

Chapter 6 - ANIMALS

ARTICLE I. - IN GENERAL

Sec. 6-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animal means any warm-blooded mammal, inclusive of, but not limited to, dogs and cats, as well as any reptiles or birds. The term "animal" does not include non-domesticated animals.

Animal control authority means the city police department.

Animal shelter means premises designated by the council for the purpose of caring for animals impounded pursuant to this chapter.

Dangerous animal as defined by state law.

Dog at-large or running at-large means a dog not on the owner's premises and not under restraint.

Dwelling unit has the meaning provided in section 102-4.

Farm animal means an animal that is normally found on a farm, ranch or stable. Such animals include, but are not limited to, horses, cattle, sheep, goats, swine, and chickens.

Non-domesticated animal means any wild animal, reptile or fowl that is not naturally tame or gentle but is of a wild nature or disposition and which, because of its size, vicious nature or other characteristics would constitute a danger to human life or property.

Owner means a person who owns, keeps or harbors an animal.

Potentially dangerous animal means as defined by state law.

Premises means a building, structure, shelter or land where a dog or other animal is kept or confined.

Tag means the license tag required under this chapter.

Under restraint means on a leash of not more than six feet in length and in the custody of a person of sufficient age to adequately control the dog; in a vehicle, or on the owner's property.

(Code 1986, §§ 925.01, 941.01)

Sec. 6-2. - Animal bites.

- (a) An animal that bites a person shall be quarantined for ten days if ordered by the animal control authority. During such quarantine, the animal shall be securely confined and kept from contact with any other animal.

- (b) The quarantine may be on the premises of the owner if approved by the animal control authority provided that animals without current vaccination must be quarantined at an animal shelter. If the animal control authority requires confinement in the shelter, confinement shall be at the owner's expense.
- (c) The requirements of this section shall be in addition to those contained elsewhere in this section and in other applicable state and local laws.

(Code 1986, § 925.35)

State Law reference— Owner's liability for dog bites, M.S.A. § 7347.01.

Secs. 6-3—6-24. - Reserved.

ARTICLE II. - DOGS AND CATS

Footnotes:

--- (1) ---

State Law reference— *Pet and Companion Animal Welfare Act, M.S.A. § 346.35 et seq.*

Sec. 6-25. - State law adopted.

M.S.A. chs. 346 and 347, as they pertain to domestic dogs and cats, are adopted by reference as though fully set forth herein. Any violation of the statutes adopted by reference is a violation of this Code.

(Code 1986, § 925.00)

Sec. 6-26. - Dog licenses and rabies vaccinations.

- (a) *Vaccination required.* All dogs over six months of age within the city must have a current rabies vaccination. Dogs must wear their current vaccination tags at all times. No dog shall be issued a license under this section unless it has received a current rabies vaccination.
- (b) *License required.* No person may own, keep, harbor or have custody of a dog over six months of age without first obtaining a license therefor from the clerk.
- (c) *Exceptions.* A dog with a valid license from some other jurisdiction may be kept in the city temporarily for a period not exceeding three months. In addition, a person who is not a resident of the city may keep an unlicensed domestic dog in the city for a period of not to exceed 30 days, provided that the dog must be under restraint at all times.

- (d) *Application for license.* Applications for dog licenses may be made at any time during the year, and must be made not later than 30 days from the date of the acquisition of a dog and not later than 30 days from the date of the moving of a dog into the city. A separate application must be made for each dog. The application shall state, among other things, the date that the dog first arrived in the city, the dog's color, name and breed, the name and address of the dog's owner, current vaccination number, and such other information as may from time to time be required by the clerk.
- (e) *Issuance; compliance with regulations required.* A dog license may be issued upon a showing by the applicant that the applicant is prepared to comply with all the rules, regulations and requirements for the humane care of the owners' dogs and with the provisions of this section and other applicable state and local laws.
- (f) *Term; annual and multi-year licenses.* Dog licenses expire on the same date that the rabies vaccination expire. For annual vaccinations, the dog license expires annually. Dogs that received rabies vaccinations which are effective for more than one year may apply for a two-year or three-year license, depending on the type of rabies vaccination. When making application for a multi-year license, the owner must submit all the information required for an annual license as well as documentation indicating that the dog has received a rabies vaccination which is effective through the license period. Multi-year licenses may only be issued for dogs that have been spayed or neutered.
- (g) *Non-refundable fees.* Applications for dog licenses must be accompanied by the fee set by city council resolution. Dog license fees are not refundable.
- (h) *Records to be maintained by clerk.* The clerk shall maintain a record of dog licenses and tags issued.
- (i) *Tags; replacement tags.* Upon approved application for license and payment of applicable fees, the clerk shall issue to the owner of a licensed dog a metallic or durable plastic tag stamped with an identifying number with the date of expiration and so designed that it may be conveniently fastened to the dog's collar or harness. The tag must be attached to the dog's collar or harness. It shall remain fastened and shall be worn by the dog at all times. In the event that a valid license tag shall be lost or mutilated, the owner must secure a new tag from the clerk upon the payment of the fee set by city council resolution.
- (j) *Counterfeit tags and unlawful attaching.* It is unlawful to counterfeit or attempt to counterfeit a dog license tag, or to take from any dog a tag legally placed upon it by its owner, or to place any unauthorized tag upon a dog.
- (k) *Inspection.* It is a condition of a dog license issued to an owner of any dog that humane society officers and inspectors, including animal control authority, shall be permitted to

inspect all dogs at the premises where the dogs are kept at any time.

- (l) *Revocation.* The clerk may revoke a dog license if the person holding such license fails to comply with this article and state law regarding cruelty to animals or keeping of animals. License revocation is in addition to any applicable penalty for violation of this article. Any person whose dog license is revoked must, within ten days after receipt of due notice from the city, humanely dispose of dogs owned, kept or harbored by such person.

(Code 1986, §§ 925.03—925.05, 925.07, 925.09, 925.11, 925.13, 925.15, 925.17, 925.21, 925.23, 925.31, 925.33)

State Law reference— Dog licensing, M.S.A. § 347.09; dog tags, M.S.A. § 347.11; impoundment of unlicensed dogs, M.S.A. § 347.14; unlawful tags and tag removal prohibited, M.S.A. § 347.18; failure to obtain license, M.S.A. § 347.19; license exemptions, M.S.A. § 347.20.

Sec. 6-27. - Maximum number of dogs and cats; exceptions.

No person shall keep, harbor or maintain in any individual dwelling unit within or upon the property located with the city a combination of dogs and cats totaling more than four animals over the age of six months. Animal shelters, veterinary hospitals, and humane societies are exempt from this prohibition.

(Code 1986, § 925.24)

Sec. 6-28. - Proper confinement, care and maintenance; revocation of license upon violation.

- (a) All dog owners within the city shall:
- (1) Keep their dogs under restraint at all times and exercise proper care and control of their dogs to prevent them from becoming a public nuisance;
 - (2) Provide their dogs with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment;
 - (3) Confine female dogs in heat to the owner's property or any animal shelter, in such a manner that such female dog cannot come into contact with other dogs, except for intentional breeding purposes;
 - (4) Maintain their dogs and the area where dogs are kept so that no odor that offends the senses of a reasonable person is detected for more than one day by persons off the property where the animal is kept;
 - (5) Clean up bodily wastes from their dogs in a timely and sanitary manner that prevents health risks and prevents odors that are prohibited by this article; and

- (6) When on public property or the private property of another, clean-up any feces of their dogs and dispose of such feces in a sanitary manner.
- (b) No dog owner shall cause or permit a dog to be beaten, cruelly mistreated, tormented, overloaded or otherwise abused.
- (c) No dog owner shall cause or permit a dog fight or abandon a dog.
- (d) A dog license issued to a person convicted of a violation of this section is automatically revoked on conviction and a new dog license may not be issued to that person for a period of one year from the date of conviction.

(Code 1986, §§ 925.25, 925.27, 925.51)

State Law reference— Cruelty to animals, M.S.A. § 343.20 et seq.

Sec. 6-29. - Nuisance dogs.

- (a) *What constitutes public nuisance.* The following are declared to be public nuisances:
 - (1) Any dog that shall, by any noise, unreasonably disturb the peace and quiet of any person in the vicinity;
 - (2) Any dog running at-large;
 - (3) Any dog that damages plantings or structures or urinates on private property without the consent of the owner or possessor of the property;
 - (4) Any dog that defecates on public property or on private property without the consent of the owner or possessor of the property unless the person in control of the dog cleans up the feces and disposes of such in a sanitary manner;
 - (5) Any dog that, when unprovoked, inflicts bites on a domestic animal on public or private property;
 - (6) Any dog that, when unprovoked, chases or approaches 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;
 - (7) Any dog that enters or is present on public or private property without the permission of the owner or contrary to city ordinance.

As used in this section, the term "unreasonably disturb the peace and quiet" includes, but is not limited to, the creation of any noise by any dog that can be heard by any person, including the animal control officer or a law enforcement officer, from a location outside of the building or premises where the dog is being kept and which noise occurs repeatedly over at least a five-minute period of time with one minute or less lapse of time between each dog noise during the five-minute period.

- (b) *Complaint procedure.* Any person aggrieved by a dog nuisance may direct a written complaint to the animal control authority stating the acts complained of, the name and address of the owner of the dog, and the name and address of the complainant. Upon receipt of such a complaint, the animal control authority shall notify the person owning or keeping the dog of the complaint and request a response to the allegation within 48 hours. If, after completing its investigation, the animal control authority determines the dog to be nuisance, a charge may be made against the owner or keeper of the dog.
- (c) *Impoundment.* If a nuisance dog is impounded, it shall be held and disposed of in accordance with M.S.A. § 347.05.

(Code 1986, § 925.43)

State Law reference— Public nuisance dogs, M.S.A. § 347.04; animals at-large, M.S.A. § 346.16.

Secs. 6-30—6-46. - Reserved.

ARTICLE III. - NON-DOMESTICATED ANIMALS

Sec. 6-47. - Keeping and sale prohibited.

- (a) *Generally; enumerated.* No person shall keep, maintain or harbor within the city any animal or species prohibited by federal or state law or any non-domesticated animal or species, including, but not limited to, the following:
 - (1) Any farm animal.
 - (2) Any skunk, raccoon, bear or badger.
 - (3) Any cat of the family Felidae such as lions, tigers, jaguars, leopards, cougars and ocelots, except commonly accepted domesticated house cats.
 - (4) Any member of the family Canidae, such as, wolves, foxes, coyotes, dingos and jackals, except domesticated dogs.
 - (5) Any crossbreed such as the crossbreeds between dogs and coyotes or dogs and wolves but does not include crossbred domesticated animals.
 - (6) Any poisonous pit viper such as a rattlesnake, coral snake, water moccasin or cobra.
 - (7) Any other animal not listed explicitly above but which can reasonably be defined as a wild animal or animal prohibited by this section.
- (b) *Sale.* No person shall offer for sale, within the city limits, any animal prohibited in subsection (a) of this section.

- (c) *Temporary conditional use permit.* Any persons desiring to keep animals prohibited under this section shall obtain a temporary conditional use permit from the city council. Such a permit shall be issued for a period not to exceed 30 days and shall specify further conditions under which such animals shall be kept; provided, however, that no such permit shall be issued unless the prohibited animal is brought into the city for entertainment, exhibition, show or promotional purposes only. Before issuance of any temporary conditional use permit, the applicant shall provide the city with proof of insurance including public liability insurance.
- (d) *Exceptions.* The keeping and permit restrictions of this section shall not apply to the following:
- (1) Nonpoisonous snakes, birds kept indoors, hamsters, mice, rabbits, gerbils, white rats, guinea pigs, chinchillas, or lizards, and similar small animals capable of being maintained continuously in cages.
 - (2) Animals kept by persons for a public zoo as volunteers, teachers or otherwise.
 - (3) Animals kept by any bona fide research institution or veterinary hospital are exempt from the permit requirement of this article; provided protective devices adequate to prevent such animals from escaping or injuring the public are provided.
 - (4) Handicapped persons keeping monkeys trained as household helpers.

(Code 1986, §§ 940.02—940.04)

State Law reference— Possessing regulated animals, M.S.A. § 346.155.

Sec. 6-48. - Impounding and reclamation.

Any non-domestic animal kept in violation of this article may be impounded by the city. Unless such impounded animal is reclaimed and removed from the city, or is issued a permit to allow it to remain in the city, or unless the owner petitions the district court for a determination that the animal is exempt from the provisions of this article, the animal may be destroyed or sold five days following notice to the owner of such animal of its impoundment and the provisions of this article. Any person reclaiming any such impounded animal shall pay the costs of impounding and keeping the same at the time of its release.

(Code 1986, § 940.05)

Secs. 6-49—6-69. - Reserved.

ARTICLE IV. - ADMINISTRATION AND ENFORCEMENT

Sec. 6-70. - Animal control authority.

- (a) *Appointment of officers.* The animal control authority may appoint such person as the city may deem necessary and advisable as animal control officer. Such appointees shall work under the supervision of the animal control authority and shall be responsible for the enforcement of this section.
- (b) *Duties.* The animal control authority is authorized to enforce the provisions of this article and state law pertaining to animal control, including the authority to issue citations.

(Code 1986, § 925.39)

Sec. 6-71. - Animal shelter established.

The animal control authority shall establish an animal shelter by contracting with an animal shelter, pet hospital or other entity in which shall be confined any animals taken up by the animal control authority or other officers of the city. The animal shelter may be within the city limits or within an adjacent city.

(Code 1986, § 925.43)

Sec. 6-72. - Interference with officers; tampering with animal shelter.

It is unlawful for any unauthorized person to break into an animal shelter, or attempt to do so, or to take or set free any animal taken by the animal control authority in the enforcement of this section. It is also unlawful for any person to interfere with or hinder any animal control authority officer in the discharge of his duty under this article.

(Code 1986, § 925.39)

Sec. 6-73. - Impoundment.

- (a) *Authority to impound; holding period.* In addition to any penalties for the violation of this section or any regulation thereunder, an unlicensed dog or a dog at-large may be taken by animal control authority, or the county humane society and impounded in the designated animal shelter and there confined in a humane manner. In addition, the animal control authority may impound any animal involved in any other violation of this chapter or state law, and animals that constitute a present or potential danger to human beings or other animals.

- (b) *Exception for dogs at-large when owner is located.* If a dog is found at-large and its owner can be identified and located, the dog need not be impounded, but may instead be returned and taken to the owner. In such case the officer returning the dog may proceed against the owner for violation of this section.
- (c) *Notice to owner.* If by a license tag or other means the owner of any impounded dog can be identified, the animal control officer, the clerk or deputy shall make a reasonable attempt to notify the owner by telephone or mail of the impoundment.
- (d) *Holding period.* Dogs not claimed by their owners within five days of such notice, if such dog is wearing a proper dog license, or within five days after impoundment if the owner of such dog cannot be identified, shall be humanely disposed of by an agency delegated so to do by the city.
- (e) *Time during which animals may be reclaimed.* Animals may be reclaimed during normal city business hours. Licensed animals may be reclaimed after city business hours per approval of the animal control authority.
- (f) *Fees and other charges.* An owner reclaiming an impounded animal shall pay to the clerk an impounding fee and shall be responsible for all resulting charges from the designated animal shelter or boarding facility.
- (g) *No waiver of criminal proceedings.* The reclamation shall not be interpreted as a waiver of any criminal proceedings against the owner for the violation of this section.

(Code 1986, §§ 925.45, 925.47, 925.49)

State Law reference— Impoundment of unlicensed dogs, M.S.A. § 347.14.

Sec. 6-74. - Criminal and civil penalties; administrative citations.

Violation of any of the provision of this chapter, unless otherwise provided, is a petty misdemeanor and each day the violation continues is a separate violation. A violation of any provision of this chapter may also be subject to an administrative citation and civil penalties as set forth in section 1-20.

(Code 1986, § 925.51)