

CHAPTER 90: ANIMALS

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§ 90.01 DEFINITIONS.

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCESSORY STRUCTURES. See ***PRINCIPAL STRUCTURE and ACCESSORY STRUCTURES.***

ANIMAL. Every living creature except members of the human race.

ANIMAL CONTROL OFFICER. Any employee of the City of Worthington who holds that

employment and job classification within the City of Worthington.

ANIMAL ENCLOSURE. Any building or part thereof, structure or area including pens, dog houses, kennels and outside runs that are principally used or designed for use as a place for keeping animals. For the purposes of this chapter, an electronic containment system shall not be considered an animal enclosure.

AT LARGE. An animal, on or off the premises of the owner, and not under the control of the owner or some other person of suitable age and discretion by command or by leash, chain, cable, fence, kennel or other suitable enclosure. An animal enclosed within a residence, dwelling, business or other structure so that it cannot leave on its own volition shall not be considered at large.

BITE. To be seized by an animal with the teeth or jaws so that a person, animal or object has been nipped, gripped, wounded or pierced.

BREEDER.

(1) A professional breeder is any person or entity breeding animals for profit or who produces more than two litters, regardless of species, in any 12-month period.

(2) A nonprofessional breeder is any person breeding animals as a hobby and produces two litters or less, regardless of species, in any 12-month period.

BY COMMAND. As applied to a dog the term means the dog must be kept within six feet of the person in charge of or in control of the dog unless the dog is being exercised, trained or engaged in play. When a dog is being exercised, trained or engaging in play on public property or property other than the owners or person in charge or control of the dog, the dog must be visible to the owner or person in control and be within 30 feet of the owner or person responsible for control of the dog. The dog must always return to the owner on no more than two voice commands.

CAT. Any member of the animal species *Felis catus*.

CITY BEACH AREA. Area on the shoreline of the lake which the city has improved for swimming and other beach activities by providing some of the items hereafter listed: A bath house or other facility for changing clothes, improving the beach with sand, installing buoys and other devices to mark the swimming area, and providing life guard service, whether full or part-time.

COMMERCIAL KENNEL. A place where three animals, regardless of species, over six months of age are kept and where the business of selling, breeding, showing, treating or grooming dogs or other animals is conducted. An animal which is on premises for no more than 12 hours shall not be considered a kept animal.

DANGEROUS ANIMAL. 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, nature or other characteristics could constitute a danger to humans, animals, or property if it is not kept or maintained in a safe manner or in secure quarters. The term also means and includes any 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.

DOG. Any member of the species *Canis familiaris*.

DOMESTICATED ANIMAL. Any animal which by its nature, is capable of being bred or trained, or a combination of both, to cohabit with humans.

ELECTRONIC PET CONTAINMENT SYSTEMS. A system which emits or causes to be emitted an electronic signal for the purpose of confining animals within a predetermined area.

EUTHANIZE. To cause death by any method which produces rapid loss of consciousness resulting in as painless a death as possible.

EXOTIC ANIMAL. See *WILD or EXOTIC ANIMAL*.

IMPOUND. To seize and hold in custody.

OWNER. Any person owning, keeping, harboring, or maintaining an animal within the city or permitting such animal to be at large within the city. An animal shall be deemed harbored if it is fed or sheltered for three days or more.

PERSON. An individual, firm, corporation, partnership, association, trust, estate, or other legal entity.

PICKET/TIE-OUT. To restrain an animal by means of a chain, leash, or other restraint attached to a fixed object.

PRINCIPAL STRUCTURE and ACCESSORY STRUCTURES. The residence if a residence is located on the property. If there is no residence, the **PRINCIPAL STRUCTURE** shall be the largest building on the property. If more than one building on a property is equal in size to the largest building, then any building may be the **PRINCIPAL STRUCTURE**. Which structure is the **PRINCIPAL STRUCTURE** shall be determined at the sole discretion of the representative of the city enforcing this chapter. All structures other than the principal structure are **ACCESSORY STRUCTURES**.

SERVICE DOG. A dog which is properly identified as a dog which has been trained to aid persons who are totally or partially blind or deaf, or have physical or sensory disabilities, or a dog which is used by a law enforcement agency.

VACCINATION. Inoculation against rabies by any method approved by the State Health Department or other appropriate state agency.

WILD or EXOTIC ANIMAL. Any mammal, amphibian, reptile or bird which is of a species not usually domesticated, or of a species which, due to size, wild nature, or other characteristic, is or can be dangerous to humans. The term includes animals and birds, the keeping of which is licensed by the state or federal government, such as wolves, raptors, and pheasants. By way of example and not limitation, the term includes: poisonous snakes, reptiles, eagles, jaguars, cougars, weasels, badgers, monkeys, chimpanzees, deer and bison. The term includes crossbreeds such as the cross between dogs and coyotes and dogs and wolves. Exceptions to definition of **WILD or EXOTIC ANIMAL** are:

- (1) Non-poisonous snakes, domesticated birds, hamsters, mice, rabbits, lizards, spiders and other small animals or reptiles capable of being kept in cages including rats, if the animal is purchased from a bona fide pet shop;
- (2) Medically prescribed companion animals;

(3) Wildlife rehabilitators may only possess animals with a Minnesota Department of Natural Resources permit. Such animals shall be kept in a manner which does not create or cause unsanitary conditions or unreasonable noise.

(4) Birds and birds of prey if kept pursuant to a valid US Fish and Wildlife Services permit and located as permitted within zoning.

YARD. An open space, other than a court, on a lot or parcel of real estate, unoccupied and unobstructed from the ground upward.

(1) **YARD, FRONT.** The area extended across the full width of the property and between the front property line and the nearest exterior wall of the principal structures located on the subject property.

(2) **YARD, REAR.** The area extended across the full width of the subject property and between the rear property line and nearest exterior wall of accessory and principal structures located on the subject property.

(3) **YARD, SIDE.** The area which extends from the front yard to the rear yard of the subject property and lies between the side lot line and the and the nearest wall of any accessory structure which is located on the subject property.

(Ord. 980, passed 8-22-05)

§ 90.02 ANIMAL CONTROL OFFICER.

The City Administrator is authorized to employ an animal control officer(s) for enforcement of this chapter and to have the person(s) deputized with police powers for such enforcement, including authority to issue civil and criminal complaints for the violation of this chapter. Such officers shall be subject to the authority and direction of the Director of Public Safety.

(Ord. 980, passed 8-22-05)

§ 90.03 DOMESTICATED ANIMALS.

(A) No person shall keep an animal normally and usually housed in a cage and maintained as a pet on any premises used for residential purposes unless the animal is kept in a cage so constructed that it may be completely and easily cleaned. The space which is encompassed within the cage must be completely enclosed so the animals within the cage are protected from children and animals on the outside. Animals which are normally and usually housed in a cage are, by way of example and not limitation, rabbits, mice, white rats, small birds, hamsters, guinea pigs, gerbils, non-poisonous snakes and ferrets. Animals kept within a cage, dwelling structure or accessory structure shall be subject to the following conditions:

(1) The health or well-being of the animal must not be endangered by the manner of keeping or confinement.

(2) Keeping the animal does not constitute a nuisance and will not harm the surrounding

neighborhood or disturb the peace and quiet of the surrounding neighborhood.

(3) Keeping the animal will not create or cause offensive odors or constitute a danger to public health.

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

(5) The principal structure or accessory structure in which an animal is kept shall be maintained in a clean and sanitary condition to prevent the breeding of flies and free of all odors.

(B) No person shall keep or allow to be kept, maintain or harbor within the city any of the following:

(1) Any bees, bee hive or other facility for the purpose of housing bees;

(2) Wild or exotic animals, except as provided in this chapter;

(3) Any animal or species prohibited by federal or Minnesota law;

(4) Any skunk;

(5) Any cat or members of the family Felidae such as lions, tigers, leopards, cougars and ocelots, except cats of a type commonly accepted as domesticated cats;

(6) Any member of the family Canidae, such as wolves, dingoes, coyotes and jackals, any crossbreeds between dogs and coyotes and dogs and wolves, except dogs of a type commonly accepted as domesticated dogs;

(7) Any raccoon or possum;

(8) Any animal which would normally be considered a farm animal or barnyard animal unless the animal is kept only temporarily in a stockyard or farm produce establishment awaiting transportation or slaughter or for exhibition purposes. By way of example and not limitation, included in the terms farm animal and barn yard animal, are cattle, horses, sheep, goats, rabbits, fowl (including pigeons, ducks, chickens, geese, ostriches guinea hens, pheasants, quail, partridge, turkeys) swine, llamas, and alpacas.

(9) Any person keeping any prohibited animal identified above may have it seized immediately by the Animal Control Officer.

(C) *Exceptions.* This section does not apply to animals which are temporarily brought into the city for the purpose of participating in a show or circus, nor does it apply to any public zoo, or persons keeping animals for a public zoo as volunteers, docents or otherwise; nor to any bona fide research institution, or veterinary hospital provided protective devices adequate to prevent such animal from escaping or injuring the public are provided.

(D) A violation of any of the provisions of this section shall be a misdemeanor.

(Ord. 980, passed 8-22-05)

§ 90.04 DANGEROUS ANIMAL REGULATION.

(A) Except as provided in division (B) below dangerous animals shall not be permitted within the city.

(B) *Exceptions.* The provisions of this section shall not apply if:

(1) The animal is for exhibition to the public by a traveling circus, carnival or other exhibit or show which holds a permit issued by the Commissioner of Natural Resources pursuant to the 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) Keeping 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 Director of Public Safety.

(4) Keeping such animals in a public zoo.

(C) *Penalty.* Any person who keeps or harbors a dangerous animal within the city shall be guilty of a misdemeanor.

(Ord. 980, passed 8-22-05)

§ 90.05 ANIMALS AT LARGE.

(A) It shall be unlawful for any person, whether knowingly or unknowingly, to suffer or permit animals of any kind, including house pets, to run at large in the streets or public places. Animals including, but not limited to, cattle, horses, mules, sheep, goats and swine which are being herded or driven on a public street or in a public place shall be considered to be at large 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 animal which is found running at large may be captured and impounded. The animal shall be released only on the payment of an impound fee, plus an additional board charge for each day or fraction of a day during which the animal is impounded. If the impounded animal is an animal for which a license is required and such animal is unlicensed, in addition to the impounding and boarding fee, the animal shall not be released without the payment of the prescribed license fee, as well as an administrative penalty of \$100 or such other fee as may be established by the City Council. Each successive time during a 12-month period an animal owner has an animal run at large the administrative fee shall increase until the fourth time. The second time the administrative fee shall be \$200 or such other fee as may be established by the City Council. The third time the administrative fee shall be \$500 or such other fee as may be established by the City Council. The fourth time shall result in a declaration that the animal is a nuisance, and subject to destruction by the Animal Control Officer. These penalties are in addition to any fees or penalties which may be imposed by any other section of this code.

(C) When a dog or cat, which has not been spayed or neutered, is taken into custody or impounded for running at large, the owner shall be subject to an administrative penalty of \$100 or such other fee as may be established by the City Council. If the same dog or cat is taken into custody or impounded for running at large a second time within a 12-month period, and has not been spayed or neutered, the owner shall be subject to an administrative penalty of \$150 or such other fee as may be established by the City Council. If the same dog or cat is taken into custody or impounded for running at large a third time within a 12-month period, and has not been spayed or neutered, the owner shall be subject to an administrative penalty of \$300 or such other fee as may be established by the City Council. These charges are in addition to any other fees or penalties which may be imposed by any other section of this code.

(D) The Animal Control Officer may waive the additional charges for dogs and cats found running at large which have not been altered if a determination is made that the animal suffers from a medical condition which would make altering dangerous to its physical well-being. Additionally, an owner who has been charged the penalty set forth in § 90.02(C) for having an unaltered dog or cat shall be refunded the penalty if it is the first time the dog or cat has been running at large and within 45 days of the dog or cat being released from the custody of the city, the owner shows the Animal Control Officer written proof from a veterinarian that the dog or cat has been spayed or neutered.

(E) A designation that an animal is a nuisance and subject to destruction shall be in writing and shall state the dates, times, places and facts of the current and prior incidents of running at large which form the basis for the determination. The notice shall be served by mail to the last known address of the owner as determined from any records of the city. The owner(s) have seven days from the date of the notice to appeal the determination by requesting a hearing in accordance with the provisions of Chapter 31 of this code.

(F) If no appeal is filed in accordance with the provisions of Chapter 31 of this code, the order issued will stand and the animal will become the property of the city, which may proceed with destruction or offer the animal to an animal protection organization for adoption. The decision of whether the animal should be made available for adoption shall be in the sole discretion of the city.

(G) For purposes of this section, a dog at large is deemed at large and unrestrained with the permission and at the sufferance of its owner. If a person is charged with a misdemeanor because the person owns a dog which is at large, it shall be no defense that the dog escaped or is otherwise at large without the permission or sufferance of its owner.

(H) No animal, except a properly identified service dog, shall be permitted on any city beach area or allowed to swim in any city beach area. No animal shall be permitted in a municipal bathhouse or within the confines of the municipal outdoor swimming pool. No animal shall be allowed in city parks, playgrounds, and picnic areas unless restrained by a leash which is:

- (1) No more than six feet in length;
- (2) Strong enough to hold against lunges by the animal;
- (3) Held by a person strong enough to control the animal if it lunges.

(I) Feces which are deposited by an animal on property not owned by the owner of the animal or by the person in control of the animal shall be immediately removed by the owner or the person in control of the animal.

(J) In addition to the administrative fees for which provision, a person convicted of violation of any of the provisions of this section is guilty of a misdemeanor.

(Ord. 980, passed 8-22-05)

§ 90.06 LOUD NOISES, ODORS PROHIBITED.

It shall be unlawful:

(A) For any person to suffer or permit any place where animals are kept to emanate noxious odors, loud noises, or disagreeable noises, to the discomfort and annoyance of nearby property owners or occupants.

(B) For any person to suffer or permit accumulations of manure on any property.

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

(Ord. 980, passed 8-22-05)

§ 90.07 ANIMALS DESTROYING PROPERTY OF ANOTHER.

It shall be unlawful:

(A) For any person, knowingly or unknowingly, 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.

(Ord. 980, passed 8-22-05)

§ 90.08 DANGEROUS DOG.

A dangerous dog is a dog which has engaged in acts set forth in divisions (A) through (E):

(A) Caused bodily injury or disfigurement to any person on public or private property; or

(B) Engaged in any attack on any person under circumstances which would indicate danger to personal safety; or

(C) Exhibited unusually aggressive behavior, such as an attack on another domestic animal; or

(D) Bitten a person who was not on the dog owner's property; or

(E) When unprovoked, chased or approached a person upon the streets, sidewalks or any property other than the owners, in an apparent attitude of attack; or

(F) (1) A dog which has a history of a propensity, tendency or disposition to attack while

unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals is a dangerous dog.

(2) Unprovoked shall mean the condition in which the dog is not purposely excited, stimulated, agitated or disturbed. It shall be a rebuttable presumption that any attack on a child 14 years of age or younger is unprovoked unless the child is engaged in the commission of a crime or illegal activity, including activities classified under M.S. Ch. 343 as cruelty to animals.

(G) *Designation as a dangerous dog.* The Animal Control Officer shall designate a dog as a dangerous dog upon receiving evidence that such dog has, when unprovoked, bitten, attacked, or threatened the safety of a person or domestic animal as stated in division (F)(1) above and report such designation to the Director of Public Safety. The Director of Public Safety shall cause the owner, or if more than one owner, one of the owners, of the dog to be notified in writing or in person that the dog is dangerous and may order the dog seized or make such orders as deemed proper in accordance with division (H) below. The owner, or one of the owners if more than one owner, shall be notified as to the date(s) on which, the time(s) when, and place(s) where the dog has bitten, attacked or threatened a person or domestic animal. The owner, or one of the owners if more than one owner, shall be given five days excluding intervening weekends and holidays, to appeal this order by requesting, in writing on a form provided by the Director of Public Safety, a hearing in accordance with Chapter 31 of this code. The hearing officer shall affirm or reject the Animal Control Officers dangerous dog designation or may impose other sanctions as warranted.

(H) *Disposition of dangerous dogs.* The Animal Control Officer, after designation of an animal as dangerous shall determine the disposition of the dangerous dog.

(1) The dangerous dog shall be euthanized; or

(2) The dangerous dog shall 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 dog from escaping and to provide protection for the dog 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 dog 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 dog from exiting. Such enclosure shall not allow the egress of the dog in any manner without human assistance. A pen or kennel shall meet the following minimum specifications:

1. Have a minimum overall floor size of 32 square feet.

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

3. 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 greater than two inches.

4. 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 inches. The gate shall be equipped

with a device capable of being locked and shall be locked at all times when the dog is in the pen or kennel.

5. Protection from the elements shall be provided.

(b) *Insurance.* The owner provides a certificate of insurance showing a policy is in place which provides a minimum of \$1,000,000 of liability coverage. If the dog is impounded, proof of insurance must be demonstrated prior to the dog'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 dog on the property as specified in M.S. § 347.51;

(d) *Muzzle.* 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 feet in length and be under the physical restraint of a person 18 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;

(e) *Microchip identification required.* The owner of a dangerous dog is required to have a microchip installed or injected on the dog. The microchip shall be installed in or injected under the skin of the dog by a licensed veterinarian and shall be designed so that, when scanned by an electronic reader, it is capable of providing the identification of the dog's owner. An appropriate fee shall be paid by the owner to the licensed veterinarian for the microchip. If the dog is impounded, the microchip shall be installed or injected prior to its release;

(f) *Annual registration fee.* The owner of a dangerous dog is required to pay an annual registration fee in an amount to be determined from time to time by the City Council in addition to the annual dog license fee. If the dog is impounded the fee shall be paid prior to the dog's release.

(g) Violation of any of the provisions of this section is a misdemeanor.

(Ord. 980, passed 8-22-05)

§ 90.09 LICENSE.

(A) All dogs and all cats are subject to the provisions of this section. From time to time the City Council may determine that other animals shall be subject to the provisions of this section.

(B) All persons owning an animal more than three months old must obtain a license for the animal from the city. A license shall be for a two-year period which two-year period shall begin on the first day of the first full month following the date a license is issued.

(C) Any animal owner, upon first becoming a resident of the city or upon acquiring an animal over three months old, shall be allowed 30 days from the date residence is established or the date of acquisition of the animal within which to obtain the animal license. For the purpose of this division, an animal owner who is going to be a resident of the city for more than 45 days shall be considered a resident.

(D) No license shall be issued for an animal which can be but has not been vaccinated against rabies. The vaccine used for the vaccination shall be only that type approved for use by the state. The vaccination shall be performed only by an individual licensed to practice veterinary medicine in the state in which the animal is vaccinated. A certificate of vaccination from the veterinarian administering the vaccination shall be required as part of the license application, and the certificate shall state that the vaccination will be effective during the term for which the license is issued.

(E) The fee for the license required under this section shall be set by resolution of the Council for each sterilized animal and for each unsterilized animal. An applicant for a license for a sterilized animal shall present a statement from a qualified veterinarian that the animal has been sterilized.

(F) Upon payment of the license fee, the Director of Public Safety shall issue a receipt to the owner and a license tag to be fastened to the collar of the animal. The owner shall see that the license tag is constantly worn by such animal unless the animal is in actual training or performance classes for obedience or confirmation. If any license tag is lost, a substitute tag may be issued by the Director of Public Safety upon presentation of the owner's receipt for the current license period and payment of a fee set by the City Council.

(G) Licenses are not transferable, and no refund will be made because of the death of the animal or a change of residence. Any person who transfers a license will be in violation of this section and shall be guilty of a misdemeanor.

(H) The licensing requirements of this section shall not apply to any animal belonging to a nonresident of the city and kept within the city for not longer than 30 days, provided that all animals shall at all times while within the city be kept under restraint.

(I) No person shall counterfeit the tag(s) provided for in this section or use counterfeit tag(s) or take from any animal a tag legally placed upon it by its owner or place a tag so taken upon another animal.

(J) Violations of divisions (A) and (B) of this section shall be guilty of a misdemeanor.

(Ord. 980, passed 8-22-05)

§ 90.10 PERMITS - COMMERCIAL AND BREEDER.

(A) No person, partnership or corporation shall operate a commercial animal establishment or animal shelter which does not comply with the rules and regulations set forth in Chapter 155 of this code.

(B) No fee shall be required for any government-operated zoological park or animal shelter.

(C) The application for a permit shall be on forms provided by the city. The application may be obtained from the Director of Public Safety. The City Council may promulgate regulations for the issuance of permits and shall include requirements for humane treatment and care of all animals and for compliance with the provisions of this chapter and other applicable laws. The City Council may amend such regulations from time to time as deemed desirable for public health and welfare and for the protection of animals.

(D) If a permit applicant has complied with all applicable regulations as defined within § 90.15(B), a permit shall be issued upon payment of the applicable fee and compliance with all other requirements by the Director of Public Safety.

(E) The fee for the permit required under this section shall be set by resolution of the Council for each:

- (1) Breeder-hobbyist;
- (2) Breeder-professional;
- (3) Grooming shop;
- (4) Kennel, authorized to house fewer than ten dogs or cats;
- (5) Kennel, authorized to house ten, but less than 50 dogs or cats;
- (6) Kennel, authorized to house over 50 dogs or cats;
- (7) Pet shop;

(F) If there is a change in ownership or classification, the new owner may have the permit transferred to his name upon payment of a \$10 transfer fee or a transfer fee in such as may be established by the City Council and compliance of all rules and regulations.

(G) Failure to obtain a permit before opening any facility covered in this section shall be a misdemeanor and no permit shall be issued for 12 months from the date application for a permit should have been made.

(H) *License and permit issuance and revocation.*

(1) After a permit application is filed, the licensing authority shall inspect the facility prior to issuing the permit. The licensing authority may revoke any permit or license if the person holding the permit or license refuses or fails to comply with or has been convicted of a violation of this chapter, regulations promulgated by the licensing authority or any law governing the protection and keeping of animals.

(2) Inspection. It shall be a condition of the issuance of any permit or license that the licensing authority shall be permitted to inspect all animals and the premises where animals are kept at any time and shall, if permission for such inspection is refused, revoke the permit or license of the refusing owner.

(3) The licensing authority shall automatically review all licenses and permits issued to animal owners against whom three or more violations of this chapter have been assessed in a 12-month period.

(4) If an applicant has withheld or falsified any information on the application, the licensing authority shall refuse to issue a permit or license or shall revoke any permit or license issued.

(5) Any person whose permit or license is revoked shall within ten days thereafter remove the animals from the city. In the alternative such person may release ownership of the animals to the city. If

the animals are not removed from the city within ten days the owner shall be considered to have released ownership of the animals to the city. No part of the permit or license fee shall be refunded.

(6) No person who has been convicted of or pled guilty to a violation of cruelty to animals by any jurisdiction shall be issued a permit or license to operate a commercial animal establishment, serve as a breeder for animals, or train animals.

(7) Any person having been denied a license may not reapply for a period of 30 days. Each re-application shall be accompanied by a fee in an amount as set by Council.

(Ord. 980, passed 8-22-05)

§ 90.11 COMMERCIAL ANIMAL ESTABLISHMENTS; OTHER DOMESTIC ANIMAL REGULATIONS.

Generally, all commercial animal establishments shall meet the following conditions:

(A) Animal housing facilities shall be provided for the animals and shall be structurally sound, constructed of non-toxic materials, maintained in good repair and designed so as to protect the animals from injury and restrict the entrance of other animals. Each animal shall be provided with adequate floor space to allow it, according to species and breed, to breathe, eliminate wastes, stand, sit, and lie in a comfortable normal position and sanitary environment.

(B) Water shall be supplied at sufficient pressure and quantity to clean housing facilities and enclosures of debris and excreta.

(C) Adequate food and bedding shall be provided and stored in facilities which provide protection against infestation or contamination by insects or rodents. Refrigeration shall be provided for the protection of perishable foods.

(D) Provisions shall be made for the removal and disposal of animal wastes, bedding, dead animals and debris. Disposal facilities shall be so provided and operated as to minimize vermin infestation, odors and disease.

(E) Each animal shall be observed daily. Sick, diseased or injured animals shall be separated from those appearing healthy and normal. Sick, diseased or injured animals shall be removed from daily display and sale and kept in isolated quarters. Ventilation of quarters for sick or diseased animals shall be arranged to avoid contamination of healthy animals.

(F) An employee, keeper or owner shall make provision to feed, water and provide other necessary care for animals on days the store or establishment is closed.

(G) No person shall knowingly misrepresent an animal to a consumer in any way. No person shall knowingly sell a sick or injured animal. Adequate care and feeding instructions shall be given, in writing, to each animal purchaser.

(H) Animals which are caged, closely confined or restrained shall be permitted to exercise daily for an appropriate length of time as determined by their size, age, and species, in an area suitable for that purpose.

(I) Facilities shall be clean and sanitary at all times.

(Ord. 980, passed 8-22-05)

§ 90.12 SPECIAL REQUIREMENTS FOR DOGS.

(A) *Tie-out/picketing.* No dog shall be tied-out/picketed in such a manner that the dogs ability to move about freely is restricted. The minimum acceptable area shall be ten feet in any direction from the tie out/picketing device. No tie-out/picket shall be utilized as a means of containing a dog in excess of nine hours in any 24-hour period. The tie-out/picket shall be designed for the specific purpose of tying out or picketing a dog. A chain which is not commensurate with the size of the dog shall not be permitted. It shall be unlawful for any person to allow the area the dog is tiedout/picketed to remain in a unhealthy, unsanitary or obnoxious condition. The tieout/picketed area must be maintained in such a manner that the dog does not lie in mud and water or snow and ice. No dog shall be tie-out/picketed in such a manner as to create a nuisance by reason of odor or unreasonably disturbing the peace and quiet as defined in § 90.03 or which allows it to occupy any area within 20 feet of a property line. No tie-out/picket shall be utilized as means of containing a dog.

(B) *Electronic pet containment system.* An electronic pet containment system shall not be considered adequate to restrain a dog.

(C) *Clean yard and enclosure.* A dog owner shall regularly clean any yard occupied by the dog so feces and food scraps are not permitted to accumulate and emit an objectionable odor. Every enclosure occupied by the dog, whether now existing or hereafter constructed shall be maintained in a clean and sanitary condition and free of 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 twice each month from October 1 to May 1 and at least once per week May 1 to September 31 shall be considered a minimum. Feces or food scraps shall not be permitted to remain more than 12 hours in an area utilized as a tie-out/picket area.

(Ord. 980, passed 8-22-05)

§ 90.13 ANIMAL TREATMENT.

Cruelty to animals.

(A) *Infliction of pain or death.* No person shall knowingly or unknowingly, intentionally or maliciously kill, injure or inflict pain or suffering on any animal. No person shall permit, by neglect or inaction, the death or injury or infliction of pain or suffering on any animal. No person shall beat, cruelly treat, torment, overload or otherwise abuse or kill an animal or cause, instigate or permit any fight between animals or between animals and humans, or attend such fights. Any person convicted of violating this section shall be guilty of a misdemeanor.

(B) *Proper food and shelter.* No owner or person with the custody of an animal for more than 12 consecutive hours shall fail to provide the animal with sufficient wholesome and nutritious food, water in sufficient quantities, proper air, shade or shelter space, protection from the weather, veterinary care as needed to maintain health and prevent suffering, and other humane care and treatment. Any person convicted of violating this section shall be guilty of a misdemeanor.

(1) Shade shall mean protection from the direct rays of the sun during the months of June to September. (Reference M.S. § 343.40 Subd. 2)

(2) Shelter shall mean a moisture-proof and wind-proof structure of suitable size to accommodate the animal and allow retention of body heat. It shall be made of durable material with a solid, moisture-proof floor or a floor raised at least two inches from the ground. Between November 1 and March 31 the structure must have a windbreak to the entrance. The structure shall be provided with sufficient quantity of suitable bedding material consisting of hay, straw, cedar shavings, blankets or the equivalent, to provide insulation and protection against cold and dampness and promote retention of body heat. (Reference M.S. § 343.40 Subd. 2)

(3) All pens, yards or runs, or other structures wherein any animal is kept shall be of such construction so as to be easily cleaned and maintained and shall be maintained in good repair. Fences which are intended as enclosures for any animal shall be securely constructed, adequate for the purpose, and kept in good repair, in compliance with all ordinances.

(C) *Abandonment.* No person shall abandon any animal which the person owns or is in the person's custody. In this context, abandon means to leave the animal unattended for more than 48 consecutive hours, or without food, water or shelter for than 12 hours. Any person convicted of violating this section shall be guilty of a misdemeanor.

(D) *Poisoning.* No person shall expose any known poisonous substance, whether mixed with food or not, so that a reasonable person would know that such substance probably cause animals to be attracted thereto, eat thereof and be poisoned thereby; provided, however, this substance does not make unlawful the poisoning of rats and mice with commercial rat poison with vegetable substances. Any person convicted of violating this section shall be guilty of a misdemeanor.

(E) *Animals as prizes.* No person shall give away any live animal, fish, reptile or bird as a prize for, or as an inducement to enter, any contest, game or other competition, or as an inducement to enter any place of amusement, or as an incentive to enter into any business agreement where the offer was for the purpose of attracting trade. Any person convicted of violating this section shall be guilty of a misdemeanor.

(F) *Confinement in vehicles.* No person shall confine an animal within a parked, closed vehicle, without allowing cross-ventilation. Under no circumstances shall a person confine any animal in any parked, closed vehicle on any public street or way for more than 30 minutes, or where the temperature in the vehicle exceeds 90° Fahrenheit. Any animal control or peace officer observing an animal kept in violation of this section may enter the vehicle and impound the animal. In addition to all other defenses and immunities provided by law, any such officer making entry for the purpose of this section is immune from the suit or liability, criminal or civil, for, caused by, or arising out of such entry. Any person convicted of violating this section shall be guilty of a misdemeanor.

(G) *Protective custody.*

(1) Any animal found receiving inhumane treatment may be removed and impounded at the expense of the owner.

(2) Any animal whose life reasonably appears to be endangered may be so removed and impounded, whether or not the owner is present. The person who caused the life of the animal to be endangered shall be responsible for the expenses of removal and impounding.

(H) *Exceptions to this division.* Nothing in this division shall be deemed to prohibit any action by a licensed veterinarian done in accordance with accepted standards of veterinary medicine. Nothing in this division shall be interpreted as prohibiting any act done in self-defense or to defend another person.

(I) *Enforcement.* An Animal Control Officer or police officer may issue a citation to the owner of any animal and/or remove any animal from any premises if the welfare of that animal is threatened due to a violation of this section.

(J) *Reclaiming neglected/abused animals.* Any animal removed from any premises pursuant to this division, may be reclaimed by the owner within five working days for the time the animal was taken, provided all conditions for which the animal was removed have been corrected. The owner shall also be liable for payment of all boarding fees to the city. Any animal not reclaimed within the time allowed maybe disposed of in the manner prescribed by § 90.08(H).

(Ord. 980, passed 8-22-05)

§ 90.14 ANIMAL ENCLOSURES.

(A) An animal enclosure, whether now existing or hereafter constructed, shall not exceed 300 square feet in area and shall only be located in the rear yard or side yard as defined within this chapter and no closer than three feet to any property line with the exception that no enclosure shall be located within 50 feet of any church or school building. An enclosure which is not in compliance with this division on the date this chapter is adopted must be brought into compliance within 60 days of the date this chapter is adopted. Any person convicted of violating this section shall be guilty of a misdemeanor.

(B) An enclosure shall be constructed of durable material with a solid, moisture-proof floor or a floor raised at least two inches from the ground. Between November 1 and March 31 the structure must have a windbreak to promote retention of body heat. The structure shall be provided with sufficient quantity of suitable bedding material consisting of hay, straw, cedar shavings, blankets or the equivalent, to provide insulation and protection against cold and dampness and promote retention of body heat. Any person convicted of violating this section shall be guilty of a misdemeanor.

(Ord. 980, passed 8-22-05)

§ 90.15 CRIMINAL PENALTIES.

If no criminal penalty is provided for by any provision of this chapter and the provision is of the type which usually carries a criminal penalty for its violation, a person who violates such provision shall be guilty of a misdemeanor.

(Ord. 980, passed 8-22-05)

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