

CHAPTER 2
ANIMAL CONTROL

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5-2-1: **DEFINITIONS**

As used in this Chapter, unless the context otherwise indicates, the following words shall be defined to mean:

ANIMAL CONTROL OFFICER. The city staff charged with the duty of picking up and impounding strays or abandoned animals as herein provided.

ANIMAL SHELTER. Any premises designated by the City for the purpose of impounding or caring for animals held under the authority of this Chapter.

AT LARGE. Off the premises of the owner and not under the control of the owner, or other competent person, by leash not exceeding eight (8) feet in length.

DANGEROUS ANIMAL. An animal that has:

1. without provocation, inflicted substantial bodily harm on a human being on public or private property; or
2. killed or caused substantial bodily harm to a domestic animal without provocation while off the owner's property; or
3. been found to be potentially dangerous, and after the owner has notice that the animal is potentially dangerous, the animal aggressively bites, attacks, or endangers the safety of humans or domestic animals; or
4. been declared a Dangerous Dog pursuant to Minnesota Statutes by the animal control authority of another jurisdiction.

DOMESTIC ANIMAL. Any of various non-venomous animals domesticated so as to live and breed in a tame condition. Domestic animals do not include any animal considered "non-domestic" as defined by this Section. Domestic animals are limited to:

- Dogs
- Cats
- Rabbits
- Ferrets
- Any of the class of Aves (birds) that are caged and otherwise kept inside the residence, specifically excluding poultry.
- Any of the order of Rodentia such as mice, rats, gerbils, hamsters, chinchillas & guinea pigs
- Any of the class of Reptilia such as snakes, lizards, and turtles excepting those meeting the non-domestic animal definition
- Any of the class of Amphibian such as salamanders, frogs, toads excepting those meeting the non-domestic animal definition.

KENNEL. Any place, building, tract of land, abode, or vehicle where three or more dogs are kept and maintained. Kennel does not include a veterinarian licensed to practice in the State of Minnesota who keeps, congregates or confines dogs in the normal pursuit of the practice of veterinary medicine. Kennel does not include an animal shelter owned and operated by any political subdivision of the State or providing animal sheltering services under contract with any political subdivision of the State.

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

1. Any member of the cat family (Felidae) including, but not limited to, lions, tigers, cougars, bobcats, leopards and jaguars, but excluding those recognized as domesticated house cats.
2. Any naturally wild member of the canine family (Canidae) including, but not limited to, wolves, foxes, coyotes, dingoes, and jackals, but excluding those recognized as domesticated dogs.
3. Any hybrid or crossbreeds between an animal defined in clauses (1) or (2) and a domestic animal and offspring from all subsequent generations of those hybrids or crosses, such as the crossbreed between a wolf and a dog.
4. Any member or relative of the mammal family including any skunk (whether or not descended), raccoon, or squirrel, but excluding those members otherwise defined or commonly accepted as domesticated pets.
5. Any poisonous, venomous, constricting (when snake is of size causing inherent risk to humans), or inherently dangerous member of the reptile or amphibian families including, but not limited to, rattlesnakes, boa constrictors, pit vipers, crocodiles and alligators.
6. Goats, pigs (including pot bellied pigs), poultry, horses, cattle, llama, bison.
7. Any other animal that is not explicitly listed above but which can be reasonably defined by the terms of this Section including, but not limited to exotic animals, human primates, bear, deer, elk, ducks, and game fish.

OWNER. Any person, keeper, custodian or legal entity owning, harboring or keeping an animal, whether temporary or permanent.

POTENTIALLY DANGEROUS ANIMAL. An animal which has:

1. When unprovoked, bitten a human or a domestic animal on public or private property; or
2. 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 animal owner's property, in an apparent attitude of attack; or
3. A known history or propensity, tendency or disposition to attack while unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals; or

4. Been declared a Potentially Dangerous dog pursuant to Minnesota Statutes by the animal control authority of another jurisdiction.

PREMISES. Any building, structure, shelter or land whereupon animals are kept or confined.

PROPER ENCLOSURE. Securely confined indoors or in a securely enclosed and locked pen or structure suitable to prevent the animal from escaping and providing protection from the elements for the animal. 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 obstacles that prevent the animal from exiting.

PROVOCATION. An act that an adult could reasonably expect may cause an animal to attack or bite.

SUBSTANTIAL BODILY HARM. Bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily member or organ, or which causes a fracture of any bodily member.

UNPROVOKED. The condition in which the animal is not purposely agitated or disturbed. It is a rebuttable presumption that any attack on a child fourteen years of age or younger for which a reasonable person connotes an intent to inflict bodily harm will be considered to be unprovoked unless the child is engaged in the commission of a crime or illegal activity, including activities classified under Minnesota Statutes as cruelty to animals.

5-2-2: **ANIMAL IDENTIFICATION**

All dogs and cats are required to have some identification on them that would assist animal control in contacting the owner. Identification allowed under this subdivision include microchips, veterinarian issued rabies certificates, or any tags or collars with contact information and phone number(s) inscribed on it.

5-2-3: **LIMITATIONS**

- A. *Generally.* No more than two dogs over six (6) months of age shall be owned, kept or harbored on the premises of a single family home or per dwelling unit for multi-family properties.
 1. *Grandfathering.* Owners who currently possess dogs in excess of the limitations set forth in this Ordinance, and who met licensing requirements prior to the date of enactment, will be allowed to continue to possess such dogs for as long as such dogs reside in the City. Once such dogs become deceased or do not live within the City for a period of 6 months, the limitations set forth shall again apply.
 2. *Fostering.* Owners who provide foster care for animals through the Tri-County Humane Society or other foster agencies are still subject to the number limitations and other provisions of this Ordinance.

5-2-4: **KEEPING OR HARBORING PROHIBITED**

- A. No person shall own, care for, have custody or control of, within the City limits, any non-domestic animal as defined in this Chapter.
 1. *Exceptions.* An exception may be made to this prohibition for the following:
 - a. *Non-domestic animals within the City's Agricultural Zoning District as specifically provided within the City's Zoning Ordinance.*

- B. *Restrictions on Food and Drink Establishments.* It is unlawful for the owner or operator of any establishment wherein the selling, handling, processing or preparation of food is done to permit any animal in such establishment except as allowed by Minnesota Statutes.

5-2-5: **ANIMALS AT LARGE**

- A. It will be unlawful for any person having or maintaining any animal to permit the animal to be at large or to be upon any premises other than as provided in the permit whether or not a permit for such animal has been issued as provided under the licensing and permit provisions of this Chapter or other ordinance of the City.
- B. It is unlawful for any owner to allow a domestic animal to be at large at any time.
- C. *Dog Parks.* Dogs are permitted to be unleashed in off leash dog park areas as designated by the City under the following conditions:
1. The dog owner or owner's designee as allowed by Park rules must be present; and
 2. The dog must be under the voice control of the owner at all times; and
 3. Feces must be properly removed and disposed of; and
 4. A dog deemed a dangerous or potentially dangerous animal under this Chapter is not permitted to use off leash areas.
- D. Owners of animals found running at large are subject to a fine pursuant to the City's fee schedule.

5-2-6: **BARKING, NUISANCES, PROPERTY DAMAGE AND FECAL CLEAN-UP**

- A. *Barking.* No person will keep or harbor a dog which habitually barks or cries, howls or whines for a period of six (6) or more minutes out of a ten (10) consecutive minute period.
- B. *Nuisance Noise.* It is unlawful for any owner to maintain at any place within the City any animals which, by their habitual whining, barking, howling or other disagreeable noises, disturbs the people in the locality where kept.
- C. *Damage to Property by Animals Prohibited.* No person having the custody or control of a dog, cat or other animal will permit the animal to damage any lawn, garden or other property, public or private, or to defecate on private property, without the consent of the property owner.
- D. *Fecal Clean-up.* It is the duty of each person having the custody or control of a dog, cat or other animal to voluntarily and promptly remove any feces left by such dog or animal on any sidewalk, gutter, street, park land or other public property, or any public area, and to dispose of the feces in a sanitary manner and to have in immediate possession a device or equipment for the picking up and removal of feces. For the purpose of this subdivision, "public area" will include any property open for public use or travel, even though it is privately owned.
1. *Exception.* The provisions of this subdivision do not apply to a guide dog or service animal accompanying a blind person or to a dog when used in police or rescue activities by or with the permission of the City. This subdivision will not be construed by implication or otherwise to allow dogs to be where they are otherwise prohibited by the ordinances of the City.

5-2-7: **RABIES CONTROL**

- A. *Dogs and Cats Rabies Immunization Required.* All dogs and cats over the age of six (6) months harbored or maintained within the City shall be immunized against rabies by a licensed veterinarian. The vaccines used and their duration of immunity against rabies will be as recommended by the National Association of State Public Health Veterinarians (NASPHV) in their current Compendium

of Animal Rabies Prevention and Control. A certificate from the veterinarian inoculating said dog or cat shall be presented to the Animal Control Officer by the animal's owner upon demand. Failure to provide evidence of rabies immunization upon request may subject the owner to a fine pursuant to the City's fee schedule.

- B. *Exposure.* Dogs, cats or other animals known to have been bitten by or exposed to a rabid animal must be euthanized or the animal's owner must adhere to procedures as described in the NAHSPV Compendium of Animal Rabies Prevention and Control. Notification of exposure shall be made immediately to the City. Costs associated with exposure are incurred at the animal owner's expense.
- C. *Disposition of Diseased Dogs, Cats or Other Animals.* If a dog, cat or other animal quarantined under Section 5-2-11 is found to be sick or diseased, the operator of the quarantine facility will immediately report in writing to the City on the condition of the dog or animal. The City may then take possession of the dog, cat or animal for the purpose of submitting it to determine if it is suffering from rabies. A diseased dog, cat or animal may be euthanized, if the City determines such action necessary for the protection of public health and safety, or as recommended by a licensed veterinarian.

5-2-8: **DANGEROUS AND POTENTIALLY DANGEROUS ANIMALS**

- A. *Designation as a Dangerous or Potentially Dangerous Animal.* The Animal Control Officer or their designee will designate any animal as a dangerous or potentially dangerous animal upon receiving evidence that such animal meets the definition set forth in this ordinance.
- B. *Exemption.* Animals may not be designated as dangerous or potentially dangerous if the threat, injury, or damage was sustained by a person who was:
 - 1. Committing, at the time, a willful trespass or other tort upon the premises occupied by the owner of the animal;
 - 2. Provoking, tormenting, abusing, or assaulting the animal or who can be shown to have repeatedly, in the past, provoked, tormented, abused, or assaulted the animal; or
 - 3. Committing or attempting to commit a crime.
- C. *Notification and Procedure.* When an animal is declared dangerous or potentially dangerous, the owner(s) of the dangerous or potentially dangerous animal shall be notified in writing that such animal is dangerous or potentially dangerous.
 - 1. *Notice of Right to Appeal.* This notice shall state the date, time, place, the animal bit, chased, attacked or threatened, and shall advise the owner that they have fourteen (14) days to appeal the determination by requesting a hearing before the independent hearing officer.
 - 2. The owner of the animal must immediately comply with the Proper Enclosure requirements as defined in this ordinance, even if appealing the designation.
 - 3. Written notice of the designation may either be mailed by first class US mail or by personally delivering the notice to the owner of the animal declared as dangerous or potentially dangerous.
- D. *Noncompliance of Order.* If an owner of a dangerous or potentially dangerous animal fails to comply with any conditions for dangerous or potentially dangerous animals specified in this ordinance and fails to request a hearing within fourteen (14) days of the designation, the animal shall be seized.
 - 1. Notice shall be provided to the owner of the basis for the seizure and the right to request a hearing before an independent hearing officer to determine whether the conditions were violated.

2. A request for hearing must be made within fourteen (14) days of the seizure. If the owner fails to request a hearing within fourteen (14) days, or after a hearing, is found to have violated the conditions, the Animal Control Officer may order the animal destroyed in a proper and humane manner and the owner shall pay the costs of confining the animal. If the owner is found not to have violated the conditions, the owner may reclaim the animal.
- E. An owner of a dangerous or potentially dangerous animal must notify the Police Chief in writing within fourteen (14) days of any transfer to a new owner or location, or death of the animal. This notification shall include proof of death or the complete name, address and telephone number of the person to whom the dog has been transferred or the address where the dog has been relocated.
- F. *Review of Designation.* Beginning six months after an animal's dangerous or potentially dangerous designation, an owner may request in writing that the designation be reviewed by the Animal Control Officer or their designee. The owner must also provide evidence that the dog's behavior has changed and that no violation of this ordinance has occurred during that time period. The city may use discretion in determining whether any conditions which have been ordered are still required.

5-2-9: **POTENTIALLY DANGEROUS ANIMALS**

- A. *Animal Subject to Conditions.* An animal that has been determined to be potentially dangerous shall do the following:
1. The animal shall be required to be restrained by leash not to exceed six (6) feet in length, and/or muzzled, and under the control of a person eighteen (18) years of age or older at all times it is outdoors and not inside a proper enclosure; and
 2. *Spay/neuter.* If the animal is a dog or cat, the owner shall provide proof of spay or neuter; and
 3. *Obedience Class.* The owner of a dog shall be required to complete an approved dog obedience class; and
 4. *Microchip Identification Required.* The owner of a potentially dangerous animal shall have a microchip installed or injected on the animal, to the extent that the species of the animal allows placement of the chip. The microchip will be installed in or injected under the skin of the animal by a licensed veterinarian and will be designed so that, when scanned by an electronic reader, it is capable of providing the identification of the animal's owner. The identification number and microchip manufacturer shall be provided to the Animal Control Officer. The owner shall maintain current address information with the manufacturer. All costs related to the installation and maintenance of the chip are the responsibility of the owner. If the animal is impounded, the microchip will be installed or injected prior to its release; and
 5. *Annual Registration Fee.* The owner of a potentially dangerous animal is required to complete an annual registration form and pay annual registration fee as set by the City Council. If the animal is impounded the fee will be paid prior to the animal's release.

5-2-10: **DANGEROUS ANIMALS**

- A. *Disposition of Dangerous Animals.* The Community Service Officer or Police Officer, after designation of an animal as dangerous has the authority to determine the disposition of the dangerous animal.
1. The dangerous animal will be euthanized; or
 2. The dangerous animal will be subject to the following conditions:
 - a. *Housed in a Proper Enclosure.* Proper enclosure means 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. Such enclosure will not allow the egress of the animal in any manner without human assistance. A pen or kennel for a dog designated as dangerous will meet the following minimum specifications:

- i. Have a minimum overall floor size of thirty-two square feet.
 - ii. Sidewalls will have a minimum height of five feet and be constructed of 11-gauge or heavier wire. Openings in the wire will not exceed two inches, support posts will be one-and-one quarter-inch or larger steel pipe buried in the ground eighteen inches or more. When a concrete floor is not provided, the sidewalls will be buried a minimum of eighteen inches in the ground.
 - iii. A cover over the entire pen or kennel will be provided. The cover will be constructed of the same gauge wire or heavier as the sidewalls and will also have no openings greater than two inches.
 - iv. An entrance/exit gate will be provided and be constructed of the same material as the sidewalls and will also have no openings in the wire greater than two inches. The gate will be equipped with a device capable of being locked and will be locked at all times when the animal is in the pen or kennel; and
- b. *Insurance.* The owner provides and shows proof annually of public liability insurance paid in full in the minimum amount of \$500,000. If the animal is impounded, proof of insurance must be demonstrated prior to the animal's release; and
 - c. *Posting.* Post the front and 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 as specified in Minnesota Statute 347:51; and
 - d. *Muzzle.* If the animal is a dog and is outside the proper enclosure, the dog must be muzzled and restrained by a substantial chain or leash not to exceed 6 feet in length and be under the physical restraint of a person eighteen years of age or older. The muzzle must be of such design as to prevent the dog from biting any person or animal, but will not cause injury to the dog or interfere with its vision or respiration; and
 - e. *Microchip Identification Required.* The owner of a dangerous animal is required to have a microchip installed or injected on the animal, to the extent that the species of the animal allows placement of the chip. The microchip will be installed in or injected under the skin of the animal by a licensed veterinarian and will be designed so that, when scanned by an electronic reader, it is capable of providing the identification of the animal's owner. The identification number and microchip manufacturer shall be provided to the Animal Control Officer. The owner shall maintain current address information with the manufacturer. All costs related to the installation and maintenance of the chip are the responsibility of the owner. If the animal is impounded, the microchip will be installed or injected prior to its release; and
 - f. *Annual Registration Fee.* The owner of a dangerous animal is required to complete an annual registration form and pay annual registration fee as set by the City Council. If the animal is impounded the fee will be paid prior to the animal's release; and
 - g. *Spay/neuter.* If the animal is a dog or cat, the owner shall provide proof of spay or neuter; and
 - h. *Tag.* A dangerous dog registered under this Section must have a standardized, easily identifiable tag identifying the dog as dangerous and containing the uniform dangerous dog symbol, affixed to the dog's collar at all times; and
 - i. *Obedience Class.* The owner of a dog shall be required to complete an approved dog obedience class.

- G. *Appeal.* Appeal of the animal control officer's dangerous animal designation will be a hearing before an independent hearing examiner not more than fourteen (14) days after receipt of the appeal request. At the time of the hearing, the animal owner may appear and present any evidence which the animal owner may deem material to the investigation. The hearing officer will make findings of fact as to whether a violation of the provisions of this Section has been committed. The hearing officer will affirm or reject the dangerous animal designation or may impose other sanctions as warranted. The hearing officer's decision shall issue within 10 days of the hearing. If the declaration is upheld, the actual expenses of the hearing up to a maximum of \$1,000 will be the responsibility of the animal's owner.

5-2-11: **ANIMAL BITING; QUARANTINE**

- A. *Animal Biting.* Whenever any animal capable of transmitting the rabies virus has bitten any person or domestic animal, the owner or custodian of the biting animal, upon being notified by the Animal Control Officer, will immediately cause the animal to be quarantined at the Animal Shelter, or by a veterinarian licensed to practice in the State of Minnesota and approved by the City, for a period of ten (10) days after the bite incident. The Animal Control Officer may allow the owner to quarantine the animal if proof of current rabies vaccination is provided. All expenses related to any quarantine will be the responsibility of the animal owner.
- B. *Release from Quarantine.* At the end of ten (10) days, a licensed veterinarian shall examine the animal to ascertain whether symptoms of rabies exist. If the veterinarian diagnoses the animal to be free of the signs of rabies, the animal shall be released from quarantine.
1. If a quarantined animal sickens or dies, it shall be sent to the Minnesota Department of Health for rabies testing. The owner of the animal is responsible for the cost of quarantine, veterinary fees and testing.
- C. *Noncompliance of Order.* If an owner fails to comply with any portion of the quarantine the animal shall be seized and impounded for the remainder of the quarantine period. The animal may be reclaimed by the owner as set forth in this Chapter.

5-2-12: **ANIMALS SUBJECT TO IMPOUNDMENT**

- A. *Dogs.* The Animal Control Officer or any duly authorized assistant may impound any dog found in the City without the currently effective rabies vaccination provided for in this ordinance; or any dog found at large at any time within the City.
- B. *Cats.* It will be lawful for the Animal Control Officer or any duly authorized assistant to take up and impound any cat found in the City without a currently effective rabies vaccination as provided for in this ordinance; or any cat found at large at any time within the City.
- C. *Other Animals.* Any animal considered at large is subject to impoundment.

5-2-13: **REDEMPTION**

Animals may be redeemed from the Animal Shelter by the owner any time, during office hours, within five (5) business days after seizure and impounding, upon a statement of ownership, and payment of the impounding fee, including the cost of caring for the animal during the impound period. The animal will be released to the owner, unless it is being held for rabies observation or for potentially dangerous or dangerous dog designation.

5-2-14: **DISPOSITION OF UNREDEEMED ANIMALS**

Any animal that is not redeemed by the owner becomes the property of the City. Suitable animals may be placed for adoption.

5-2-15: **INTERFERENCE WITH OFFICERS**

It unlawful for any unauthorized person to break open the Animal Shelter, or to attempt to do so, or to take or let out any animal, or to take, or attempt to take, from any Animal Control Officer any animal taken by them in compliance with this ordinance, or in any manner to interfere with or hinder such Animal Control Officer in the discharge of their duties under this ordinance.

5-2-16: **SERVICE ANIMALS**

Nothing in this ordinance shall be construed to limit:

- a. the right of a person with disabilities to access places of public accommodation while accompanied by a service animal as provided in Minnesota Statutes; or
- b. the lawful use of a service animal by a licensed peace officer.

5-2-17: **COMMERCIAL KENNELS**

No person will maintain a kennel within the City except in a location permitted by the zoning and subdivision code as a commercial kennel.

5-2-18: **VIOLATIONS AND PENALTIES**

A person violating this Chapter will be subject to an administrative penalty in accordance with the administrative fine schedule and/or subject to criminal prosecution.