

CHAPTER 90: ANIMALS

Note : Section on Animals was last redrafted on December 20, 2003

General Provisions

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Cross-reference:

Chasing animals with snowmobile, see § 71.44

GENERAL PROVISIONS

Chapter 90 as amended:

(Amendments are in Italics)

Sec. 90.01 KEEPING WITHOUT PERMIT DECLARED NUISANCE.

The keeping, harboring or permitting of cattle, horses, sheep, goats, rabbits, pigeons, fowl or

swine in the city without a permit constitutes a public nuisance unless they are to be kept only temporarily in a stockyard or farm produce establishment awaiting transportation or slaughter or for exhibition purposes.

(Ord. 878, passed 6-14-99)

§§ 90.02 ANIMALS RUNNING AT LARGE.

(A) It shall be unlawful for any person to suffer or permit animals including, but not limited to, cattle, horses, mules, sheep, goats and swine, except house pets, to run at large in the streets or public places, or to be herded or driven thereon unless each such animal is confined within a vehicle or restrained by means of bridles, halters, ropes or other means of individual restraint. This section shall not apply to persons who have obtained prior approval from the City Council for special events involving such activities and animals.

(B) Any person convicted of violating this section shall be guilty of a misdemeanor.

(‘69 Code, §§ 6.29, Subd. 1 A., 2) (Ord. 637, eff. 6-22-81)

§§ 90.03 MANNER OF KEEPING AND CARE OF PREMISES.

No person shall keep any dog, cat or other animal in the city in an unsanitary place or condition or in a manner resulting in objectionable odors or in such a way as to constitute a nuisance or disturbance by reason of barking, howling, fighting or other noise or in such a way as to permit the animal to annoy, injure or endanger any person or property. Every structure in which animals are kept shall be maintained in a clean and sanitary condition and free of all rodents, vermin and objectionable odors. Manure shall be removed with sufficient frequency to avoid nuisance from odors or from the breeding of flies, at least once each month, from October 1 to May 1 of each year, and once every two weeks at other times.

(Ord. 878, passed 6-14-99) [Penalty, see §§ 92.99](#)

SEC. 90.04 KENNELS.

Private animal kennels in residential zoned districts shall not be permitted in the front yards. Kennels may be located in the side yard provided the kennel is set back at least five (5) feet from the property line. Kennels may be located in the rear yard provided the kennel is setback at least twenty-five (25) feet from the rear yard property line and at least five (5) feet from the side yard property line. Kennels shall be maintained in accordance with all applicable provisions of the Worthington City Code, including, by way of example and not limitation, Sec.92.02 and Sec.90.03

§§ 90.05 GRANDFATHER PROVISION.

This subchapter shall not apply to any property owner who on June 14, 1999, the date of enactment of a predecessor of this chapter had been permitted by the city to keep any animal listed in §§90.01 within the city limits. This exception shall not apply after the animals are not kept on the property for a period of two weeks (14 days) or more, or if the property where the

animals are kept is sold or leased to another party.

(Ord. 878, passed 6-14-99)§§¹

§§ 90.06 ANIMALS DESTROYING PROPERTY OF ANOTHER.

(A) It shall be unlawful for any person to suffer or permit any animals to destroy the property of another person.

(B) Any person convicted of violating this section shall be guilty of a misdemeanor.

(‘69 Code, §§ 6.29, Subd. 1 D., 2) (Ord. 637, eff. 6-22-81)

§§ 90.07 DANGEROUS ANIMAL REGULATION.

(A) *Definition.* For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

***DANGEROUS ANIMALS.* Any wild animal, reptile or fowl which 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 if it is not kept or maintained in a safe manner or in secure quarters. The term also means and includes any domestic mammal, reptile or fowl which, because of its size or vicious propensity or other characteristic, would constitute a danger to human life or property if it is not kept or maintained in a safe manner or in secure quarters.**

(B) *Permit required.* It is unlawful for any person to keep or maintain any dangerous animal without a special permit therefor from the city. All applications for such permit shall be made at the office of the City Clerk upon forms furnished by the city. No such permit shall be issued for a period exceeding one year and such permit shall specify the conditions under which such animal shall be kept. The Director of Public Safety shall issue a special permit for the purpose of keeping or maintaining a dangerous animal if it is found that:

(1) The animal is at all times kept or maintained in a safe manner and confined securely so that the keeping of such animal will not constitute the danger to human life or property of others.

(2) Adequate safeguards are made to prevent unauthorized access to such animals by members of the public.

(3) The health or well-being of the animal is not in any way endangered by the manner of keeping or confinement.

(4) The keeping of such animal does not constitute a nuisance and will not harm the surrounding neighborhood or disturb the peace and quiet of the surrounding

¹ The drafter is not entirely happy with this provision and it may be revised. The drafter is not pleased with the grandfather provision. It was 92.73 in the ordinance passed in June, 1999 and apparently was included because of the permit process which was in 90 as passed in 1981. It may be that we want to remove any reference to permits in Ch.90 as amended.

neighborhood.

(5) The keeping of such animal will not create or cause offensive odors or constitute a danger to public health.

(6) The quarters in which such animal is kept or confined are adequately lightened, ventilated and are so constructed that they may be kept in a clean and sanitary condition.

(7) The applicant for such special permit proves his ability to respond in damages to and including the amount of \$300,000² for bodily injury to or death of any person or persons or for the damage to property owned by any other persons which may result in the ownership, keeping or maintenance of such animal. Proof of liability to respond in damages may be given by filing with the City Council a certificate of insurance stating that the applicant is, at the time of his application, and will be during the period of such special permit, insured against liability to respond in such damages, or by posting with the city a surety bond, approved by the City Attorney, in the amount of \$300,000 conditioned upon the payment of such damages during the period of such special permit. Such certificate of insurance or bond shall provide that no cancellation of the insurance or bond will be made unless ten days written notice is first given to the city.

(8) Persons who own property adjoining that of the applicant have been notified by the City Clerk of the proposed application and of the date and time at which the City Council will pass on the application so that any objections of said owner(s) may be heard. Said notice from the Clerk shall be by mail with postage paid, to said owner(s)' last known address(es) at least five days prior to the date set for hearing or shall be delivered by a police officer in the same manner as a summons at least three days prior to the date set for the hearing.

(C) *Investigation required.* The *Director of Public Safety*³, or his designee, shall investigate all applications for permits and shall report to the City Council. The *Director of Public Safety* in investigating any applicant for a permit under this section or any enforcement of this section, is authorized to consult with and seek the advice of the Society for the Prevention of Cruelty to Animals, the Humane Society, any representative of the Animal Control Center of the County, if there be one, or any other individual, agency, organization or society which may be able to provide information and advice concerning the keeping of dangerous animals. The Chief of Police, or his designee, shall report all prior animal complaints against the applicant to the Council and the Council shall consider said prior complaints in determining whether or not to issue the permit.

(D) *Permit fee.* Upon compliance with all provisions of this section, a permit shall be issued upon payment of an annual fee which the Council shall establish.

(E) *Exception.* The provisions of this section shall not apply to the keeping of dangerous animals in the following cases:

(1) The keeping of such animal for exhibition to the public by a traveling circus, carnival or

² Increased the ability to respond in damages to \$300M. This would, in most cases, require an insurance policy which, because of premium cost, would be a limiting factor.

³ The ordinance was using the term "Chief of Police". I think Director etc. is now correct.

other exhibit or show holding a permit issued by the Commissioner of Natural Resources pursuant to M.S. §§ 97.611 so long as such circus, carnival, exhibit, or show does not remain within the city for any period longer than one month in any one year.

(2) The keeping of such animals in a licensed veterinary hospital for treatment.

(3) Dangerous or poisonous reptiles may be maintained by a bona fide educational or medical institution for the purpose of instruction or study, provided such reptiles are securely confined and are properly cared for in a manner satisfactory to the Chief of Police.

(F) *Penalty.* Violation of this section shall constitute a misdemeanor. (Ord. 638, eff. 6-22-81) ('69 Code, §§ 6.35)

DOG REGULATIONS

§§ 90.15 RUNNING AT LARGE PROHIBITED; ANIMAL FECES TO BE REMOVED.

(A) It is unlawful for any person, or other possessor, of a dog to permit such dog to run at large; provided, that such a dog shall not be deemed to be running at large if it is under control on a leash or under the direct control of an accompanying person. (Ord. 682, passed 12-27-84)

(B) No owner/person shall allow a dog to defecate on public or private property not owned or leased by the person unless the animal feces is promptly removed and disposed of in a sanitary manner. (Ord. 786, passed 3-8-93)

[Penalty, see §§ 90.99](#)

§§ 90.16 RABIES TAG, CERTIFICATE REQUIRED.

(A) It is unlawful for any owner, or other possessor of a dog to fail to obtain a rabies vaccination certificate and tag from a licensed veterinarian.

(B) All dogs shall wear a collar and have a rabies tag firmly affixed thereto evidencing such rabies *vaccination within a two-year period.*⁴

(Ord. 682, passed 12-27-84) [Penalty, see §§ 90.99](#)

§§ 90.17 DISTURBING THE PEACE.

It is unlawful for any person, as owner or possessor of a dog, to suffer or permit such dog to disturb the peace and quiet of the neighborhood by chronic barking, howling, whining, or making any other loud or unusual noise.

(Ord. 682, passed 12-27-84) [Penalty, see §§ 90.99](#)

⁴ Cleared up some poorly drafted material relating to vaccinations.

§§ 90.18 IMPOUNDMENT.

(A) Any dog found in the city without a rabies vaccination tag and/or certificate, or running at large, shall be placed in a dog pound, and an accurate record of the time of such placement shall be kept on each such dog. Every dog so placed in the dog pound shall be retained for a period of five regular business days, and if unclaimed during that time period said dog shall become the property of the city, for adoption or for humane disposal.

(B) Dogs shall be released to their owners, or persons previously in possession of them, as follows:

(1) If such dog is owned or possessed by a resident of the city, after immunization for rabies, *if needed*,⁵ and the presentation of the certificate to the Director of Public Safety, and payment of impounding fee and maintenance cost for each day, or part thereof, that the dog was in the pound, said cost to be established by the Director of Public Safety.

(2) If such dog is owned or possessed by a person not a resident of the city, after immunization for rabies and payment of an impounding fee and maintenance cost for each day, or part thereof, that the dog was in the pound, said costs to be established by the Director of Public Safety.

(C) If the same dog is impounded twice or more during a six-month period, when owned by the same owner or possessed by the same possessor, all fees or fines shall be increased by 50%.

(Ord. 682, passed 12-27-84)

§§ 90.19 DESTRUCTION OF DOGS.

(A) Upon sworn complaint to a court of proper jurisdiction that any one of the following facts exist:

(1) That any dog at any time has destroyed property or habitually trespasses in a damaging manner on the property of persons other than the dog's owners;

(2) That any dog at any time has attacked or bitten a person outside the dog owner's or custodian's premises;

(3) That any dog is vicious or shows vicious habits, or molests pedestrians on public sidewalks or interferes with vehicles on the public streets or highways;

(4) That any dog disturbs the peace of the neighborhood, as defined in §§ 90.17;

(5) That any dog is running at large in violation of §§ 90.15.

The presiding officer of said court shall issue a summons directed to the owner of said dog commanding him to appear before said court to show cause why said dog should not be seized by any police officer, or otherwise disposed of in the manner authorized in this section.

⁵ Dog may have been at large and vaccinated - so "if needed" was inserted

(B) Such summons shall be returnable not less than two nor more than six days from the date thereof and shall be served at least two days before the time of appearance mentioned therein.

(C) Upon such hearing and finding the facts true as complained of, the court may either order the dog killed or order the owner or custodian to remove it from the city, or may order the owner or custodian to keep it confined in a designated place. If the owner or custodian violates such order, any police officer may impound any dog described in such order.

(D) Costs of the proceeding specified in this section shall be assessed against the owner or custodian of the dog, if the facts in the complaint are found to be true; or to the city if the facts are found to be untrue.

(E) The provisions of this section are in addition to and supplemental to other provisions of this subchapter.

(F) Whenever an officer has reasonable cause to believe that a particular dog presents a clear and immediate danger to residents of the city because it is infected with rabies or because of a clearly demonstrated vicious nature, the officer, after making reasonable attempts to impound the dog, and being unable to do so, may summarily destroy the dog.

(Ord. 682, passed 12-27-84) [Penalty, see §§ 90.99](#)

CAT REGULATIONS

§§ 90.30 RABIES TAG AND CERTIFICATE REQUIRED.

(A) It shall be unlawful for an owner or possessor of any cat to fail to obtain a rabies vaccination certificate and tag from a licensed veterinarian. The owner or possessor of the cat shall also retain a copy of such certificate and shall furnish same for inspection by any police officer so requesting. All cats shall wear a collar and have a rabies tag firmly affixed thereto evidencing such rabies vaccine for the period set forth in division (B) below.

(B) It shall be unlawful for any person to own, possess, feed or harbor a cat or animal of related genera which has not been vaccinated for rabies within the time required under standard veterinary practices; once a year shall be deemed to be the longest period of time during which said animal may go between rabies vaccinations, while standard veterinarian practice may require more frequent vaccinations. ⁶

(Ord. 682, passed 12-27-84) [Penalty, see §§ 90.99](#)

⁶ Should this and the provision for vaccinating dogs for rabies be the same. Dog provision is two years, cat is one year. Someone who knows should be asked. (Dr. Ring at the Vet Clinic) Do we want to include a provision for vaccinating pets of other types that can be infected by rabies – i.e. a pet skunk.

§§ 90.31 ANIMALS NOT TO DESTROY PROPERTY, CREATE NUISANCE.

The owner or possessor of any animal is obliged to prevent such animal from molesting, defiling or destroying any property, or to howl, screech or make other noise so as to constitute a public nuisance. ⁷

(Ord. 682, passed 12-27-84) [Penalty, see §§ 90.99](#)

§§ 90.32 ANIMAL MAY BE KILLED.

If a cat or other animal is reasonably believed to be rabid or otherwise diseased, hurt, vicious or dangerous and cannot be impounded after a reasonable effort, or without serious risk to the impounded or other person, such animal may be immediately killed.

(Ord. 682, passed 12-27-84) [Penalty, see §§ 90.99](#)

§§ 90.33 IMPOUNDMENT.

(A) Any cat in violation of this subchapter shall be placed in an animal pound and an accurate record kept of the time of such placement of such cat. Every cat so placed in the animal pound shall be retained for a period of five regular business days and if not claimed during that time period shall become the property of the city for adoption or humane disposal.

(B) The owner or possessor of an impounded cat may claim the cat after payment of the impounding fees and maintenance costs for each day or part thereof that said animal was in the pound, said costs to be established by the Director of Public Safety.

(Ord. 682, passed 12-27-84)

§§ 90.99 PENALTY.

Violation of any of the provisions of any of the provisions of this Chapter 90 shall be construed to be a misdemeanor, as provided in §§ 10.99.

(Ord. 682, passed 12-27-84)

CHAPTER 91: FIRE PREVENTION

Note : Section on Animals was last reviewed on December 20, 2003. No changes were made.

⁷ Cleaned up the language - same meaning and intent (or so the drafter thinks)

Section

91.01 INCINERATORS AND OPEN BURNING

Cross-reference:

Opening fire hydrant unlawful, see § 53.03

§ 91.01 INCINERATORS AND OPEN BURNING.

(A) No person shall kindle or maintain any bonfire, rubbish fire, or outdoor fire of any type or authorize any such fire to be kindled or maintained within the boundaries of the city unless specially authorized to do so by the City Council.

(B) The City Council may, in extraordinary circumstances, authorize bonfires, rubbish fires, or other outdoor fires so long as they are not prohibited by other federal or state laws.

(C) A request for special authorization to conduct an outdoor fire shall be made by application to the City Clerk on a form prescribed by the city. The application shall state with specificity the extraordinary circumstances existing which justify the special authorization. The City Clerk shall notify the Fire Chief of the Fire Department of any applications for special authorization and shall provide the Chief with a copy of said application before it is submitted to the City Council for consideration.

(D) If special authorization for an outdoor fire is granted, the provisions of the *Uniform Fire Code* and the powers of the Fire Chief to prohibit any outdoor fire when atmospheric conditions or local circumstances make such fires hazardous, shall apply to any such outdoor fire.

(E) This section does not apply to fires set for recreational, ceremonial, food preparation, or social purposes provided that only wood, coal, or charcoal is burned.

(F) This section does not authorize the open burning of leaves pursuant to M.S. § 116.082.

(G) A violation of this section is and shall be punishable as a misdemeanor. (Ord. 738, passed 7-10-89)