearly visible warning signs, including a warning symbol to inform children, that there is a dangerous animal on the property;

(c) Provide and show proof annually of public liability insurance in the minimum amount of \$300,000;

(d) If the animal is outside the proper enclosure, the animal must be muzzled (if physically possible depending on the type of animal) and restrained by a substantial chain or leash (not to exceed six

feet in length) and under the physical restraint of a person 16 years of age or older. The muzzle must be of a design as to prevent the animal from biting any person or animal, but will not cause injury to the animal or interfere with its vision or respiration;

(e) The animal shall have a microchip implant as provided by M.S. § 347.515, as it may be amended from time to time;

(f) All animals deemed dangerous by the Animal Control Officer shall be registered with the county in which this city is located within 14 days after the date the animal was so deemed and provide satisfactory proof thereof to the Animal Control Officer.

(g) If the animal is a cat or ferret, it must be up to date with rabies vaccination.

(2) Seizure. As authorized by M.S. § 347.54, as it may be amended from time to time, the Animal Control Officer shall immediately seize any dangerous animal if the owner does not meet each of the above requirements within 14 days after the date notice is sent to the owner that the animal is dangerous. Seizure may be appealed to district court by serving a summons and petition upon the city and filing it with the district court.

(3) Reclaiming animals. A dangerous animal seized under § 91.12(J)(2), may be reclaimed by the owner of the animal upon payment of impounding and boarding fees and presenting proof to animal control that each of the requirements under § 91.12(J)(1), is fulfilled. An animal not reclaimed under this section within 14 days may be disposed of as provided under § 91.12(F), and the owner is liable to the city for costs incurred in confining and impounding the animal.

(D) Subsequent offenses. If an owner of an animal has subsequently violated the provisions under § 91.12 with the same animal, the animal must be seized by animal control. The owner may request a hearing as defined in § 91.12(G). If the owner is found to have violated the provisions for which the animal was seized, the Animal Control Officer shall order the animal destroyed in a proper and humane manner and the owner shall pay the costs of confining the animal. If the person is found not to have violated the provisions for which the animal was seized, the owner may reclaim the animal under the provisions of § 91.12(J)(3). If the animal is not yet reclaimed by the owner within 14 days after the date the owner is notified that the animal may be reclaimed, the animal may be disposed of as provided under § 91.12(F) and the owner is liable to the animal control for the costs incurred in confining, impounding and disposing of the animal

### § 91.13 BASIC CARE.

(A) All animals shall receive from their owners or keepers kind treatment, housing in the winter, and sufficient food and water for their comfort. Any person not treating their pet in a humane manner will be

subject to the penalties provided in this section.

(B) Dogs and cats. Dogs and cats must be provided the following basic care.

(1) Food. Dogs and cats must be provided with food of sufficient quantity and quality to allow for normal growth or the maintenance of body weight. Feed standards shall be those recommended by the National Research Council.

(2) Water. Dogs and cats must be provided with clean, potable water in sufficient quantity to satisfy the animal's needs or supplied by free choice. Snow or ice is not an adequate water source.

(3) Transportation and shipment. When dogs or cats are transported in crates or containers, the crates or containers must be constructed of nonabrasive wire or a smooth, durable material suitable for the animals. Crates and containers must be clean, adequately ventilated, contain sufficient space to allow the animals to turn around, and provide maximum safety and protection to the animals. Exercise for 20 to 30 minutes and water must be provided at least once every eight hours. Food must be provided at least once every 24 hours or more often, if necessary, to maintain the health and condition of the animals.

(4) Shelter size. A confinement area must provide sufficient space to allow each animal to turn about freely and to easily stand, sit, and lie in a normal position. Each confined animal must be provided a minimum square footage of floor space as measured from the tip of its nose to the base of its tail, plus 25%, expressed in square feet. The formula for computing minimum square footage is: (length of animal plus 25%) times (length of animal plus 25%), divided by 144. A shaded area must be provided sufficient to protect the animal from the direct rays of the sun at all times during the months of May to October.

(5) Exercise. All dogs and cats must be provided the opportunity for periodic exercise, either through free choice or through a forced work program, unless exercise is restricted by a licensed veterinarian.

(6) Group housing and breeding. Animals housed together must be kept in compatible groups. Animals must not be bred so often as to endanger their health.

(7) Temperature. Confinement areas must be maintained at a temperature suitable for the animal involved.

(8) Ventilation. An indoor confinement area must be ventilated. Drafts, odors, and moisture condensation must be minimized. Auxiliary ventilation, such as exhaust fans, vents, and air conditioning, must be used when the ambient temperature rises to a level that may endanger the health of the animal.

(9) Lighting. An indoor confinement area must have at least eight hours of illumination sufficient to permit routine inspection and cleaning.

(10) Confinement and exercise area surfaces. Where applicable, the interior surfaces of confinement and exercise areas, including crates or containers, must be constructed and maintained so that

they are substantially impervious to moisture and may be readily cleaned. They must protect the animal from injury and be kept in good repair.

(11) Drainage. Where applicable, a suitable method must be used to rapidly eliminate excess fluids from confinement areas.

(12) Sanitation. Food and water receptacles must be accessible to each animal and located so as to minimize contamination by excreta. Feeding and water receptacles must be kept clean. Disposable food receptacles must be discarded when soiled. Measures must be taken to protect animals from being contaminated with water, wastes, and harmful chemicals. Wastes must be disposed of properly. Where applicable, flushing methods and a disinfectant must be used periodically. Bedding, if used, must be kept clean and dry. Outdoor enclosures must be kept clean and base material replaced as necessary.

(C) Birds, rodent other animals. Basic care provided to pet and companion animal birds, rodents and other shall be consistent with M.S. § 346.40, § 346.41 and §346.42, as those statutes may be amended from time to time.

(D) Dogs and cats in motor vehicles.

(1) Unattended dogs or cats. A person may not leave a dog or a cat unattended in a standing or parked motor vehicle in a manner that endangers the dog's or cat's health or safety.

(2) Removal of dogs or cats. A peace officer, as defined in M.S. § 626.84, as it may be amended from time to time, a humane agent, a dog warden, or a volunteer or professional member of a fire or rescue department of the city may use reasonable force to enter a motor vehicle and remove a dog or cat which has been left in the vehicle in violation of (D)(1). A person removing a dog or a cat under this division shall use reasonable means to contact the owner of the dog or cat to arrange for its return home. If the person is unable to contact the owner, the person may take the dog or cat to an animal shelter.

(E) Dog houses. A person in charge or control of any dog which is kept outdoors or in an unheated enclosure shall provide the dog with shelter and bedding as prescribed in this section as a minimum.

(1) Building specifications. The shelter shall include a moisture proof and windproof structure of suitable size to accommodate the dog and allow retention of body heat. It shall be made of durable material with a solid, moisture proof floor or a floor raised at least two inches from the ground. Between November 1 and March 31 the structure must have a windbreak at the entrance. The structure shall be provided with a sufficient quantity of suitable bedding material consisting of hay, straw, cedar shavings, blankets, or the equivalent, to provide insulation and protection against cold and dampness and promote retention of body heat.

(2) Shade. Shade from the direct rays of the sun, during the months of May to October shall be provided.

(3) Farm dogs. In lieu of the requirements of (E)(1) and (E)(2), a dog kept on a farm may be



provided with access to a barn with a sufficient quantity of loose hay or bedding to protect against cold and dampness.

**§ 91.14 BREEDING MORATORIUM.**

Every female dog or female cat in heat shall be confined in a building or other enclosure in a manner that it cannot come in contact with another dog or cat except for planned breeding. Upon capture and failure to reclaim the animal, every dog or cat shall be neutered or spayed prior to being transferred to a new owner.

**§ 91.15 ENFORCING OFFICER.**

The Council is hereby authorized to appoint an animal control officer(s) to enforce the provisions of this section. In the officer's duty of enforcing the provisions of this section, he or she may from time to time, with the consent of the City Council, designate assistants.

**§ 91.16 POUND.**

Every year the Council shall designate an official pound to which animals found in violation of this chapter shall be taken for safe treatment, and if necessary, for destruction.

**§ 91.17 INTERFERENCE WITH OFFICERS.**

No person shall in any manner molest, hinder, or interfere with any person authorized by the City Council to capture dogs, cats or other animals and convey them to the pound while engaged in that operation. Nor shall any unauthorized person break open the pound, or attempt to do so, or take or attempt to take from any agent any animal taken up by him or her in compliance with this chapter, or in any other manner to interfere with or hinder the officer in the discharge of his or her duties under this chapter.

Penalty, see § 91.99

**§ 91.18 FIGHTING ANIMALS.**

(A) The provisions of M.S. § 343.31, as it may be amended from time to time, are adopted herein by reference.

(B) No person shall:

- (1) Promote, engage in, or be employed in the activity of cockfighting, dogfighting, or violent pitting of one pet or companion animal as defined in M.S. § 346.36, Subd. 6, as it may be amended from time to time, against another of the same or a different kind;
- (2) Receive money for the admission of a person to a place used, or about to be used, for that activity;
- (3) Willfully permit a person to enter or use for that activity premises of which the permitter is the owner, agent, or occupant; or

(4) Use, train, or possess a dog or other animal for the purpose of participating in, engaging in, or promoting that activity.

(5) Purchase a ticket of admission or otherwise gain admission to the activity of cockfighting, dogfighting, or violent pitting of one pet or companion animal against another of the same or a different kind

§ 91.19 FEEDING STRAY CATS, DOGS, COYOTES AND OTHER WILD ANIMALS.

(A) Definitions.

(1) FEED or FEEDING. The placing of dog or cat food, or similar food products or consumable materials attractive to dogs, cats, coyotes or other wild animals, which may result in such animals congregating thereon on a regular basis, placed on the ground, in an obviously intended feeder, or in a feeder at a height accessible to cats, dogs, coyotes or other wild animals.

(2) STRAY. A domestic or feral dog or cat running at large and unaccompanied or controlled by an owner.

(3) WILD ANIMAL Includes any mammal, amphibian or reptile of a species, which is wild by nature or of a species, which, due to its size, vicious nature, or other characteristic is inherently dangerous to human beings. Examples of such wild animals include, but are not limited to:

(a) Any large cat of the family Felidae, such as lions, tigers, jaguars, leopards, cougars and ocelots, except commonly accepted domesticated house cats.

(b) Any member of the family Canidae, such as wolves, coyotes, dingoes, and jackals, except domesticated dogs.

(c) Any crossbreed such as crossbreeds between dogs and coyotes, or dogs and wolves, but does not include crossbred domesticated animals.

(d) Any poisonous snake such as a rattlesnake, coral snake, water moccasin, puff adder or cobra.

(e) Any snake or reptile, which by its size, vicious nature or other characteristic is dangerous to human beings.

(f) Any skunk, raccoon, or fox, unless certified by a veterinarian to be free of rabies, and kept pursuant to a valid DNR permit, such certification to be obtained within seven days of receipt of the animal.

(g) Any bear, ape, gorilla, monkey (except as exempted by this ordinance), or badger.

(h) Any other animal or reptile, which is commonly considered wild and not domesticated.

(B) Policy and purpose. High populations of stray dogs and stray cats and wild animals pose a hazard to human health and safety, as such animals provide a fruitful breeding ground for infectious disease, including but not limited to rabies and distemper, and may otherwise bite or attack humans and domestic animals. In addition, food provided for stray animals is often attractive to wild animals such as coyotes, raccoons and rodents and may create nuisance conditions such as a rat harborage or other wild animal infestation.

(C) No person shall feed or allow the feeding of any stray cat, stray dog, coyote or other wild animals within the city.

(D) Exceptions. Veterinarians and persons who, acting within the scope of their employment with any governmental entity non-profit, or humane society has custody of or manages stray dogs, stray cats, or wild animals are not subject to the prohibitions of this section

### § 91.20 KEEPING OF CHICKENS.

(A) No person shall own, harbor, or keep within the city a hen chicken unless a valid license for such chicken has been obtained pursuant to the provisions stated herein.

(B) License.

(1) Licenses shall be obtained annually and expire each April 1.

(2) License application fees are due upon submittal of the license application. The fee will be established by ordinance.

(3) The city may deny or revoke any license application or renewal if it deems the applicant:

(a) Unable or unwilling to fulfill the provisions stated herein,

(b) Fails to comply with the provisions of this Section,

(c) Submits an inaccurate or incomplete license information,

(d) Fails to meet the conditions of the license,

(e) Creates a nuisance, or

(f) If the public health and safety would be unreasonably endangered by the granting or renewing of such license.

(4) The city may inspect the licensed property at any time to ensure compliance with the provisions of this Section.

(C) General.

(1) The keeping of roosters is prohibited.

(2) No more than six chickens shall be kept on any one licensed premises. Variances allowing more than six chickens may be given with approval from the city council.

(3) Chickens must be confined on the licensed premise at all times, in a chicken coop or chicken run, and may not be kept in any part of the principal dwelling, garage, front yard, or side yard.

(4) The butchering of chickens is prohibited.

(5) All chicken grains and feed must be stored in a rodent proof container.

(6) The use of chickens for cockfighting is prohibited.

(D) Coop and Run

(1) All chickens shall be provided access to both a coop and run.

(2) All fencing and electrical work associated with the chicken coop or run shall be consistent with the building and zoning codes and all appropriate permits and licenses shall be obtained therefore.

(3) No coop or run shall be located in any form of easement or right-of-way.

(4) The coop and run shall be completely enclosed and rodent proof.

(5) The coop shall provide adequate protection from the elements and be winterized.

(6) Once the owner is finished raising chickens the coop and run must be removed from the property.

(D) Private Restrictions and Covenants on Property. Notwithstanding the issuance of a license by the city, private restrictions or covenants on the use of property shall remain enforceable. Private restrictions include but are not limited to deed restrictions, condominium master deed restrictions, neighborhood association by-laws, and covenant declarations. A license issued to a person whose premises are subject to private restrictions and/ or covenants that prohibit the keeping of chickens is void. The interpretation and enforcement of the private restrictions is the sole responsibility of the private parties involved.

§ 91.21 BEE KEEPING.

(A) The keeping of bees is permitted on non-residential lots and school district and city-owned properties, and is prohibited at all other locations.

(B) Each beekeeper shall ensure that a convenient source of water is available within 10 feet of each colony at all times that the colonies remain active outside the hive.

(C) Bee hives shall be set back a minimum of 20 feet from all property lines, as measured from the nearest point of the hive to the property line.

(D) Exception. The minimum hive setback may be reduced to 10 feet from a property line when a six

foot high flyway barrier is installed between the hive and property line. The flyway barrier may be a wall or solid fence, and shall continue parallel to the lot line for 10 feet in either direction from the hive, or contain the hive or hives in an enclosure at least six feet in height.

**§ 91.99 PENALTY.**

(A) Separate offenses. Each day a violation of this chapter is committed or permitted to continue shall constitute a separate offense and shall be punishable under this section.

(B) Misdemeanor. Unless otherwise provided, violation of this chapter shall constitute a petty misdemeanor punishable as provided in § 10.99.

