CITY OF ROSEMOUNT
STATE OF MINNESOTA

ORDINANCE NO. XIV.24

AN ORDINANCE AMENDING THE CITY CODE: PERTAINING TO ANIMAL CONTROL IN THE CITY OF ROSEMOUNT.

It is the purpose of this ordinance to protect and promote public health, safety and the general welfare of humans and animals. To regulate the care and keeping of animals within the city. To reduce or eliminate the encroachment on private property, public right of ways, and public property of unrestrained, unregistered, unvaccinated, prohibited, or dangerous animals and the risks posed to humans and other animals caused by the improper care, control, and keeping of animals.

THE COUNCIL OF THE CITY OF ROSEMOUNT ORDAINS AS FOLLOWS:

Section 1: Rosemount City Code, Section 7-4A-1; through 7-4A-17 are repealed in their entirety and replaced with the following text to be known as the Animal Ordinance:

CHAPTER 7-4

ANIMAL CONTROL

7-4A-1: Definitions
7-4A-2: Officers appointed To Enforce Chapter
7-4A-3: Interference With Officers
7-4A-4: Animal Shelter Provided
7-4A-5: Rabies, Disasters, Animal Bites, and Zoonotic Disease Prevention
7-4B-1: Animal Registration Provisions and Ownership Limits
7-4B-2: Registration of Kennels, Lofts, Coops, Dangerous Dogs and Dangerous Animals
7-4B-3: Restraint of Animals Required
7-4B-4: Animal Tag, Collar and Microchipping Requirements
7-4B-5: Animal Care and Maintenance Requirements
7-4B-6: Animal Confinement Provisions
7-4B-7: Impounding and Disposal of Animals
7-4B-8: Noise Nuisances
7-4B-9: Disposal of Animal Feces
7-4B-10: Keeping of Animals
7-4B-11: Horse Regulations
7-4B-12: Maintenance of Fowl and Birds/Feeding of Animals
7-4B-13: Dangerous Animals
7-4B-14: Premises Requirements
7-4C-1: Revocation and Hearing Processes
7-4C-2: Proceedings: Abatement of Nuisance Caused By Animals
7-4C-3: Exemptions From Provisions
7-4C-4: Penalties
7-4C-5: Statutory Citations
7-4C-6: Conflict of Chapters

ADMINISTRATION AND ENFORCEMENT

7-4A-1: DEFINITIONS: As used in this chapter, the following terms have the following meanings:

ANIMAL: “Animal” shall mean any non-human mammal, reptile, amphibian, fish, bird (including all fowl and poultry) or other member commonly accepted as a part of the animal kingdom.

ANIMALS, ALLOWED: “Allowed Animals” shall mean those animals commonly accepted as domesticated household pets. Unless otherwise defined, such animals shall include dogs, cats, spayed or neutered ferrets, caged birds, gerbils, hamsters, guinea pigs, domesticated rabbits, fish, non-poisonous, non-venomous and non-constricting reptiles or amphibians, and other similar animals. Trained service animals that are assisting disabled persons.

ANIMAL, DANGEROUS: “Dangerous Animal” Shall mean an allowed or wild animal that habitually charges, chases, or approaches humans or other domestic animals in an attitude of attack, or attacks and causes substantial or great bodily harm or death to humans or other domestic animals.
ANIMAL, FARM
“Farm Animal” shall mean cattle, horses, ponies, mules, sheep, goats, swine (including potbellied pigs and other miniature varieties), ducks, geese, turkeys, chickens, and other animals of husbandry.

ANIMALS, PROHIBITED
“Prohibited Animals” Shall mean those animals that are commonly considered to be naturally wild and not naturally trained or domesticated, or that are commonly considered to be inherently dangerous to the health, safety and welfare of people. Unless otherwise defined such animals shall include:

1. Any member of the large cat family (family felidae) including, but not limited to, lions, tigers, cougars, bobcats, leopards and jaguars, but excluding commonly accepted domesticated house cats.

2. Any naturally wild member of the canine family (family canidae) including, but not limited to, wolves, foxes, coyotes, dingoes, and jackals, but excluding commonly accepted domesticated dogs.

3. Any crossbreeds between a wild and a domestic animal such as, but not limited to, the crossbreed between a wolf and a dog, or a wildcat and a domestic cat. This specifically includes any hybrid, or cross between a domestic, non-domestic, wild or exotic animal. The offspring from all subsequent generations of such crosses or hybrids are also considered non-domesticated animals.

4. Any poisonous, venomous, constricting, or inherently dangerous member of the reptile or amphibian families including, but not limited to, rattlesnakes, boa constrictors, pit vipers, crocodiles and alligators.

5. Any non-human primates including but not limited to; orangutans, chimpanzee and gorillas, gibbons and siamangs, macaques, or any other ape or monkey.

6. Any member or relative of the rodent, mustelid, marsupial (metatheria) or procyonidae family including, but not limited to, any skunk (whether descended or not) raccoon, squirrel, opossum, or prairie dog, but excluding those members otherwise defined as or commonly accepted as domesticated pets.

7. Any member of the bear family.

8. Any other animal that is not an allowed animal.

ANIMAL, WILD:
“Animals Wild” shall mean any animals that are customarily found in the wild.

AT LARGE:
Any animal is considered to be “at large” at any time when it is not under restraint as herein required.

COMMERCIAL KENNEL:
“Commercial Kennel” shall mean a place where more than five (5) dogs, cats, or ferrets over six (6) months of age are kept, and where the business of selling, boarding, breeding, showing, treating or grooming such animals is conducted.

COOP:“Coop” shall mean any structure used for the keeping of fowl.

CUSTODY AND CONTROL
“Custody and Control” shall mean any person, persons, firm, association or corporations owning, keeping, harboring, transporting or maintaining any animal within the city or permitting such animal to be at large within the city. Any person caring for or in custody or control of any animal shall be of sufficient age, knowledge and experience to adequately and safely care for and control the animal.

DANGEROUS:
Dangerous shall mean able or likely to inflict injury or harm.

DOG, DANGEROUS: “Dangerous Dog” shall mean any dog that:
1. Has without provocation, inflicted substantial bodily harm on a human being while on public or private property.
2. Has killed a domestic animal without provocation while off the owner’s property; or

3. Having been found to be potentially dangerous, aggressively bites, attacks, or endangers the safety of humans or domestic animals.

**DOG, POTENTIALLY DANGEROUS:**

“Potentially Dangerous Dog” shall mean any dog that:

1. When unprovoked, inflicts bites on a human or domestic animal on public or private property;

2. When unprovoked, chases or approaches a person, including a person on a bicycle, upon the streets, sidewalks, or any public or private property, other than the dog owner’s property, in an apparent attitude of attack; or

3. Has a known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.

**FIERCE:** Fierce shall mean violently hostile or aggressive in temperament.

**7-4A-1:**

**GREAT BODILY HARM:**

“Great Bodily Harm” shall mean as follows:

1. As relates to Dangerous Dogs, the term “Great Bodily Harm” has the meaning given it under Minnesota Statutes, Section 609.02 Subd. 8; and.

2. As relates to prevention of cruelty to animals “Great Bodily Harm” shall have the meaning given it under Minnesota Statutes, Section 343.20 Subd. 9.

3. As relates to allowed animals that attack other allowed animals, farm animals, or humans the term has the meaning given it under Minnesota Statutes, Section 609.02 Subd. 8.

**HORSE:** Horse” shall mean any breed of horse, pony, mule, ass or similar animal.

**KENNEL NUISANCE:**

“Kennel Nuisance” shall mean causing a nuisance or discomfort to persons in the area by, smell, noise, hazard, or intrusion created by animals kept in a commercial kennel on property within the city.

**LOFT:** “Loft” shall mean any and all quarters in which pigeons are housed.

**OWNER:** “Owner” shall mean any person or persons, firm, association or corporation owning, keeping, harboring, or in custody or control of animals within or being transported within the city.

**PET OR COMPANION ANIMAL:**

“Pet or Companion Animal” shall mean any animal owned, possessed by, cared for, or controlled by a person for the present or future enjoyment of that person or another as a pet or companion, or any stray pet or stray companion animal.

**POTENTIALLY DANGEROUS ANIMAL:**

“Potentially Dangerous Animal” shall mean any allowed or wild animal that: when unprovoked, inflicts bites on a human, or other allowed animal on public or private property; or, when unprovoked, chases or approaches a person, including a person on a bicycle, upon the streets, sidewalks, or any public or private property, other than the animal owner's property, in an apparent attitude of attack; or, has a known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or other animals.

**PROPER ENCLOSURE:**

“Proper enclosure” shall mean an enclosure for an animal that securely confines the animal indoors; or, in an enclosure that has flooring that prevents digging, sides that prevent chewing or exit through them, and a covering that prevents escape and provides protection from the elements. This enclosure must be locked. A porch, patio, house, garage or other structure that
cannot be locked or has walls, windows or doors that are not substantial enough to prevent the escape of the animal shall not be considered a proper enclosure. A door or window secured with only a screen is not a secure enclosure.

PUBLIC PROPERTY:” Public Property” shall mean any sidewalk, path, trail, street or highway, including the entire width between the boundary lines of every way publicly maintained for the purposes of vehicular travel, and shall also mean any other publicly owned property or facility.

PIGEON: “Pigeon” shall mean any and all varieties of pigeons.

RESTRAINT: A dog, cat, or ferret is said to be under “restraint” if it is controlled by a leash; if it is under voice or signal command of a competent person, providing that the dog, cat or ferret will obey such voice or signal commands; it is within the limits of the owner’s property; or while it is confined within a vehicle being driven or parked in the street. A dog, cat, or ferret is considered to be under restraint on a right of way, park or public property only when it is controlled with the use of a leash no longer than six feet (6’) or when it is under voice or signal command in the exercise areas designated by the city. Retractable leashes may be used but must be kept to a length of six feet (6’) or less when in the vicinity of any other person or animal. Registered Dangerous Dogs and Dangerous Animals must be restrained as required by other sections of this ordinance.

7-4A-1:

RIGHT OF WAY:” Right of Way” shall mean a street, alley, sidewalk, path, trail or easement permanently established for the passage of persons and vehicles including the traveled surface of lands adjacent that are formally dedicated to such usage.

SERVICE ANIMAL:” Service Animal” shall mean animals that are individually trained to perform tasks for people with disabilities, such as; guiding people who are blind, alerting people who are deaf, pulling wheelchairs, alerting and protecting a person who is having a seizure, or performing other special tasks. Service animals are working animals, not pets.

SUBSTANTIAL BODILY HARM: “Substantial Bodily Harm” shall mean bodily injury that involves a temporary but substantial disfigurement, or a temporary but substantial loss or impairment of the function of any bodily member or organ, or a fracture of any bodily member to a service animal or a pet or companion animal.

USE PERMITTED BY RIGHT:” Use Permitted by Right” shall mean a use which is unconditionally permitted in the zoning district under which it is listed.

VICIOUS: Vicious shall mean dangerously aggressive.

YARD or SETBACK:” Yard or Setback” shall mean a required open space on a lot, that is unoccupied and unobstructed from the ground upward, except as otherwise provided for herein. The measurement of a yard shall be construed as the minimum horizontal distance between the lot line and the building line.

YARD, STREET-SIDE:” Street-side Yard” shall mean a side yard that is adjacent to a street.

ZOONOTIC DISEASE: “Zoonotic Disease” shall mean any disease that can be transmitted from animal to human being.

7-4A-2: OFFICERS APPOINTED TO ENFORCE CHAPTER: The City Council may appoint Community Service Officers, Animal Control Officers, Humane Agents or other Officers to assist the police officers of the City in the enforcement of this Chapter, and no person shall interfere with, hinder or molest them in the exercise of such powers.

7-4A-3: INTERFERENCE WITH OFFICERS: It shall be a violation of this Chapter for any unauthorized person to break open a shelter or attempt to take from any officer any animal taken up in compliance with this Chapter.
7-4A-4: ANIMAL SHELTER PROVIDED:
The City Council may provide for a City-owned animal shelter or may designate as an animal shelter a suitable kennel whether within or outside the limits of the City.

7-4A-5: RABIES, DISASTERS, ANIMAL BITES, AND ZOONOTIC DISEASE PREVENTION:
A. Emergency Proclamations:
1. Whenever the prevalence of rabies renders such action necessary to protect the public health and safety, the Council shall issue a proclamation ordering every person owning or keeping a pet to keep the pet confined by chain, enclosure, or other means necessary to prevent the spread of disease.

2. In the event of a disaster situation the Council may establish regulation for the care, keeping, confinement, and disposal of animals or carcasses as is necessary to protect the public health, animal health and welfare, and to prevent the spread of disease.

3. No person shall violate such proclamation or regulation; and any animal or carcass not confined, kept, or disposed of as directed in such proclamation or regulation, shall be subject to the penalty provided.

4. 

B. Veterinarian Reports of Rabies or Zoonotic Disease Suspects: It shall be the duty of every licensed veterinarian to report to the City Police Department the diagnosis of any animal within the City considered to be a rabies suspect or suspect of any other zoonotic disease that may pose a significant threat to the public health or other animal populations.

7-4B-1 ANIMAL REGISTRATION PROVISIONS:
A. Requirements:
1. No person in the City shall own, harbor or keep a dog, cat, or ferret over six (6) months of age, within the City, unless a current City registration for such dog, cat, or ferret has been obtained as herein provided.
   a. All ferrets over the age of six (6) months kept within the City must be sterilized.

2. No person in the City shall own, harbor or keep a registered Dangerous Dog or Dangerous Animal within the City, unless a current City Dangerous Dog or Dangerous Animal registration for such dog has been obtained as herein provided.

B. Ownership Limits:
1. No person shall keep, maintain or otherwise house more than a combined total of five cats, dogs or ferrets over the age of six (6) months within any household in the City of Rosemount unless authorized elsewhere in this chapter.
   a. For the purposes of this section, the term “household” refers to a single family residence or a single unit of a town home, condominium, apartment or comparable structure that is rented, leased or used as a single unit.
   b. This section shall not be construed to limit the ability of apartment managers, landlords, town home and condominium associations or other representatives of property owners to impose greater restrictions.

2. Exception: For premises that are ten (10) acres or more and zoned Agricultural the resident may keep, maintain or otherwise house up to ten (10) cats over the age of six (6) months as long as they have been spayed or neutered and documentation to that fact is provided.

C. Application:
1. Application for City registration shall be made to the Police Department. It shall include such descriptive information as is necessary to provide a reasonable identification of the dog, cat, ferret and owner.
2. Application for City Dangerous Dog or Dangerous Animal registration shall be made to the Police Department. It shall include:

a. The City Registration information;

b. The required microchip, bond or liability insurance, secure enclosure, and posting information required under Minnesota Statute, Sections 347.51-347.52; these requirements also apply to Dangerous Animal registrations;

c. A detailed description of any distinguishing marks or coloration that would aid in the identification of the animal.

d. A current photograph of the animal.

D. Term of Validity:

1. City registrations shall be valid for the period the certificate of rabies vaccination certifies, and shall expire on the date the rabies vaccination certificate expires.

2. City Dangerous Dog/Dangerous Animal registrations shall be valid for one (1) year. All required vaccinations must be valid for a one (1) year period, or the registration will be limited to the valid term of any and all required vaccinations.

E. Fees:

1. City Registration:

   a) The City registration fee shall be set by Council resolution and reviewed annually. The following provisions shall also apply:

   b) Spayed or neutered dogs, cats, or ferrets shall qualify for a discount of half (1/2) of the normal fee.

   c) Spayed or neutered dogs, cats, or ferrets shall qualify for a multi-year registration. This multi-year registration shall expire on the date the rabies certification expires.

d) Non-spayed or non-neutered dogs, cats and ferrets. Non-spayed or non-neutered dogs and cats shall only be eligible for a yearly registration. The cost for the registration shall not be discounted. Non-neutered or non-spayed ferrets over six (6) months of age shall not be licensed and shall not be allowed in the city.

e) Service Animals, or Police Canines, shall be required to be registered but the normal fee will be waived.

f) Senior Citizen Discount: Senior citizens shall be offered a fifty percent (50%) discount of the registration fee. For purposes of this discount a “Senior Citizen” will be considered anyone aged fifty-five (55) years or older.

2. City Dangerous Dog, and Dangerous Animal Registration:

   a. The City Dangerous Dog and Animal registration fee shall be set by Council and reviewed annually.

F. Vaccination: All animals, In order to be registered:

1. Shall be vaccinated by a currently state licensed veterinarian.

2. Shall have a current rabies vaccination, if required, and such vaccination shall be effective for the entire registration period.

3. Current status of vaccinations will be determined by a veterinarian certification. A copy of said certificate must be submitted with and a copy retained with the application for registration.

G. Duplicate Tags: In the event that any registration tag issued for any animal is lost, the owner must obtain a duplicate tag from the City on the payment of an amount as set by Council resolution.
H. Transfer of Registration: If a dog, cat, or ferret dies within the registration period and a dog, cat, or ferret is secured to replace it, the registration for the deceased animal may be transferred to the replacement animal upon payment of a transfer fee of one-half (1/2) of the original fee and compliance with all other ordinances.

I. New Resident Exemptions:

1. Any dog, cat, or ferret owner, upon first becoming a resident of the City, shall be allowed thirty (30) days time within which to obtain the animal’s registration.

7-4B-2: REGISTRATION PROVISIONS FOR COMMERCIAL KENNELS, LOFTS, COOPS, DANGEROUS DOG, AND DANGEROUS ANIMAL:

A. Registration, Requirements and Fees: No person shall: Operate a commercial kennel; Maintain a loft for the keeping of pigeons; Maintain a coop for the keeping of fowl; Maintain, keep, or harbor a dog that has been declared dangerous and registered as dangerous under Minnesota Statutes; or an animal that has been declared dangerous under the requirements of this Chapter, without first obtaining any required City registration and paying all fees as required in this Chapter.

B. A Commercial Kennel, Loft, Coop, Dangerous Dog, or Dangerous Animal application must be made to the Police Department and shall be accompanied by the specified registration fee, all documentation required, and a site plan, if required.

1. Commercial Kennels:

   a. Commercial Kennels must house all animals indoors between the hours of sunset and sunrise.

   b. Commercial Kennels are allowed in all areas zoned Agricultural or commercial, except C-1 and C-2.

c. Occupants of all privately owned real estate abutting the premises for which the registration is sought shall be notified of the application by a mailing from designated city staff.

2. Application content, Commercial Kennel Registration: The application for a kennel registration shall state:

   a. The name and address of the owner and the operator of a commercial kennel.

   b. The address where the kennel is to be located,

   c. A site plan for review,

   d. Any required secure enclosure details,

   e. The number of dogs, cats, or ferrets proposed to be kept.

3. Dangerous Dog and Dangerous Animal Registrations must meet all requirements for the keeping and registration of Dangerous Dogs per Minnesota Statutes, Sections 347.51-347.52, and any other requirements of this Code.

4. Application content, Dangerous Dog or Dangerous Animal Registration: The application for a dangerous dog or dangerous animal registration shall state:

   a. The name and address of the dangerous dog or dangerous animal owner,

   b. The location where the dangerous dog or dangerous animal is to be kept,

   c. All required secure enclosure details,

   d. All required vaccination or health records,

   e. All required microchipping details,

   f. All required posting details.
5. **Pigeons Loft or Fowl Coop Registration.**

a. No person may keep pigeons or fowl on any residential premises in the city without first obtaining a registration as provided in this section. Pigeons or fowl may not be kept in such a manner as to constitute a nuisance to the occupants of adjacent properties.

b. Not more than twenty-five (25) pigeons may be kept on any residential premise.

c. No more than three (3) fowl of any other species may be kept on any residential premise, and no rooster may be kept on a residential premise.

d. **Pigeon or Fowl Registration Application.** Application for a license to keep pigeons or fowl on residential property shall be made to the Police Department and accompanied by the specified license fee.

e. Licenses shall be issued on an annual basis.

f. Occupants of all privately owned real estate abutting the premises for which the registration is sought shall be notified of the application by a mailing from designated city staff.

g. Transfer of registration for coops for the keeping of fowl and lofts for the keeping of pigeons are non-transferable.

h. The registration application shall include:

   i. The name and address of the coop or loft owner.
   ii. The address where the coop or loft is to be located,
   iii. A site plan for review,
   iv. All required secure enclosure details,
   v. The number of fowl or pigeons proposed to be kept.

7-4B-2:
C. **Issuance, suspension, or contestation:**

1. The Police Department will issue the registration if all requirements are met, or;

2. If the application is missing any required documentation, or any necessary staff approvals or recommendations are missing or incomplete the application will be suspended until all required or missing items are supplied.

3. If there are written protests from surrounding property owners or staff the application and documentation will be forwarded to the City Council, which may grant, limit, or deny the registration.

4. **Contesting Declaration of Dangerous or Potentially Dangerous Dog or Animal:** If the owner of an animal has received a notice of intent to declare the animal as a Potentially Dangerous or Dangerous Animal, the owner may request that a hearing be conducted to determine whether or not such a designation is justified. This request must be made in writing and delivered to the Police Department within 14 days of receipt of the notice of intent to declare an animal as Potentially Dangerous or Dangerous.

   a. **Initial Review.** Upon receipt of such request, the supervisor of the animal control unit will forward the request along with all necessary supporting documentation to the City Attorney. The City Attorney will make an initial review of the evidence surrounding the notice to determine if there is sufficient evidence supporting the designation to convene a hearing of the Animal Control Review Panel. If there is insufficient evidence supporting the designation, the City Attorney shall withdraw the designation and none of the requirements of this ordinance applying to dangerous or potentially dangerous animals shall apply to the animal in question. If there is sufficient evidence that the Animal Control Review Panel could uphold the designation, the City Attorney will cause this notice to be brought to the attention of the Review Panel that will conduct the hearing.

   b. **Failure to Contest Notice of Intent to Declare.** If the owner of an animal receives a notice from the Animal Control Unit of the intent to declare an animal as
Potentially Dangerous or Dangerous, and the owner fails to contest that notice within 14 days, the owner shall be considered as having forfeited the right to the hearing and as having consented to the designation of the dog as Potentially Dangerous or Dangerous by default. The Animal Control Unit will then issue a declaration of Dangerous or Potentially Dangerous animal to the owner and the owner must immediately comply with all applicable requirements of this Chapter or cause the animal to be humanely destroyed or removed from the City.

c. Hearing Procedure. The Animal Control Review Panel will consist of the Mayor, a council member, and a citizen representative, preferably a veterinarian. The panel will schedule a hearing and may call witnesses and review documents as needed to make a determination on the issue. Owners shall have the right to present evidence on their behalf and to cross-examine any witnesses. A simple majority of the members of the panel is necessary for a finding that the animal is either Dangerous or Potentially Dangerous. The burden of proof is on Animal Control. A finding supporting a designation of Dangerous or Potentially Dangerous animal must be proven by a preponderance of the evidence. The decision of the Animal Control Review Panel shall be in writing and shall indicate the reasons for the findings. A copy of the findings shall be provided to Animal Control and the animal owner.

d. Mayor to Appoint Citizen Representative and Substitute Panel Members. The Mayor of the City of Rosemount shall appoint a citizen representative, preferably a veterinarian, to serve on a hearing panel on a voluntary basis. Such appointment shall continue in effect until the appointee resigns or is replaced by the Mayor. In the event the citizen representative is temporarily unavailable or has a personal interest in the outcome of the proceeding, the mayor may appoint another citizen representative to replace the initial appointee on the Panel. In addition, in the event the Mayor or relevant council member is temporarily unavailable or has a personal interest in the outcome of the proceeding, the mayor may appoint other members of the city council or city staff to sit in their place.

e. Appeal. If the owner of the animal disputes the decision of the Animal Control Review Panel, the owner shall have the right to appeal the decision to the Rosemount City Council. The appeal must be filed with the Police Department within 14 days of the panel's ruling. If the owner of the animal disputes the findings of the City Council, the owner may appeal to the Minnesota Court of Appeals as provided by state law.

f. Effect of Findings. If the panel finds there is sufficient basis to declare an animal as Potentially Dangerous or Dangerous, that finding will serve as notice to the owner that the animal is in fact a Potentially Dangerous or Dangerous Animal and the owner must immediately comply with all applicable requirements of this Chapter or immediately cause the animal to be humanely destroyed or removed from the City limits.

g. Potentially Dangerous or Dangerous Dog Designation Review. Beginning six months after a dog is declared a Potentially Dangerous Dog or Dangerous Dog, an owner may request annually that the Animal Control Review Panel review the designation. The owner must provide evidence that the dog's behavior has changed due to the dog's age, neutering, environment, completion of obedience training that includes modification of aggressive behavior, or other factors. If the Animal Control Review Panel finds sufficient evidence that the dog's behavior has changed, the authority may rescind the Potentially Dangerous or Dangerous Dog designation.
5. **Seizure of Dangerous or Potentially Dangerous Animals and Violations.** An animal control officer or any police officer may immediately seize any Dangerous or Potentially Dangerous Dog or Dangerous Animal and/or issue a citation or summons to the owner of any dangerous dog or animal if:

a. within 14 days after the owner has received notice that the animal is dangerous, the animal is not validly registered and microchipped as required by this Chapter; or

b. the animal is not maintained in a proper enclosure; or

c. the animal is outside the proper enclosure and is not muzzled and restrained by a substantial chain or leash and under the physical restraint of a responsible competent person; or

d. 14 days after the owner has received notice that the animal is Dangerous or Potentially Dangerous, the owner does not secure the proper liability insurance or surety bond as required by this Chapter; or

e. after the owner has been notified that the animal is Dangerous or Potentially Dangerous, the animal bites or attacks a person or domestic animal.

6. **Confiscation and Destruction of Dangerous Animals.** If the owner of a dangerous animal is convicted of a crime for which the animal was originally seized, the court may order that the animal be confiscated and destroyed in a proper and humane manner, and that the owner pay the costs incurred in the confiscaing, confining, and destruction of the animal.

7. **Sterilization of Dangerous Dogs in certain circumstances.** Animal control may order the sterilization of a dangerous dog at the owner’s expense. The owner may appeal the order for sterilization in the same manner as a Dangerous Dog Declaration. If the owner does not comply with the order, appeal the order, or comply with the order after the Animal Review Panel has ruled in support of the order, then the animal may be seized and sterilized at the owner’s expense.

7-4B-2:

8. **Destruction of Dog in Certain Circumstances.** Notwithstanding the provisions set forth in this Chapter; an animal that inflicts substantial or great bodily harm as those terms are defined in Minnesota Statutes, Section 609.02 on a human being without provocation may be ordered destroyed in a proper and humane manner by Animal Control. Animal Control shall issue a Notice of Intent to Destroy the animal to the animal owner. The owner shall have three (3) days from service of the notice to request a hearing before the Animal Review Panel. The owner shall have the burden of establishing that the exemptions listed below in subsection 8 apply to this incident, or that the animal would not otherwise be declared dangerous following a hearing conducted for that purpose.

9. **Exemptions.** Animals may not be declared Dangerous or Potentially Dangerous if the threat, injury or damage was sustained by a person;

a. who was at the time of injury committing or attempting to commit a willful trespass or other tort or crime upon the premises occupied by the animal; or;

b. who was provoking, tormenting, teasing, abusing or assaulting the animal or who can be shown to have repeatedly, in the past, provoked, tormented, teased, abused or assaulted the animal; or

c. who was committing or attempting to commit a crime.

d. **Law Enforcement Exemption.** The provisions of this section do not apply to trained dogs used by law enforcement personnel for police work.
7-4B-3: RESTRAINT OF ANIMALS REQUIRED: All owners or persons in custody or control of an animal shall keep his or her animal under restraint as defined in 7-4A-1: or as required by any other section of this Code, at all times.

A. In the case of dogs declared Dangerous under the criteria of Minnesota Statutes, Section 347.50, the requirements of Minnesota Statutes, Section 347.52, regarding restraint, muzzling, and confinement shall also apply.

B. In the case of animals declared Dangerous under the requirements of this Chapter, the requirements of Minnesota Statute, Section 347.52, regarding restraint, muzzling, and confinement shall also apply.

7-4B-4: ANIMAL TAG, COLLAR, AND MICROCHIPPING REQUIREMENTS:

A. Upon complying with the provisions of Section 7-4B-1, or any other sections governing registration of animals, there shall be issued to the owner a permanent tag, stamped with a number that will uniquely identify the animal and owner for which it was issued.

B. Every animal owner is required to keep a valid tag securely fastened to the registered animal’s chain, collar or harness, which must be worn by the animal at all times.

C. The criteria and provisions regarding the tagging, microchipping, and posting of warning signs on the premises of a dog declared Potentially Dangerous or Dangerous under Minnesota Statutes, Sections 347.50-347.52 shall apply to this Chapter.

D. The criteria and provisions regarding the tagging, microchipping, and posting of warning signs on the premises of an animal declared Potentially Dangerous or Dangerous under this Chapter shall be the same as applied to Potentially Dangerous or Dangerous Dogs under Minnesota Statutes, Sections 347.50-347.52 and any other requirements of this Chapter.

7-4B-5: ANIMAL CARE AND MAINTENANCE REQUIREMENTS:

A. No owner shall fail to provide:

1. Any animal with sufficient food, potable water, or proper diet appropriate for its species,

2. Proper shelter and protection from the weather appropriate for its species,

3. Veterinary care when needed to prevent suffering and maintain the normal health of the animal,


B. No person shall:

1. Abandon any animal anywhere within the city, or at the animal shelter designated by the City. Any owner of, or person in custody or control of, an animal who fails to retrieve an animal from the pound after notification from animal control shall be deemed to have abandoned such animal and to have violated this section.

2. Beat, treat cruelly, torment or otherwise abuse any animal.

3. Cause or permit any dog, cat, cock, or any animal fights.

4. Use any weighted collars, over two (2) pounds; any pronged collars that may cause injury or discomfort to the animals neck (other than common electronic training collars); or any treadmill or other training device to develop any animals stamina or musculature for any animal fighting.

5. As relates to the care and maintenance of animals violate Minnesota Statutes, Sections 343 and 346.57.
7-4B-6: ANIMAL CONFINEMENT PROVISIONS:

A. Every owner shall confine within a building or secure enclosure every fierce, dangerous or vicious animal and not take such animal out of such enclosure unless the animal is securely restrained, muzzled, or leashed as required by these ordinances or State Statutes, and under the control of a competent person.

1. Any dog or animal declared Dangerous, or Potentially Dangerous, under Minnesota Statutes, Section 347.50 or this Chapter shall be kept in the manner prescribed by Minnesota Statutes, Section 347.52.

B. Every female dog, cat, or ferret in heat shall be confined within a building in such a manner that the animal cannot come in contact with another animal, except for intentional breeding purposes.

7-4B-7: IMPOUNDING AND DISPOSAL OF ANIMALS:

A. Impoundment:

1. Impoundment. Any animal found in violation of this Chapter may be taken up by the officers designated by the City Council to enforce this Chapter, impounded in the shelter, and there confined in a humane manner.

2. Notice. Immediately upon the impounding of any animal wearing a current registration, the City will attempt to notify the owner of such impoundment and of the conditions whereby the owner may regain custody of the animal. Any verbal notices shall be immediately confirmed in writing.

3. Right of Entry. To enforce this Chapter, designated officers may enter upon private premises where it appears or where there is reasonable cause to believe that an animal is not registered or is not being kept, confined or restrained as required herein, or in pursuit of an animal running at large. Any owner shall produce for the officer’s inspection, the animal’s registration or receipt upon request.

4. Impoundment of Rabies or other Zoonotic Disease Suspect. Any dog, cat, or ferret that has bitten a person shall immediately be impounded for a period of time as required by the Minnesota Board of Animal Health rule, and kept apart from other animals, until it is determined whether or not the animal could have transmitted rabies at the time of the bite. Such impounding may be by the owner at his residence or a designated kennel, and need not be at the City Animal Shelter, at the discretion of the city animal control authority. But, if it is not at the City Animal Shelter, the owner must sign a quarantine agreement stipulating that the animal is being impounded and kept as required by quarantine. Violation of quarantine regulations is a violation of this Chapter and shall require the animal to be impounded at the City Animal Shelter.

a. Any animal that has bitten a person or is suspected of being a carrier of a zoonotic disease may at the discretion of Animal Control be impounded and tested to protect the public health in the same manner as a rabies quarantine.

5. After a period of time as required by the Minnesota Board of Animal Health rule, if the animal does not have rabies, it may be released following notice to the City Police Department and the animal may be reclaimed as hereinafter provided.

6. Any animal other than a domestic dog, cat or ferret that has bitten a person and is considered a rabies suspect must be humanely euthanized for rabies examination if the victim of the bite does not choose to receive rabies post exposure prophylaxis, in accordance with the requirements of Minnesota Board of Animal Health rule. The determination of what constitutes a rabies suspect, or exposure shall be made in consultation with the Minnesota Department of Health, the Minnesota Board of Animal Health, the victim’s physician, and any other agency deemed appropriate by animal control.
7. Any animal that has been bitten by a rabid animal, a rabies suspect, or is believed to have been exposed to rabies shall be quarantined as required by Minnesota Board of Animal Health rule.

8. The Minnesota Board of Animal Health rules governing impounding, quarantine, vaccination, euthanization, and all matters relating to the transmission or control of rabies shall apply to this section and chapter.

9. Placement of any animal suspected of rabies exposure or quarantined for rabies exposure shall be at the discretion of the city animal control authority under guidance of the Minnesota Board of Animal Health and the Minnesota Department of Health.

10. Any expenses incurred in quarantine or testing an animal shall be borne by the owner of the animal.

7-4B-7:

B. Length of Impoundment: Any animal that is impounded in the City Animal Shelter shall be kept in the City Shelter for at least five (5) business days unless sooner reclaimed by its owner. If such animal is known to be or is suspected of being rabid or has bitten a person, it shall be kept quarantined for a period as recommended by the Minnesota Board of Animal Health rule.

C. Reclaiming or Disposing of Impounded Animals: Redemption fines are to be based on the number of offenses within a one-year period. Fines shall be determined by Council resolution and reviewed annually. If the animal requires a City registration, such registration shall also be obtained before the animal is released. If at the end of the impounding period the animal is not reclaimed by the owner, such animal shall be deemed to have been abandoned and may be placed for adoption if appropriate.

1. Any animal that has a history indicating propensity to attack humans or other animals; or, has a documented history of attacks and bites on humans or other animals; or, is suspect of any disease that can be transmitted to humans or other animals will not be placed for adoption but will be humanely euthanized.

2. An administrative adoption fee shall be charged and collected by the City Animal Shelter, or cooperating pet adoption agency, to recover costs incurred by the shelter in caring for and maintaining the animal.

3. The shelter or cooperating pet adoption agency shall ensure that anyone purchasing unclaimed animals shall have the animal spayed or neutered prior to release, or as soon as conditions of health or age of the animal permit. Failure on the part of the adopting owner to comply with this Section shall be a violation of this Chapter.

4. If such animal is not adopted, then it may be euthanized in a humane manner. Final determination on the adoptability of animals shall rest with the Police Department, in consultation with the city animal shelter or cooperating pet adoption agency.

5. The owner shall pay for the cost of disposing of any animal at the specific request of the owner. A request to dispose of an animal must be made in writing to the Police Department, along with proof of ownership or an affidavit of ownership. Payment of the cost for disposal will be made to the Police Department by the owner upon filing of the request for disposal with the Police Department and receiving approval.

7-4B-7:

D. Killing of Animals that cannot be impounded: Any animal that is diseased, vicious, dangerous, rabid or exposed to rabies and cannot be captured or impounded after a reasonable effort or impounded without serious risk to the person attempting to capture or impound the animal, may be immediately killed by a Police Officer.

7-4B-8: NOISE NUISANCES CAUSED BY ANIMALS: No person shall keep or harbor a dog, cat, any animal or kennel in the City that annoys others by barking, crying, or other
similar noises created by vocalization of fowl, birds, other mammals, or any creature.

7-4B-9: DISPOSAL OF ANIMAL FECES:

A. All persons in control of an animal on any park property, public property or right of way shall have in possession at all times apparatus that can be used for cleaning up feces, or a bag for proper disposal of feces. The person in control of an animal is responsible for picking up the animal’s feces and disposing of it properly. Failure to properly collect and dispose of animal feces is a violation of this Chapter.

B. A property owner is required to clean all feces from his or her property every twenty-four (24) hours in a residential area.

C. Any stable, barn or yard area in which horses, cattle or any farm animals are kept shall be kept clean. Manure shall be removed with sufficient frequency to avoid nuisance from odors, breeding of insects, public nuisance, or a public health nuisance, and in no case less than weekly.

D. Manure on public streets, roadways, or public right of way shall be removed by the owner, rider or driver of a horse and disposed of properly on the person’s property, or in a public waste receptacle if the manure is packaged in a sealed plastic bag or similar container.

7-4B-10: KEEPING OF ANIMALS:

The keeping of allowed animals, farm animals, wild animals, pigeons and fowl is regulated in the following manner;

A. Farm animals are permitted on all property zoned by the City as agricultural and on property owned by the University of Minnesota while used for agricultural or research purposes. Farm animals may not be confined in a pen, feed lot or building within one hundred feet (100’) of any residential dwelling not owned or leased by the farmer except as otherwise allowed in this ordinance. Allowed animals, Pigeons and Fowl may be kept on residential property as regulated within this Chapter.

B. Allowed animals may be kept in all zoning districts in accordance with other applicable ordinances and laws concerning care, maintenance, registration, and restraint.

C. Wild or Prohibited animals are prohibited from being kept in all parts of the city, except as allowed in this Chapter:

D. In the interest of animal and public health, safety and welfare, it shall be prohibited, except as allowed by this section to import, transport, sell, transfer, barter, own, or possess certain wild, or prohibited animals that:

1. Pose a possibility of harmful competition for indigenous wildlife.

2. Pose a possibility of the introduction of a disease or pest harmful to indigenous wildlife or agricultural interests.

3. Pose a possibility of threatening wildlife populations or other natural resources.

4. Pose a possibility of endangering the physical safety of human beings.

5. Appear on any list of endangered wildlife or endangered species compiled and maintained by either the state or federal government.

6. Are defined as a prohibited or wild animal in section 7-4A: definitions.

E. It shall be unlawful for any person to own, possess, keep, harbor, bring, or have in one’s possession a prohibited or wild animal except as allowed by this section.

F. It shall be unlawful for the owner or any other person in control of any property in the City, whether residential, commercial, industrial, agricultural, or institutional to knowingly permit any person to be in possession of a prohibited or wild animal upon the property, residence or premises except in compliance with this section.
G. It shall be unlawful for a person to breed a prohibited or wild animal within the City.

H. **The provisions of this section shall not apply to:**

1. Institutions accredited by the American Zoo and Aquarium Association (AZA) or the American Sanctuary Association (ASA) that are permitted uses within the city.

2. Registered non-profit humane societies.

3. Animal control or law enforcement officers acting under the authority of City, County, State or Federal regulation, rule, ordinance or statute.

4. Licensed veterinary hospitals or clinics.

5. State licensed wildlife rehabilitators.

6. Licensed or accredited research or medical institutions.

7. Licensed or accredited educational institutions.

8. Service animals as defined in this Chapter if application of this section would violate state or federal laws relating to persons with disabilities.

9. A person temporarily transporting a prohibited or wild animal through the City. Such temporary transit period shall be thirty (30) minutes or less in duration and the prohibited or wild animal shall be kept securely restrained in an enclosure or cage appropriate to the species within that time.

I. No private zoos, game farms, hunt clubs or animal exhibitions are allowed within any city districts.

J. Commercial purpose: Animals may only be kept for commercial purposes if authorized in the zoning district where the animals are located.

K. Pet Shops and Commercial Kennels: Animals kept in pet shops or kennels shall be kept in accordance with regulations for licensing and regulating pet shops and kennels in addition to the regulations provided by this Chapter.

7-4B-11 **Horse Regulations:**

A. The keeping of horses is an allowed use in the Agricultural and Rural Residential zoning districts, provided:

1. The minimum lot size is two and one half (2.5) acres.

2. The number of horses may not exceed one (1) horse per one (1) acre.

3. **Exception:** Miniature horses; the number of miniature horses allowed per acre shall be three (3).

B. Horses kept for a permitted use in agricultural districts, such as commercial stables, may exceed this limit. However, all regulations regarding the welfare, care, and keeping of horses, manure management and any other applicable ordinance, statute, or regulation shall be met.

C. It shall be unlawful for any person to ride or drive a horse after the hour of sunset and before the hour of sunrise along or crossing any public right of way without appropriate lighting or reflective material.

D. It shall be unlawful for any person to ride, drive or otherwise take a horse into any public park or other public property, except within the right of way of public streets.

E. Every person riding a horse or driving a horse drawn vehicle shall be subject to the applicable provisions of the City Code and Minnesota State Statutes regulating motor vehicle traffic.
7-4B-12: Maintenance of Fowl and Birds/Feeding of Animals.

A. Fowl not to be at large: No person owning or keeping chickens, ducks, geese, pigeons or other fowl or birds may permit the same to run at large or enter upon the premises of another without permission, nor may any such fowl or birds be kept, raised or permitted to go on any street, park, lake or public ponding area.

B. Limitation on number: No more than three fowl or birds may be kept or raised on any residential property in the city. This limitation does not apply to the keeping of pigeons pursuant to a license under the provisions of this section.

C. Injury or annoyance to others: No fowl or birds may be kept or raised in a manner as to cause injury or annoyance to persons on other property in the vicinity by reason of noise, odor or filth.

D. Impounding of fowl or birds: A fowl or bird at large in violation of this section may be impounded by the city, and after being impounded for five business days or more without being reclaimed by the owner, may be humanely euthanized or sold. A person reclaiming any impounded fowl or bird shall pay the cost of impounding and keeping the same.

E. Pigeons and fowl shall be fed within the confines of the loft or coop on the premises on which the pigeons or fowl are housed.

F. Pigeons and fowl must be confined to the loft or coop except for short periods of exercise during which time they may be permitted to exercise in the fenced enclosure area, or in the case of pigeons, to fly outside the loft.

G. Feeding of birds, fowl, or other animals: Prohibition, no person shall provide liquids or edible material to animals or wildlife in a manner that will cause a public nuisance by the number, size, or positioning of the feed within the boundaries of the city.

H. Feeding in a manner that results in the attraction of animals that cause property damage, a threat to public health or animal health due to the number or type of animals attracted by excessive amounts of feed or feeders being placed, or the byproducts of the feed accumulating, are deemed a public nuisance and are prohibited.

7-4B-13: DANGEROUS ANIMALS

A. DANGEROUS DOGS:

1. Training Required: Any Dangerous, or Potentially Dangerous Dog, and its owner shall be required to attend and complete animal behavioral modification and socialization training, from a list of providers of such services maintained by the City. Failure to comply with this provision will be a violation of this Chapter and punished as herein defined. The costs for this training will be the responsibility of the animal owner.

2. Report required; New Resident: If any dog comes into residency in the City and has been previously declared Dangerous, or Potentially Dangerous by another agency or jurisdiction within the state, the owner shall report this to the City Police Department within ten (10) days of taking up residency in the City. The owner must comply immediately with all requirements for posting, restraint, muzzling, and confinement.

3. Report required; Rental Notification: The owner of any dog that has been declared Dangerous or Potentially Dangerous, must advise any property owner, or their agent, of the Dangerous or Potentially Dangerous Dog status of their animal before renting or leasing property within the city.

4. Sale: Notice Required: If any dog that has been declared Dangerous, or Potentially Dangerous is sold, given, or ownership of such dog is transferred in any way, the owner shall immediately give notice to the City Police Department of the name, address, and any other identification information required, of the new owner.
5. **Death of Dog; Report.** If any dog that has been declared Dangerous, or Potentially Dangerous dies, an affidavit from a licensed veterinarian must be submitted to the City Police Department within 10 days.

6. **Failure to meet the requirement** of this Chapter or the requirements and procedures of Minnesota Statutes, Section 347.50 are a violation of this Chapter and punishable as defined herein.

B. **DANGEROUS ANIMALS:** Any animal that commits an act that would require a dog to be declared Potentially Dangerous or Dangerous under Minnesota State Statute will be declared a Potentially Dangerous or Dangerous animal and shall be required to be kept as follows:

1. **Insurance required:** The owner of an animal that has been declared a Dangerous Animal must obtain and maintain liability insurance coverage, or a bond, in and amount of not less than $50,000.00 for each occurrence for liability, destruction of property, and death or bodily harm injury to persons or animals that may be caused by the dangerous animal.

2. **Insurance documentation:** The owner of an animal that has been declared a Dangerous Animal shall provide a certificate of this bond or insurance, stating the bond or insurance will be in effect for the full term of the animal registration from the company that issues the bond or insurance.

3. **Animal Review Panel,** in the case of animals declared Potentially Dangerous or Dangerous, the animal review panel shall perform and discharge all duties and functions in the same manner as required for Potentially Dangerous or Dangerous Dogs.

4. **The owner or possessor of an animal that has been declared a Dangerous Animal shall:**
   
a. Post and display at each possible entrance onto the premise where a dangerous animal is being kept a conspicuous, clearly legible sign, easily readable by the public, warning that there is a dangerous animal on the premises.
   
b. Meet all requirements of this Chapter, related to registration, restraint, confinement, muzzling, leashing, microchipping, and posting of premise.

7-4B-14: **PREMISES REQUIREMENTS:**

A. **Fence for Confinement – Commercial Kennel:** No permit shall be granted to any owner for the operation of a commercial kennel unless any outdoor area within which the animals are to sleep, eat or exercise shall be enclosed completely with a fence of sufficient height and strength to insure the confinement of said animals.

   1. Commercial kennels shall house all animals indoors between the hours of sunset and sunrise. Outdoor runs shall be regulated by zoning district.

   2. Fences and enclosures to contain Dangerous Dogs shall meet the requirements of Minnesota Statutes, Sections 347.50-347.52 and Chapter 7-4B: of the City Code.

   3. Fences and enclosures to contain Dangerous Animals shall meet the same requirements for restraint and security as for a Dangerous Dog, with consideration given to the particular species.

B. **Kennel Sanitation:** Every kennel, caging or containment enclosure for animals shall be maintained and operated in a neat and sanitary manner. All refuse, garbage and animal waste shall be removed at least daily so as to keep the surrounding area free from obnoxious odors.

C. **Noise Nuisance:** No owner shall permit any animal under his or her custody or control to create a nuisance by way of barking, crying, howling, screeching, growling or other vocalization.
1. Any disturbance or nuisance created by way of noise or vocalization by animals on private property or animals kept in commercial kennels that unduly impairs the quiet and peaceable enjoyment of residents of surrounding properties is deemed a public nuisance.

2. Public or commercial kennel nuisances caused by vocalization of animals may be abated by the procedures in Section 7-4C-2.

D. **Lofts and coops:**

1. Lofts and coops must be cleaned and kept in a sanitary manner free of objectionable odors and wastes as often as necessary to prevent contamination of the animal(s) contained therein, and any other animals or humans who may come in contact with them, but in no case less than weekly.

2. Grains and food stored for the use of pigeons or fowl on any licensed premises shall be kept in rodent proof containers.

3. The loft or coop shall be constructed as to be fly free and rodent proof.

4. The loft or coop shall be elevated a minimum of twelve inches (12") and a maximum of twenty-four inches (24") above grade to ensure circulation beneath the loft or coop.

5. **The loft or coop shall:**
   
   a. Rest upon concrete footings which penetrate the soil twenty-four inches (24") and have a twelve inch (12") right angle extending outward from the base,
   
   b. Have a maximum height of six feet (6'),
   
   c. Be screened from view by fencing or evergreen plantings with a minimum height of four feet (4'), and
   
   d. Be setback seventy-five feet (75’) from any adjoining residential structure, and ten feet (10’) from the property line.

E. **All Facilities for housing animals shall:**

1. Be constructed of material appropriate for the animal involved;

2. Contain and restrain the animal they are designed or built to contain without causing injury to, or depriving the animal of necessary environmental elements;

3. Be maintained in good repair;

4. Be controlled as to temperature, ventilation, lighting, and humidity as necessary to provide conditions compatible with the health and comfort of the animal(s);

5. Be sufficient size to allow each animal to make normal postural and social adjustments with adequate freedom of movement. Inadequate space may be indicated by evidence of malnutrition, poor condition, debility, stress or abnormal behavior patterns;

6. Be built to conform with the property line setback standards for accessory buildings, side yards, and rear yards. (Section 7.2.A.6);

7. Be cleaned as often as necessary to prevent contamination of the animals contained therein, and any other animals or humans who may come in contact with them, but in no case less than weekly;

8. Be cleaned in a manner utilizing proper protocols, methods, equipment and materials recommended to minimize disease hazards or transmission as required by particular species of animal; and

9. Be cleaned as necessary to reduce objectionable odors.

10. Enclosures confining domestic animals to an area of less than half of a rear yard area
must conform with the property line setback standards for accessory buildings.

7-4C-1: VIOLATION, REVOCATION AND HEARING:

A. The Council may revoke any Commercial Kennel, Loft, Coop, City Dangerous Dog Registration, or Dangerous Animal Registration for violation of this Chapter or for violation of any other health or nuisance ordinance, order, law or regulation.

B. Before revoking a Commercial Kennel, Loft, Dangerous Dog or Dangerous Animal Registration, the owner shall be given notice of the meeting at which such revocation will be considered, and if the owner is present at such meeting, he shall first be given an opportunity to be heard.

1. Notice of such meeting shall be given to the owner in writing, mailed to the address of the owner as set forth in the application, and mailed at least five (5) days prior to the date of the meeting for consideration of the matter.

2. If the Council finds, after hearing evidence and testimony, that sufficient violation of the ordinances have occurred they may suspend, limit, or revoke the Commercial Kennel, Loft, Dangerous Dog, or Dangerous Animal Registration.

3. If, after revocation action is taken, the owner does not comply with the Council action, then the animal(s) covered by such registrations may be seized and held; as per Minnesota State Statute regarding Dangerous Dogs; or, the requirements of this Chapter for Commercial Kennel, Loft, Coop, City Dangerous Dog registration, or Dangerous Animal Registration.

7-4C-2: PROCEEDINGS FOR IMPOUNDMENT, DESTRUCTION, OR ABATEMENT OF NUISANCES CREATED BY CERTAIN ANIMALS:

A. Facts of Case: Upon issuance of a summons or sworn complaint of any person to District Court in the County of Dakota that any of the following facts exist:

1. That the animal has destroyed property or habitually trespassed in a damaging manner on property of persons other than the owner; or,

2. That the animal has attacked or bitten a person without provocation; and, that the animal is vicious or shows vicious habits, or molests people or interferes with the driving of automobiles upon a public highway; or, after notification that the animal is potentially dangerous or dangerous the animal is not kept, restrained, confined, registered, tagged, or microchipped as required by this Chapter; or,

3. That the animal is habitually barking, crying, howling, screeching, growling, or by other vocalization causing a public nuisance; or

4. That the animal is being kept within the limits of the City in violation of the provisions of this Chapter;

Then the procedure in subsection B shall be followed.

B. Owner to Appear, Hearing: A police officer, or other officer designated to enforce this Chapter, shall issue a summons directed to the owner or person having possession, custody or control of said animal commanding such person to appear before a Judge and to show cause why said animal should not be seized, humanely euthanized or otherwise disposed of by the police or any other officer designated.

1. **Summons:** Such summons shall require the owner to appear no less than forty-eight (48) hours from the date thereof and shall be served personally; or, if personal service is not possible; by mail, seven (7) days prior to the date of appearance; or, such summons shall be posted conspicuously at the residence of the animal owner forty-eight (48) hours prior to the appointed date and time of appearance.

2. **Upon such hearing and finding of facts true as complained of,** the Judge shall:
a. Order the animal humanely euthanized,

b. Order the owner to remove it from the City,

c. Order it confined to a designated place, or

d. Order its sale or other disposition.

3. In the event an animal has bitten a person, or animal, the Judge shall order the animal impounded at the owner’s expense for such period as may be reasonably necessary to determine, by Board of Animal Health rule, whether the animal is rabid or could have carried or transmitted a zoonotic disease at the time of the bite.

4. In the event that said animal is rabid; or such animal is capable of carrying and transmitting the rabies virus or another zoonotic disease and has not been vaccinated, if so required; or if the animal is deemed by the State Health Department or the Board of Animal Health to be a risk to public health by any disease it may be a carrier of; it may summarily be destroyed and tested as needed.

5. The procedures and requirements set forth in Minnesota Statutes, Sections 347.50-347.56, 353.235 and 35.71 regarding seizure, hearings, costs, and disposal of unclaimed animals are incorporated herein.

7-4C-2:

C. Failure to Comply With Order:

1. If the owner is ordered to remove the animal from the City or is ordered to keep the animal confined to a designated place and disobeys such order, such person shall, upon the filing of a complaint alleging that said order was dis obeyed, and after being found guilty of violating the provision, be liable to the punishment for violation of this Chapter.

2. The criteria and procedures set forth in Minnesota Statutes, Sections 347.50-347.56 relating to failure of confinement, restraint, muzzling, posting, bonding or insurance, and seizure of a Dangerous Dog are incorporated herein.

D. Applicability of Section: The provisions of this Section are in addition to and supplemental to other provisions of this Chapter and shall apply throughout the City.

E. Costs: Costs of the proceedings specified by this Section shall be assessed against the owner or the animal, if said animal is being kept in violation of any of the terms of this Chapter.

1. Costs related to the seizure and disposal of dogs declared Dangerous under the criteria and requirements of Minnesota Statutes, Sections 347.50-347.56, 343.235, and 35.71 shall be the responsibility of the owner.

2. Costs related to the seizure, testing, and disposal of Dangerous Animals kept in violation of the provisions of these ordinances shall be the responsibility of the owner.

7-4C-3: EXEMPTIONS FROM PROVISIONS:

A. Exemption: Hospitals, clinics, the designated city animal shelter and other premises operated by licensed veterinarians exclusively for the care and treatment of animals are exempt from the provisions of this Chapter, with the exception of restraint, humane care and treatment of the animals in their custody and such duties as expressly stated in this Chapter and the zoning ordinances.

B. The registration requirements of this Chapter shall not apply to:

1. Any dog, cat, or ferret belonging to a nonresident of the City and kept within the City for not longer than thirty (30) days. Provided that all such dogs, cats, or ferrets shall at all times while within the City be kept under restraint.

2. The keeping or maintaining of animals for exhibition to the public by a traveling
circus, carnival, educational zoo program or other exhibit or show holding a permit issued by the Commissioner of Natural Resources pursuant to Minnesota Statutes, Section 97.611.

3. The keeping or maintaining of any animal by a bona fide educational or medical institution for the purpose of instruction or study; provided such animals are securely confined, treated in a humane manner, and the Police Department is notified in writing of their presence.

7-4C-4: Penalties: Any person(s) who shall violate the terms or provisions of this Chapter shall be guilty of a misdemeanor and upon conviction, a violation shall be punishable by a fine or imprisonment, or both, as stipulated by Minnesota State Statutes.

A. Exception: Penalties greater than those set forth in this section are imposed by Minnesota State Statute for various sections of this Chapter. In such cases the more severe penalties shall be applied.

7-4C-5: Statutory Citations: Any specific citations to Minnesota State Statutes within any sections of the Animal Control chapter, sections or subsections shall be considered to include any amendments to those Statutes.

7-4C-6: Conflict of Chapter: In any case where a provision of this Chapter is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance or code in this City, the provision which establishes the higher standard for the promotion and protection of the health and safety of people or animals shall prevail. In any case where a provision of this Chapter is found to be in conflict with a provision of any other ordinance or code of the City existing on the effective date of this Chapter which established a lower standard for the promotion and protection of the health and safety of people or animals, the provision of this Chapter shall be deemed to prevail. The determination of the applicability of this Chapter, in light of the above rules of interpretation, shall be made by the City and its determination shall be final.

Section Two. This ordinance will become effective from and after its date of publication.

Adopted this 7th day of December, 2004.

/s/William Droste, Mayor

ATTEST:

/s/Linda Jentink, City Clerk

1/28/05