

Chapter 6

ANIMALS*

* **State Law References:** Animal health, Minn. Stats. ch. 35; dogs and cats, Minn. Stats. ch. 347; cruelty to animals, Minn. Stats. § 343.20 et seq.

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ARTICLE I.
IN GENERAL

Secs. 6-1--6-18. Reserved.

ARTICLE II.
WILD, DANGEROUS OR UNDOMESTICATED ANIMALS

Sec. 6-19. Purpose; prohibited ownership.

To protect the health, safety and welfare of the citizens of the city, it shall be unlawful to keep any wild, dangerous or undomesticated animal within the corporate limits of the city, except as permitted pursuant to the provisions of this article.
(Ord. No. 66, § 1, 12-3-1991)

Sec. 6-20. Definitions.

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

Wild animal means and includes any mammal, amphibian, or reptile which is of a species which is wild by nature or of a species which, due to size, vicious nature or other characteristic, is inherently dangerous to human beings. Examples of wild animals considered capable of inflicting severe bodily harm to humans include but are not limited to:

- (1) Any large cat of the family Felidae, such as lions, tigers, jaguars, leopards, cougars and ocelots, except commonly accepted domesticated house cats.
- (2) Any member of the family Canidae, such as wolves, coyotes, dingos, and jackals, except domesticated dogs.
- (3) Any crossbreed such as crossbreeds between dogs and coyotes, or dogs and wolves, but does not include crossbred domesticated animals.
- (4) Any poisonous snake such as a rattlesnake, coral snake, water moccasin, puff adder or cobra.
- (5) Any snake or reptile which by its size, vicious nature or other characteristic is dangerous to human beings.
- (6) Any skunk, raccoon, fox, or ferret, unless certified by a veterinarian to be free of rabies, and kept pursuant to a valid DNR permit, said certification to be obtained within seven days of receipt of the animal.
- (7) Any bear, ape, gorilla, monkey (except as exempted by this article), or badger.
- (8) Any other animal or reptile which is commonly considered wild and not domesticated, excluding wild horses.

(Ord. No. 66, § 2, 12-3-1991)

Sec. 6-21. Conditional use permit required; exceptions.

(a) Any person desiring to keep an animal prohibited by this article may apply for a temporary conditional use permit from the city council. Such permit may be issued for a period not to exceed 30 days and shall specify conditions under which such animals shall be kept; provided, however, that no such permit shall be issued unless such prohibited animal is brought into the city for entertainment, exhibition or show purposes only, or by persons keeping animals for a public zoo as volunteers, docents or otherwise. A public zoo or other institution engaged in a permanent display of animals, any bona fide research institution or veterinary hospital may be issued a permanent conditional use permit provided applicable zoning requirements are met.

(b) Nonpoisonous snakes or snakes not prohibited by this article, birds kept indoors, hamsters, mice, rabbits, lizards and similar small animals capable of being kept in cages continuously are also exempt and do not require a permit.

(c) Persons with handicaps may keep monkeys trained as personal helpers by conditional use permit subject to annual review.

(d) The raising of wild animals for pelts may be permitted by conditional use permit provided all applicable zoning requirements and all applicable state requirements are met.

(e) Before issuance of any temporary or permanent conditional use permit, the applicant shall provide the city with proof of insurance, including public liability insurance with limits of not less than \$1,000,000.00. The insurance shall provide coverage for liability resulting from the ownership or possession of the specific animals being permitted.
(Ord. No. 66, § 3, 12-3-1991)

Sec. 6-22. Impounding of wild animals.

Any wild 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 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.
(Ord. No. 66, § 4, 12-3-1991)

Secs. 6-23--6-47. Reserved.

ARTICLE III.

DOGS*

* **State Law References:** Dangerous dogs, Minn. Stats. § 347.50 et seq.

DIVISION 1.

GENERALLY

Sec. 6-48. Definitions.

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

Abandoned means to leave a dog or other domestic animal at large within the city without intending to return to or recover it. It shall also mean to purposefully leave a dog or other domestic animal in the possession of the enforcement officer to avoid paying impoundment and/or boarding costs.

Altered means any female dog that has been spayed or any male dog that has been castrated.

At large means off the premises of the owner and not under the physical control (by leash or by voice) of the owner, a member of the owner's immediate family, or a person designated by the owner.

Enforcement officer means the person designated to enforce the provisions of this article.

Kennel, commercial, means any place where four or more of any type of dog over four months of age, are boarded, bred, trained or offered for sale.
(Ord. No. 98-84, § 84.1, 10-6-1998)

Sec. 6-49. Exemptions.

Except where duties are expressly stated, this article does not apply to hospitals, clinics, and other premises operated by licensed veterinarians exclusively for the care and treatment of dogs.
(Ord. No. 98-84, § 84.2, 10-6-1998)

Sec. 6-50. Interference with enforcement.

No unauthorized person shall break open the pound or attempt to do so, or to take or let out any animals therefrom, or to take or attempt to take from any enforcement officer any dog taken up by him in compliance with the city ordinances or statutes, or in any manner to interfere with or hinder such enforcement officer in the discharge of duties.
(Ord. No. 98-84, § 84.5, 10-6-1998)

Sec. 6-51. Rabies inoculation.

(a) All dogs in the city over the age of six months shall be inoculated for rabies and shall be reinoculated according to standard veterinary practices thereafter. Such vaccination must be performed by or under the direct supervision of a veterinarian duly licensed to practice veterinary medicine in the state in which the vaccine is administered. A certificate from the veterinarian inoculating said dogs shall be exhibited to the enforcement officer upon demand as written proof of such vaccination.

(b) Each dog shall wear a sturdy collar for aid in identification with the veterinarian's metal tag showing proof of said current rabies inoculation. At the owner's discretion, an implanted microchip may be used in lieu of the collar and tag if the microchip identification numbers are placed on file at the American Kennel Club.
(Ord. No. 98-84, § 84.7, 10-6-1998)

State Law References: Rabies control generally, Minn. Stats. § 35.67 et seq.

Sec. 6-52. Nuisances.

(a) *Declared.* The following are public nuisances and unlawful:

- (1) Any dog that damages property (that is not the property of the owner), including plantings, lawns or structures, or that deposits fecal matter off of the owner's property that the owner fails to remove promptly.
- (2) Any dog that, without provocation, chases, molests or approaches any person in a threatening manner upon the streets, sidewalks, rights-of-way, or any public property, or habitually chases automobiles on the public streets or highways.
- (3) Any dog that is kept under unsanitary and/or inhumane conditions such that the maintenance or keeping of the animal creates odors to the annoyance of the public in the vicinity.
- (4) Any dog that kills or attacks another animal or livestock without provocation while off the owner's property.

- (5) The owning, keeping, or harboring of any dog which shall by any noise unreasonably and/or excessively disturb the peace and quiet of any reasonable person in the vicinity. The phrase "unreasonably and/or excessively disturb the peace and quiet" shall include, but is not limited to, the creation of any noise by a dog which can be heard by any person, including an enforcement officer or law enforcement officer, from a location off the dog owner's property 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 animal noise during the five-minute period. This provision shall not apply to dogs that are responding to trespassers or to dogs that are teased or similarly provoked to bark.

(b) *Complaint.* Any person may, by telephone, notify the city clerk, enforcement officer, or law enforcement officer of an alleged violation of this article. A telephone call does not, however, constitute a formal complaint to initiate the citation process. All formal complaints shall be submitted in writing to the attention of the city clerk, or other elected city official, and shall describe the dog, state the acts committed by the dog, the name and address of the person owning or harboring the dog, and the name and address of the person making the complaint. The city clerk shall then promptly notify the person owning or harboring the dog of the acts complained of, either by letter or door tag, and shall request that the nuisance be abated or eliminated within a specified time period. The city clerk shall also cause the enforcement officer or law enforcement officer to investigate and file a report on the complaint.

(c) *Notification.* Upon receipt of a second complaint of a violation of this article, the city clerk, or other elected city official, shall cause the enforcement officer or law enforcement officer to investigate and file a second report on the complaint. If the offense is corroborated by the investigation, the city clerk shall, by certified letter, notify the person owning or harboring the dog of the violations complained of, and require that the nuisance be abated or eliminated within 24 hours or some other reasonable time specified in the letter. A copy of the letter shall be mailed to the enforcement officer and a copy shall be mailed to the person making the complaint.

(d) *Failure to comply.* If the owner fails to take corrective action within 24 hours or within the time specified in the letter, the city clerk shall contact the appropriate law enforcement agency and/or the city attorney, inform them of the alleged violation, and request that the owner be cited.
(Ord. No. 98-84, § 84.11, 10-6-1998)

Sec. 6-53. Animal bites and animals exposed to rabies.

(a) *Right of entry.* Any law enforcement officer or enforcement officer may enter upon the private property of any person while in pursuit of any dog under probable cause to believe that such dog has bitten a person or animal, or that such dog is rabid.

(b) *Quarantine required.* Subsection (a) of this section notwithstanding, whenever any person who owns, possesses or harbors any dog within the city learns that the dog has bitten any human being, such person shall immediately quarantine such dog for a period of at least ten days, keeping it apart from other animals until it is determined whether the dog has rabies. The quarantine may be by the person owning the dog if such dog has a current rabies vaccination at the time the bite occurred. If the dog does not have a current rabies vaccination at the time the bite occurred, the dog must be impounded at a licensed pound or with a licensed veterinarian at the owner's expense. After the required ten-day quarantine, the dog shall be examined by a licensed veterinarian to ensure that there are no clinical signs of rabies. If the dog is found to be rabid, it shall be humanely euthanized.

(c) *Unclaimed dogs.* If the dog owner cannot be located or advised of the dog bite within eight hours of the occurrence, or if the owner fails to quarantine the dog as required by this article, the enforcement officer shall cause the dog to be impounded and so quarantined. After the required ten-day quarantine, if the dog is still unclaimed, the dog shall be humanely euthanized and tested for rabies; if claimed, the dog shall be examined by a licensed veterinarian to ensure there are no clinical signs of rabies. If no signs of rabies are observed, the dog can be released to the owner. If the dog is found to be rabid, it shall be humanely euthanized.

(d) *Monitoring and ending quarantine.* The enforcement officer, or other designate of the city shall have the authority to verify if the dog is properly quarantined. Any veterinarian quarantining an animal shall notify

the enforcement officer before the release of such animal.

(e) *Exposure to rabies.* Any dog known to have been bitten by a rabid dog or exposed to rabies shall be impounded. If, however, the dog is at large and cannot be apprehended after reasonable effort, the dog may be immediately destroyed. After impoundment, if proof of rabies immunization is furnished and booster injections are given by a licensed veterinarian at the expense of the owner, the dog may be released to the owner. If it cannot be proven that the animal has a current rabies immunization, the owner may, at his discretion, make provision for a suitable quarantine for a period of not less than six months.
(Ord. No. 98-84, § 84.8, 10-6-1998)

Sec. 6-54. Running at large prohibited.

No person shall allow a dog to run at large at any time.
(Ord. No. 98-84, § 84.9, 10-6-1998)

Sec. 6-55. Females in heat.

Every female dog in heat shall be confined in a building or other secure enclosure in such manner that such female cannot come in contact with another dog, except for the express purpose of planned breeding, or shall be controlled on a leash while being exercised.
(Ord. No. 98-84, § 84.13, 10-6-1998)

Sec. 6-56. Abandonment prohibited.

No person shall abandon any dog, or other domestic animal, within the city.
(Ord. No. 98-84, § 84.10, 10-6-1998)

Sec. 6-57. Sanitation.

Any person who owns, keeps or harbors any dog must remove all dog feces, on a daily basis, from all enclosed dog runs or kennels, and must remove, on a daily basis, any accumulations of dog feces which are visible from any location outside the borders of that person's property.
(Ord. No. 98-84, § 84.15, 10-6-1998)

Secs. 6-58--6-87. Reserved.

DIVISION 2.

ADMINISTRATION AND ENFORCEMENT

Sec. 6-88. Enforcement officer.

The enforcement officer shall have police powers necessary for enforcement of this article, including authority to issue complaints for violations.
(Ord. No. 98-84, § 84.3, 10-6-1998)

Sec. 6-89. Seizure of dogs; impounding.

Any person may seize, impound, or restrain any dog found running at large. Any person or officer (other than the enforcement officer) impounding or restraining such dog shall immediately deliver the same to the enforcement officer. If the animal is collarless, the enforcement officer shall immediately ascertain whether the dog has a tattoo or embedded microchip as a means of identification. The enforcement officer shall thereupon give notice of the impoundment to the owner or, if the owner is unknown, or cannot reasonably be reached, shall post notice of the impoundment at the city hall (and at such other places as may be designated by the city council). If such dog is not claimed within five calendar days of such posted notice and all fees and charges paid, the

enforcement officer shall deliver said dog to the custody of the city designated animal shelter. Any dog restrained or impounded shall receive humane treatment and sufficient food, water and shelter.
(Ord. No. 98-84, § 84.14, 10-6-1998; Ord. No. 2004-108, § 1, 3-3-2004)

Sec. 6-90. Impounding and boarding fees.

(a) The enforcement officer may charge such reasonable impounding fees for the care and council of any dog restrained or impounded and any and all such fees so imposed shall be paid to the enforcement officer at the time of reclaiming the dog. The city council shall annually review all fees so imposed by the enforcement officer to determine their reasonableness, and may, by resolution, impose such additional fees reasonably related to the necessary and reasonable expenses incurred by the city for the capture, transportation, and/or care of impounded dogs. All such fees must be paid to the enforcement officer prior to release of the animal. The enforcement officer shall issue a receipt to the owner evidencing such payment.

(b) In the case where any dog has been impounded whose rabies vaccination is not current, said dog shall not be released unless the owner first obtains written evidence, from a licensed veterinarian, that arrangements have been made to have the dog vaccinated upon its release. Any written evidence submitted pursuant to this provision shall be deemed inadmissible in any criminal court action against the owner of the dog.
(Ord. No. 98-84, § 84.16, 10-6-1998)

ARTICLE IV.

ANIMAL WASTE

Sec. 6-91. Definitions.

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

Animal means a dog, cat or other animal kept for amusement or companionship.

Owner/Custodian means any person who harbors, feeds, boards, possesses, keeps or has custody of an animal.

Immediately means at once, without delay.

Soil/defile means to make unclean from excrement.

Waste means solid matter expelled from the bowels of the pet; excrement.

Sec. 6-92. Purpose and Intent.

- (a) No order or custodian of any animal shall cause or allow such animal to soil, defile or defecate on any public property or upon any street, sidewalk, public way, play area, or upon private property other than that of the owner, unless such owner immediately removes and disposes of all feces deposited by such animal in a sanitary manner.
- (b) It is unlawful for any person owning, keeping or harboring an animal to cause or permit said animal to be on any public or private property not owned or possessed by such person without having in his/her immediate possession a device for the removal of feces and depository for the transmission of excrement to a proper receptacle located on the property owned or possessed by such person.
- (c) It is unlawful for any person in control of, causing or permitting any animal to be on any public or private

property not owned or possessed by such person, to fail to remove feces left by such animal and dispose of it properly as described in section (d).

- (d) Proper disposal of animal waste shall be limited to burial where lawfully permitted, flushing in the toilet, bagging for disposal in the owner or keepers waste receptacle, and bagging for disposal in a waste receptacle designated for animal waste in a public park or park area.
- (e) Disposal of animal waste in storm drains is prohibited.
- (f) Disposal of animal waste in public compost is prohibited.
- (g) The provisions of this section shall not apply to the ownership or use of any properly identified service animals, animals when used for police activities, farm animals or tracking animals when used by or with permission of the appropriate authorities.
- (h) Any duly authorized agent should be responsible for issuing the citations.
- (i) Any person violating any provision of this ordinance may be subject to a forfeiture of not less than \$200 nor more than \$500.

(Ord. No. 2022-70, 10-4-2022)