

Chapter 14

**ANIMALS\***

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\***State law reference**—General authority to regulate animals, Minn. Stats. § 412.221, subd. 21; animal health, Minn. Stats. ch. 35; cruelty to animals, Minn. Stats. ch. 343; stray animals, Minn. Stats. ch. 346.  
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**ARTICLE I. IN GENERAL**

**Sec. 14-1. Impounding.**

(a) *Who impounds; provision of proper sustenance.* The poundkeeper, any police officer, or any animal warden may take up and impound in the city pound any animal or fowl found running at large in violation of this Code and shall provide proper sustenance for every animal impounded.

(b) *Notice.* Within 24 hours after any animal has been impounded, the poundkeeper shall make a reasonable attempt to give oral or written notice to the owner where known.

(c) *Release.* No animal impounded shall be released except to a person displaying a receipt from the clerk showing payment of the impounding fees or the sale price, or payment of the same to the poundkeeper.

(d) *Fees.* Any dog/cat or other animal may be redeemed from the pound by the owner upon paying the following fees and charges:

- (1) The boarding fee in the amount established by the city to be paid to the poundkeeper for services (all animals).
- (2) An impounding fee as established by the city.
- (3) If it is the second or third time within a one-year period, the impounding fee shall be as established by the city. An amount as established by the city shall be added for each additional time a dog is impounded within a year. The impounding fee shall continue to compound until the animal is free from impounding for a 12-month period.

(e) *Treatment during impounding.* Any animal which is impounded in the pound shall be kept with kind treatment and comfort. If the animal is not known or suspected of being diseased and has not bitten a person, it shall be kept in the pound for at least five regular business days, unless it is sooner reclaimed by its owner. If such animal is known to be or is suspected of being diseased with a disease which might be transmitted to persons, it shall be kept in the pound for at least ten days.

(f) *Disposition of unclaimed animals.* Any animal which is not redeemed within five days of impoundment may be sold for not less than the amount provided in subsection (d) of this section to any one desiring to purchase the animal if it is not required by a licensed educational or scientific institution under Minn. Stats. § 35.71. All sums received in addition to the fees fixed by subsection (d) of this section shall be paid to the owner if he makes a claim within one year of the sale and furnishes satisfactory proof of ownership. Any animal which is not claimed by the owner or sold shall be painlessly killed and buried by the poundkeeper.

(g) *Poundkeeper; duties.* The city animal warden shall be poundkeeper. The City Council may provide for an animal pound either within or outside the city limits. The poundkeeper shall maintain the city pound and perform other duties imposed on him by this Code. The poundkeeper upon receiving any animal shall make a complete registry, entering the

breed, color and sex of such animal. The poundkeeper shall account for any and pay over monthly to the treasury all monies received by him on behalf of the city as fees or other charges. The poundkeeper shall also make an accurate written report each month to the city, all fees or other charges collected, all dogs, cats, and other animals impounded, the duration of such impoundment, all animals destroyed, and any other pertinent data relating to animal control which may be required by the manager.

(h) *Illegal release.* No unauthorized person shall break into the pound or release any animal legally placed therein.

(Code 1987, § 456.80; Ord. No. 12-1988, 7-26-1988; Ord. No. 52-1991, 12-23-1991; Ord. No. 03-2001, 4-8-2001; Ord. No. 10-2015, 01-01-2016)

**Sec. 14-2. General prohibition.**

No person shall keep any animal in the city or permit such animal to be kept on premises owned, occupied, or controlled by him except under the conditions prescribed by this Code.

(Code 1987, § 456.01; Ord. No. 1-2015, 02-22-2015)

**Sec. 14-3. Treatment.**

No person shall treat any animal in a cruel or inhumane manner.

(Code 1987, § 456.05)

**State law reference**—Cruelty to animals, Minn. Stats. ch. 343.

**Sec. 14-4. Animals at large.**

No person shall permit any animal of which he is the owner, caretaker, or custodian to be at large within the city. Any such animal is deemed to be at large when it is off the premises owned or rented by the owner or his agent and not under restraint. An animal is considered under restraint when any of the following occurs:

- 1) The animal is on a leash,
- 2) The animal is on a leash no more than six feet in length,
- 3) The animal is at heel beside a competent person having custody of it,
- 4) The animal is under a competent person's custody when in a vehicle being driven or parked on the street,
- 5) The animal is securely restrained in a vehicle being driven or parked on the street; or
- 6) The animal is on the property of another with the consent of the property owner.

(Code 1987, § 456.10; Ord. No. 1-2015; 02-22-2015)

**Sec. 14-5. Confinement of fierce animals.**

Every owner shall confine within a building or secure enclosure any fierce, or vicious animal except when muzzled and in the control of a competent person. Minnesota Statutes Sections 347.50 to 347.565 shall apply to the keeping of any dangerous or potentially dangerous dog.

(Code 1987, § 456.15; Ord. No. 01-2015; 02-22-2015)

**Sec. 14-6. Diseased animals.**

Any animal with a contagious disease shall be so confined that it cannot come within 50 feet of any public roadway or any place where animals belonging to or harbored by another person are kept.

(Code 1987, § 456.20)

**Sec. 14-7. Manner of keeping.**

No person shall keep any animal in the city in an unsanitary place or condition or in a manner resulting in objectionable odors or in such a way as to constitute a nuisance or disturbance by reason of barking, howling, fighting, or other noise or in such a way as to permit the animal to annoy, injure, or endanger any reasonable person or property.

(Code 1987, § 456.25)

**Sec. 14-8. Leashing and feces cleanup.**

(a) No person having the control of any dog/cat or other domestic animal, or animal described in section 14-4 shall permit the same to be on any unfenced area or lot abutting upon a street, public park, public place or upon any other private land without being effectively restrained from moving beyond such unfenced area or lot; nor shall any person having the custody or control of any such animal permit the same at any time to be on any street, public park, school ground or public place without being effectively restrained by chain or leash not exceeding six feet in length.

(b) Any person having the custody or control of any dog/cat or domestic animal or animal described in section 14-4 shall have the responsibility for cleaning up any feces of the animal and disposing of such feces in a sanitary manner. It shall furthermore be the duty of any person having custody or control of any such animal on or about any public place to have in such person's possession suitable equipment for the picking up, removal, and sanitary disposal of animal feces. For the purposes of this section, the term "public place" shall include any property open for public use or travel such as privately owned parking lots for shopping centers or other areas where the public is invited or allowed on private property.

(c) The provisions of this section shall not apply to the ownership or use of Seeing-Eye dogs by blind persons or dogs used in police activities in this city, such as the Canine Corps or tracking dogs used by or with the permission of the city's Police Department.

(Code 1987, § 456.26; Ord. No. 52-1991, 12-23-1991; Ord. No. 03-2001, 4-8-2001)

**Sec. 14-9. Keeping of animals within city limits.**

(a) Persons may keep, maintain, or harbor within the city an animal that is usually and customarily considered a pet such as a dog, cat, ferret, bird, rabbit, rodent (i.e. mice, rat, gerbil, hamster, chinchilla, or guinea pig), fish, non-poisonous spider, non-poisonous reptile (i.e. snake, lizard, or turtle), amphibian (i.e. salamander, toad, or frog), or insect (i.e. butterfly or grasshopper). Birds shall not include farm poultry as identified in Subsection 14-9 (b) 2.

(b) No person shall keep, maintain, or harbor within the city any of the following animals:

1. Any animal or species prohibited by local, Minnesota, or federal law;
2. Any of the various species of farm animals or farm poultry, such as, but not limited to, horses, cattle, mules, donkeys, goats, sheep, llamas, alpacas, potbellied pigs, pigs, bees, chickens, roosters, ducks, geese, turkeys, peacocks, pigeons, swans, and doves; or
3. Any wild animal, including those born or raised in captivity. This includes, but is not limited to, the following:
  - i. All large cats, whether full grown or not;
  - ii. All members of the family Canidae except domesticated dogs;
  - iii. All crossbreeds except those between domesticated animals;

- iv. Skunks, whether captured in the wild, domestically raised, descended or not descended, vaccinated against rabies or not vaccinated against rabies;
  - v. All poisonous snakes;
  - vi. All raccoons;
  - vii. All carnivorous fish;
  - viii. All apes and monkeys; and
  - ix. Alligators and crocodiles.
- (c) For any animal not specifically listed in this Section 14-9, the Community Development Director shall determine whether an animal shall be permitted. Appeals will be addressed as identified in Sec. 129-32.
- (d) The display or exhibition of any prohibited animal, whether gratuitously or for a fee, shall only be allowed by zoological parks, performing animal exhibitions, circuses, schools or colleges, or veterinary clinics which are properly licensed by all applicable government entities.
- (e) The pound keeper, any police officer, or any animal warden shall be empowered to immediately impound any prohibited animal found within the city, and to seek whatever legal process is necessary to enter private property to carry out this directive. It is not a defense to allege that the animal has been tamed, born in captivity, and/or raised in captivity.
- (f) In the event city personnel are required to assist in the capture of a prohibited animal that escapes or is allowed to run at large, the City shall charge the owner for all costs incurred and collect unpaid costs as permitted by law or ordinance.

(Code 1987, § 456.30; Ord. No. 03-2001, 4-8-2001; Ord. No. 01-2015, 02-22-2015)

**Sec. 14-10. Location of stables and barns.**

No stables or barns in which sheep, goats, pigs, or swine are kept may be located within 50 feet of a place of human habitation. No live horse, cow, sheep, goat, pig, or chicken shall be kept in any shelter which forms a part of or adjoins any place of human habitation, and no such shelter shall be closer than 150 feet to any premises used for school, religious, or hospital purposes or to any establishment where food and lodging are served or furnished to the public.

(Code 1987, § 456.35)

**Sec. 14-11. Care of premises as animal shelters.**

(a) *Clean shelters.* Every structure and yard in which animals or fowl are kept shall be maintained in a clean and sanitary condition and free of all rodents, vermin, and objectionable odors. The interior walls, ceilings, floors, partitions, and appurtenances of any such structure shall be white-washed or painted as the health officer shall direct. Upon the complaint of an individual or otherwise, the health officer shall inspect such structure or yard and issue any such order as may be reasonably necessary to carry out the provisions of this Code.

(b) *Manure.* Manure shall be removed with sufficient frequency to avoid nuisance from odors or from the breeding of flies, at least one per month from October 1 to May 1 each year and once every two weeks at other times. Unless used for fertilizer, manure shall be removed by hauling beyond the city limits. If used as fertilizer, manure shall be spread upon the ground evenly and turned under at once or as soon as the frost leaves the ground.

(Code 1987, § 456.40)

**Sec. 14-12. Entry onto private property for enforcement.**

To enforce this Code, the animal warden, police officer, community service officer, or other officers designated by the Police Chief may enter upon private property where there is reasonable cause to believe that there is a dog/cat or other animal on the premises which is not being kept, confined, or restrained as required by this Code.

(Code 1987, § 456.45; Ord. No. 03-2001, 4-8-2001; Ord. No. 10-2015, 01-01-2016)

**Sec. 14-13. Quarantine.**

Any animal that bites a person and punctures the skin shall be quarantined for a period of not less than ten days in the city designated kennel, veterinary hospital, or on the owner's premises, as determined by the Chief of Police or person designated by the Chief of Police. City personnel may refuse to permit confinement on the owner's premises if the animal has a repeated history of running at large, or does not have currently effective rabies inoculation. If confinement on the owner's premises is permitted, the animal shall not be allowed off the owner's premises or in contact with other people or animals during the confinement period, except for medical purposes. The owner is responsible for contacting the Police Department after ten days and notifying the department of the condition of the animal and allowing city personnel to inspect the animal. If the owner fails to comply with these restrictions, authorized personnel may enter onto the property, seize the animal, and remove it to the city designated kennel. The owner shall be responsible for all costs of confinement under this section.

(Code 1987, § 456.50; Ord. No. 86-1997, 3-15-1997, Ord. No. 10-2015, 01-01-2016)

**Sec. 14-14. Proceedings for destruction of certain animals.**

- (a) Upon sworn complaint to a court that any one of the following facts exist:
  - (1) That any animal at any time has destroyed property or habitually trespasses in a damaging manner on the property of persons other than the owner;
  - (2) That any animal at any time has attacked or bitten a person outside the owner's or custodian's premises;
  - (3) That any animal is vicious or shows vicious habits or molests pedestrians or interferes with vehicles on the public streets; or
  - (4) That any animal is a public nuisance.

(b) The judge shall issue a summons directed to the owner of the animal commanding him to appear before the court to show cause why the animal should not be seized by any police officer, or otherwise disposed of in the manner authorized in this Code. Such summons shall be returnable not less than two nor more than six days from the date thereof and shall be served at least two days before the time of the scheduled appearance. Upon such hearing and finding the facts true as complained of, the court may either order the animal killed or order the owner or custodian to remove it from the city, or may order the owner or custodian to keep it confined to a designated place. If the owner or custodian violates such order, any police officer may impound the animal described in such order. The provisions of this section are in addition to and supplemental to other provisions of this Code. Costs of the proceedings specified by this section shall be assessed against the owner or custodian of the animal if the facts in the complaint are found to be true; or to the complainant if the facts are found to be untrue.

(Code 1987, § 456.55)

**Sec. 14-15. Vicious animals; summary destruction.**

If an animal is diseased, vicious, dangerous, rabid, or exposed to rabies and such animal cannot be impounded after a reasonable effort, or cannot be impounded without serious risk to the persons attempting it, such animal may be immediately killed by or under the direction of the animal warden or a police officer.

(Code 1987, § 456.60)

**Sec. 14-16. Abandonment.**

It is unlawful for any person to abandon any dog or other animal in this city.

(Code 1987, § 456.65)

**Secs. 14-17—14-35. Reserved.**

**ARTICLE II. DOGS AND CATS\***

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\*State law reference—Dogs and cats, Minn. Stats. ch. 347.

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**Sec. 14-36. Impounding.**

Any dog/cat found running at large contrary to the provisions of this Code may be impounded as provided in section 14-1.

(Code 1987, § 455.30; Ord. No. 03-2001, 4-8-2001; Ord. No. 10-2015, 01-01-2016)

**Sec. 14-37. Running at large prohibited.**

No dog or cat shall be permitted to run at large within the limits of the city. Any dog/cat is deemed to be at large when it is off the premises owned or rented by the owner or his agent and not under restraint. A dog/cat is under restraint if it is controlled by a leash not exceeding six feet in length, or at heel beside a competent person having custody of it, and obedient to that person's commands, or within a vehicle being driven or parked on a street or within the property limits of the owner's premises. An unattended dog/cat on the property of another without the consent of such property owner is at large and not under restraint even though it is on a leash.

(Code 1987, § 455.01)

**Sec. 14-38. Reserved.**

(Ord. No. 10-2015, 01-01-2015)

**Sec. 14-39. Dog/cat nuisances.**

The owner or custodian of any dog/cat shall prevent the dog/cat from committing in the city any act which constitutes a nuisance. It is a nuisance for any dog to habitually or frequently bark or cry, cat to habitually or frequently cry or howl, to frequent school grounds, parks, or public beaches, to chase vehicles, to molest or annoy any reasonable person away from the property of his owner or custodian, or to damage, defile, or destroy public or private property. Failure of the owner or custodian of a dog/cat to prevent the dog/cat from committing such a nuisance is a violation of this Code. Violation of section 14-8 relating to leashing and feces clean up shall also be considered a nuisance.

(Code 1987, § 455.10; Ord. No. 52-1991, 12-23-1991)

**Sec. 14-40. Confinement of certain dogs/cats.**

Every female dog/cat in heat shall be confined in a building or other secure enclosure in such manner that it cannot come into contact with another dog/cat, except for planned breeding.

(Code 1987, § 455.15)

**Sec. 14-41. Quarantine of certain dogs/cats.**

Any dog/cat which bites a person shall be quarantined as provided in section 14-13.

(Code 1987, § 455.20)

**Sec. 14-42. Muzzling proclamation.**

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 dog/cat to muzzle it securely so that it cannot bite. No person shall violate such proclamation and any unmuzzled dog/cat unrestrained during the time fixed in the proclamation shall be subject to impoundment as heretofore provided, and the owner of such dog/cat shall upon conviction be guilty of a misdemeanor.

(Code 1987, § 455.25)

**Sec. 14-43. Limits of dogs/cats on one premises.**

Not more than three dogs/cats over six months of age shall be kept on any one premises except at a premises duly licensed pursuant to section 14-44.

(Code 1987, § 456.70)

**Sec. 14-44. Commercial kennels.**

(a) *Licenses and fees.* No person shall operate a commercial kennel in this city without first obtaining a kennel license. Application for such license shall be made to the clerk. The clerk shall refer the application to the Council, which may grant or deny the license. The annual license fee for a commercial kennel shall be as established in accordance by the city, due on or before May 1 of each year. Licenses may be only granted in commercial, business, or industrially zoning districts.

(b) *Revocation of license.* Any commercial kennel license may be revoked by the Council by reason of any violation of this Code or by reason of the violation of any other health or nuisance ordinance, order, law or regulation. Before revoking a commercial kennel license, the licensee shall be given notice of the meeting at which such revocation will be considered, and if the licensee is present at such meeting, he shall first be given an opportunity to be heard. Notice of such meeting shall be given to the licensee in writing. Such written notice shall be mailed to the address of the licensee as set forth in the licensee's application for the commercial kennel license, and it shall be mailed at least five days before the date of the meeting at which such revocation is to be considered by the Council.

(c) *Commercial kennel regulations.* Commercial kennels shall be kept in a clean and healthful condition at all times, and shall be open to inspection by any health officer, sanitarian, animal control officer, or other person charged with the enforcement of this Code, or any health or sanitary regulation of this city at all reasonable times.

(Code 1987, § 456.75; Ord. No. 01-2001, 2-25-2001)

**ARTICLE III. WILD ANIMALS\***

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**\*State law reference**—General authority to regulate animals, Minn. Stat. §412.221, subd.32.

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**Sec. 14-45. Purpose.**

The feeding of wildlife is detrimental to the normal patterns and health of wildlife and can cause a public health nuisance, property damage, and safety hazards that are detrimental to the health, safety, and general welfare of the public.

**Sec. 14-46. Feeding of Wildlife Restricted.**

No person shall feed or allow the feeding of wildlife, including, but not limited to, the following non-domesticated animals: raccoons, squirrels, chipmunks, deer, turkeys, ducks, geese, pigeons, seagulls, or other wild or feral animals or fowl, within any place within the city. For the purpose of this Article, feeding shall mean provision of any non-birdseed mixtures, hay, salt, mineral, grain, fruit, nut, or vegetable material, or other food source outdoors for the purpose of feeding on the ground, or at a height of less than five (5) feet above the ground.

**Sec. 14-47. Presumption.**

There shall be a rebuttal presumption that either of the following acts is for the purpose of feeding wildlife:

- (a) The placement of non-birdseed mixtures, hay, salt, mineral, grain, fruit, nuts, or vegetable material, or other food source, at a height of less than five (5) feet off the ground; or
- (b) The placement of non-birdseed mixtures, hay, salt, mineral, grain, fruit, nuts, or vegetable material, or other food source in a drop feeder, automatic feeder, or similar device regardless of the height.

**Sec. 14-48. Exceptions.**

This Article shall not apply to the following situations.

- (a) *Naturally Growing Materials.* Naturally growing grain, fruit or vegetable material, including gardens, fruit trees, landscaping, and residue from lawns, gardens, and other vegetable materials maintained as a mulch pile; or
- (b) *Bird Feeders.* Unmodified, commercially purchased bird feeders or the equivalent; subject to a one cubic foot volume limit for all feeders placed on private property. Birdseed that has dropped from the bird feeder to the ground; or
- (c) *Certain Personnel.* Veterinarians, city, county, state, or federal officials, who in the course of their duties have wild animals in their custody or under their management; or
- (d) *Mixtures.* Birdseed mixtures and hummingbird nectars are specifically exempted provided they are placed in accordance with provisions in this ordinance in order to discourage use by animals other than small birds.

**Sec. 14-49. Enforcement.**

- (a) This article shall be enforced by the Police Department of the City.
- (b) Any person found to be in violation of this Article shall be ordered to cease the feeding immediately.

**Sec. 14-50. Penalty.**

Animals

Any person who violates this Article is guilty of a misdemeanor, and shall, upon conviction thereof, shall be punished by imprisonment for up to ninety days, a fine of up to one thousand dollars, or a combination thereof.

(Code 2013, § 412.221; Ord. No. 10-2013, 9-24-13)