

CHAPTER 7: NUISANCES AND OFFENSES

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Section 71.01. DEFINITIONS.

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

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

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

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

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

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

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

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

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

- a) Repeatedly runs at large.
- b) Trespasses on, damages or destroys the property of anyone other than its Owner.
- c) Has an infection disease or other condition for which the owner has not sought appropriate veterinary care.
- d) Causes fouling of the air by odors.
- e) Causes unsanitary conditions of enclosures or surroundings.
- f) Is offensive or dangerous to the public health, safety or welfare.

- g) Makes disturbing barks, noises or sounds.
- h) Molests passer(s) by or passing vehicle.
- i) Attacks other domestic animals.
- j) Has been designated by the Police Department to be a public nuisance animal by virtue of being a menace to the public health, welfare and safety.
- k) Has been designated a dangerous dog pursuant to Minnesota Statute 347.50, et seq. (as may be amended), for which the owner has not obtained a certificate of registration, has failed to tag, or has not posted the property where the dog is kept with the warning symbols provided by the City.

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

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

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

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

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

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

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

Section 71.08. DANGEROUS ANIMALS.

Subd. 1. Attack By An Animal. It shall be unlawful 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 an attack by a dog under the control of an on-duty law enforcement officer or to an attack upon an uninvited intruder who has entered the owner's home with the criminal intent.

Subd. 2. Destruction of Dangerous Animals. The Police Chief shall have the authority to order the destruction of dangerous animals in accordance with the terms established by this Ordinance.

Subd. 3. Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

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 1 or more persons on 2 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.

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 by 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.

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 thirty-two (32) square feet.
- b) Sidewalls shall have minimum height of five (5) feet and be constructed of 11-gauge or heavier wire. Openings in the wire shall not exceed two (2) inches, support posts shall be one three (3)-inch or larger steel pipe buried in the ground eighteen (18) inches or more. When a concrete floor is not provided, the sidewalls shall be buried a minimum of eighteen (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 (2) 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 (2) 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.

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

Subd. 4. Designation As Potentially Dangerous Animal. The Police Chief shall designate any dog as a potentially dangerous animal upon receiving evidence that the animal has, when unprovoked, bitten, attacked, or threatened the safety of a person or a domestic animals as stated in Subd. 3. When an animal is declared potentially dangerous, the Police Chief shall cause one (1) owner of the potentially dangerous dog to be notified in writing that the animal is potentially dangerous. The owner shall have the right to appeal the designation in the same manner as provided in Subd. 7. The owner of a potentially dangerous dog shall have a microchip implanted in the dog for identification, and the name of the microchip manufacturer and identification number of the microchip must be provided to the Police Chief. All costs related to purchase and implantation of the microchip must be borne by the dog's owner.

Subd. 5. Evidence Justifying Designation. The Police Chief shall have the authority to designate any animal as a dangerous animal upon receiving evidence of the following:

- a) That the animal has, when unprovoked, bitten, attacked, or threatened the safety of a person or domestic animals as stated in Subd. 3.
- b) 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 Subd. 3.

Subd. 6. Authority To Order Destruction. The Police Chief, 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 (1) or more of the following findings of fact:

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

Subd. 7. Appeal Procedure. The Police Chief, after having determined that an animal is dangerous, may proceed in the following manner: The Police Chief shall cause one (1) 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 fourteen (14) days to appeal this order by requesting a hearing for a review of this determination.

- a) If an owner requests a hearing for determination as to the dangerous nature, or potentially dangerous nature of the animal, the hearing shall be held before an independent hearing officer appointed by the City Council, who shall set a date for hearing within fourteen (14) days of receipt of the demand for the hearing. The records of the Police Department and or City Clerk's office shall be admissible for consideration by the hearing officer without further foundation. After considering all evidence pertaining to the temperament of the animal, the hearing officer shall make an order as it deems proper. In the event that the dangerous dog declaration is upheld by the hearing officer, actual expenses of the hearing up to a maximum of \$1,000 will be the responsibility of the dog's owner. The hearing officer shall issue a decision on the matter within ten (10) days after the hearing.
- b) No person shall harbor an animal after it has been found to be dangerous and ordered into custody for destruction.

Subd. 8. Stopping An Attack. If any police 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.

Subd. 9. Notification of New Address. The owner of an animal which has been identified as dangerous or potentially dangerous shall notify the Police Department 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 fourteen (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.

Section 71.09. DANGEROUS DOG REQUIREMENTS.

Subd. 1. Requirements. If the owner desires to keep a dog that has been declared dangerous, the owner must comply with all of the following:

- a) The owner shall provide and maintain a proper enclosure for the dog;
- b) the owner shall 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
- c) dangerous dog on the property as specified in Minnesota Statute 347.51 as may be amended from time to time;
- d) The owner shall provide and show proof annually of a surety bond issued in the sum of at least \$300,000, payable to any person injured by the dangerous dog, or a policy of liability insurance in the amount of at least \$300,000, insuring the owner for any personal injuries inflicted by the dangerous dog;
- e) If the dog is outside the proper enclosure, the dog must be muzzled and restrained by a substantial chain or leash (not to exceed six (6) feet in length) and under the physical restraint of a person sixteen (16) years of age or older. The muzzle must be of a 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;
- f) The dog must have an easily identifiable, standardized tag identifying the dog as dangerous affixed to its collar at all times as specified in Minnesota Statute 347.51 as it may be amended from time to time, and shall have a microchip implant as provided by Minnesota Statute 347.51, as it may be amended from time to time;
- g) The dangerous dog shall be registered with the city within fourteen (14) days after the date the animal was so deemed and provide satisfactory proof thereof to the Police Chief;

- h) The dog must be licensed and up to date on rabies vaccination.
- i) An owner of a dangerous dog must notify the Police Department in writing of the death of the dog, and must, if requested by the Police Department, execute an affidavit under oath setting forth either the circumstances of the dog's death and disposition 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.
- j) The dog shall be sterilized at the owner's expense. If the owner does not have the dog sterilized in 30 days, the Police Department shall seize the dog and have it sterilized at the owner's expense.
- k) The owner shall have a microchip implanted in the dog for identification, and the name of the microchip manufacturer and identification number of the
- l) Microchip must be provided to the Police Chief. All costs related to purchase and implantation of the microchip must be borne by the dog's owner.
- m) A person who owns a dangerous dog and who rents property from another where the dog will reside must disclose to the property owner prior to entering the lease agreement and at the time of any lease renewal that the person owns a dangerous dog that will reside at the property.
- n) A person who transfers ownership of a dangerous dog must notify the new owner that the Police Department has identified the dog as dangerous. The current owner must also notify the Police Department in writing of the transfer of ownership and provide the Police Department with the new owner's name, address, and telephone number.

Subd. 2. Seizure. As authorized by Minnesota Statute 347.51, as it may be amended from time to time, the Police Department shall immediately seize any dangerous dog if the owner does not meet each of the above requirements within fourteen (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.

Subd. 3. Reclaiming Animals. A dangerous dog seized under Subd. 2 above, may be reclaimed by the owner of the animal upon payment of impounding and boarding fees and presenting proof to the police department that each of the requirements under Subd. 1, is fulfilled. An animal not reclaimed under this section within fourteen (14) days may be destroyed, and the owner is liable to the city for costs incurred in confining and impounding and destroying the animal, if applicable.

Subd. 4. Subsequent Offenses. If an owner of an animal has subsequently violated the provisions under Section 71.08 with the same animal, the animal must be seized by the Police Department. The owner may request a hearing as defined in 71.08, Subd. 6(a). If the owner is found to have violated the provisions for which the animal was seized, the Police Chief 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. If the animal is not yet reclaimed by the owner within fourteen (14) days after the date the owner is notified that the animal may be reclaimed, the animal may be disposed of and the owner is liable to the Police Department for the costs incurred in confining, impounding, and destroying of the animal.

Section 71.10. ABANDONMENT. No Person shall abandon any dog or other animal within the City.

Section 71.11. PERMITS REQUIRED.

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

Subd. 2. Duration and Revocation.

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

Section 71.12. TAGS. Upon receipt of the permit fee, the City Clerk shall give a metallic tag to the Person paying the permit fee. The Owner of the animal for which the tag was obtained shall permanently attach the tag to the animal's collar in a manner so that the tag may be readily seen. The tag is not transferable to any other animal or to a new owner of the animal. If a tag is lost or stolen, the Owner may obtain a new tag by surrendering the receipt for the first tag and by paying an additional fee the Council determines.

Section 71.13. RABIES VACCINATION.

Subd. 1. Evidence of Vaccination. Before any license or permit may be issued for an animal, the owner or keeper of the animal must provide a current rabies certificate to show that the animal for which the license is sought has been properly vaccinated for rabies. Any animal not so vaccinated and tagged may be impounded and destroyed.

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

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

Section 71.14. IMPOUNDMENT.

Subd. 1. Duration and Notification. The Police Department or Humane Society shall take up and impound any dogs or animals requiring permits; or any dogs or animals violating this Ordinance. Animals shall be impounded in an animal shelter and confined in a humane manner. Except as provided in Section 71.09, Subds. 2 and 3, impounded animals shall be kept for not less than five (5) days, not including Sundays and holidays, unless reclaimed by their owners. If the owner can be identified, the Police Department or Humane Society shall immediately upon impoundment notify the owner by telephone or mail of the impoundment.

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

Subd. 3. Unclaimed Impounded Animals. Any dog or animal, other than those impounded under Section 71.08, which is not claimed within five (5) days after impounding, not including Sundays and holidays, may be sold for not less than the amount of the total charges accrued against the animal to anyone desiring to purchase the dog, if not requested by a licensed educational or scientific institution under Minnesota Statutes Section 35.71, as amended. All sums received by the Police Department shall be turned over to the City Clerk and placed in the General Fund and the animal's owner shall be responsible for any unpaid impound fees. Any dog or animal which is not claimed by the owner or by a licensed educational or scientific institution shall be painlessly put to death and the body properly disposed of by the Police Department or its designee, and the animal's owner shall be responsible for the costs and any unpaid impound fees. The time of sale or other disposition of the dog or animal shall be at least one hundred twenty (120) hours after notice has been given to the known animal owner.

Section 71.15. ANIMAL BITES. Any Person knowing of a human being bit by a dog, cat, raccoon, skunk or other rabies susceptible animal species shall immediately notify the Police Department to kill or destroy the dog or animal.

Section 71.16. COMPLAINTS. Any Person complaining to the Police Department that a dog or other animal is allegedly running at large or otherwise constituting a danger or nuisance shall identify themselves upon request and shall make every reasonable attempt to assist the authorities in identifying the animal and its owner or custodian.

Section 71.17. MUZZLING PROCLAMATION. Whenever the prevalence of hydrophobia renders such action necessary to protect health and safety, the Mayor shall issue a proclamation ordering every Person owning or keeping a dog to confine it securely on his premises unless it is muzzled so that it cannot bite. No Person shall violate such proclamation and any unmuzzled dog running at large during the time fixed in the proclamation shall be killed by the Police Department without notice to the Owner.

Section 71.18. BEEKEEPING PROHIBITED. Bees are prohibited within the City limits.

Section 71.19. PENALTY. Except as otherwise provided in Minnesota Statute 347.55 any person who violates the provisions of this Ordinance shall be guilty of a petty misdemeanor upon the first offense and a misdemeanor upon the second and all subsequent offenses. Each day in which a violation occurs shall be punishable as a separate offense. This Ordinance may also be enforced by administrative citations. Administrative fines for violations of this Ordinance are established by the City Council in Appendix A.

Section 71.20. OTHER FEES FOR DANGEROUS DOGS. Annual registration fees and fees for providing warning symbols for dogs designated as dangerous dogs shall be established by the City Council in Appendix A.