

CHAPTER 5: MUNICIPAL REGULATION AND LICENSING

Part 8. Animal Control

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Part 8. Animal control

508.021A. Number of pets prohibited. No household or single family residence within the City of Askov shall own, keep or harbor more than 3 dogs or 3 cats or a total of 5 dogs-and-cats (i.e. 3 dogs and 2 cats or 3 cats and 2 dogs). Any number of dogs or cats over three each or five combined constitutes by city definition a kennel, and kennel is not allowed with the City unless it has been approved and licensed by the City Council. If a litter of puppies or kittens has been born to a household, owners will be given 2 months to dispose of litter. If litters are born with regularity and/or if puppies or kittens are sold, it will be understood that this constitutes a kennel and that it is the intention of the owners to run a kennel. Legal action will then be pursued on behalf of the City.

508.18A. Kennels licensed and approved. Residents desiring to operate a kennel first must apply to the state to the animal board of health for a license as per MN Statute 347.32. Further, residents desiring to operate a kennel within the city must bring a proposal in writing and plan to the Planning Commission and City Council. Upon meeting zoning requirements, a license may or may not be issued by the Council. Annual fee for license shall be \$100. Such license will be subject to a review each year for revocation or renewal. Items under review will be cleanliness, noise, health issues, and complaints received.

1101.01 Definitions.

Subd. 1. As used in this section, the terms defined in this subsection have the meanings given them.

Subd. 2. "Animal" means a mammal, reptile, amphibian, fish, bird (including fowl and poultry) or other member commonly accepted as a part of the animal kingdom.

Subd. 3. "Domestic animals" means those animals commonly recognized as domesticated household pets. The term includes dogs, cats, caged birds, gerbils, hamsters, guinea pigs, domesticated rabbits, domesticated ferrets, fish, non-poisonous and non-constricting reptiles or amphibians and other similar animals.

Subd. 4. "Non-domestic animals" means those animals commonly recognized as naturally wild and not naturally trained or domesticated or that are commonly considered to be inherently dangerous to the public health, safety, and welfare: the term includes;

- 1) A member of the large cat family (family felidae) including lions, tigers, cougars, bobcats, leopards and jaguars, but excluding commonly accepted domesticated house cats.
- 2) A naturally wild member of the canine family (family canidae) including wolves, coyotes, dingoes and jackals, but excluding commonly accepted domesticated dogs.
- 3) A crossbreed such as the crossbreed between a wolf and a dog, unless the crossbreed is commonly accepted as a domesticated house pet.
- 4) A member or relative of the rodent family including skunks (whether or not descended), raccoons, or squirrels, but excluding those members otherwise defined or commonly accepted as domesticated pets.
- 5) A poisonous, venomous, constricting or inherently dangerous member of the reptile or amphibian families including rattlesnakes, boa constrictors, pit vipers, crocodiles and alligators.
- 6) Any other animal not listed above but which can be reasonably included in the definitions in this subdivision, including but not limited to bears, deer, monkeys and game fish.

Subd. 5. "Farm animals" means those animals commonly associated with a farm or performing work in an agricultural setting. The term includes members of the equestrian family (horses, mules), bovine family (cows, bulls) sheep, poultry (turkeys), fowl (ducks, geese), swine (including Vietnamese potbellied pigs), goats, bees, and other animals associated with a farm, ranch, or stable.

Subd. 6. "Cat" means and includes both the male and female of the felidae species commonly accepted as domesticated household pets.

Subd. 7. "Dog" means and includes both the male and female of the canine species, commonly accepted as domesticated household pets and other domesticated animals of a dog kind. An "adult dog" is a dog more than six months of age.

Subd. 8. "Owner" means a person owning, keeping or harboring an animal.

Subd. 9. "At large" means off the premises of the owner and not under the custody and control of the owner or other person, either by leash, cord, and chain or otherwise restrained or confined.

Subd. 10. "Release permit" means a permit issued by the animal control officer for the release of an animal that has been taken to the pound. A release permit may be obtained upon payment of a fee in accordance with that regular license requirement if the animal is unlicensed, payment of a release fee, any maintenance costs incurred in capturing and impounding the animal. The release fee is set in the Appendix II. The fee increases for each impounding. For the purpose of a release permit, any change in the registered ownership of an animal subsequent to its impoundment and release resets that animal's impoundment count to the beginning of the fee scale.

Subd. 11. "Unprovoked" means the condition in which the animal is not purposely stimulated, agitated or disturbed.

Subd. 12. "Urban Chicken" or backyard chicken means any chicken kept inside the city limits.

1101.03. Dogs and cats.

Subd. 1. Running at Large Prohibited. It is unlawful for any person who owns, harbors or keeps a dog, or the parents or the guardians of any such person under 18 years of age, to allow the dog to run at large. Dogs must be on a leash and accompanied by a responsible person or accompanied by and under the control and direction of a responsible person so as to be effectively restrained by command or by leash, but are permitted in streets or on public land unless the City has posted an area with signs reading "Dogs Prohibited".

Subd. 2. License required.

- a) Adult dogs kept, harbored, or maintained by their owners in the City, must be licensed and registered with the City. The City Administrator will issue a dog license upon payment of the license fee. The license is valid for one year. The owner must state, at the time of application is made for the license and upon forms provided for such purpose, the owner's name and address and the name, breed, color and sex of each dog owned or kept by the owner. A license will not be granted for a dog that has not been vaccinated against distemper and rabies. Vaccination may be performed only by a doctor qualified to practice veterinary medicine in the state in which the dog is vaccinated. A veterinarian who vaccinates a dog to be licensed in the City must complete a certificate of vaccination. One copy will be issued to the dog owner for affixing to the license application.
- b) A dog owner must pay the license fee imposed by Appendix II.
- c) Upon payment of the license fee, the control officer will issue to the owner a license certificate and metallic tag for each dog licensed. The tag will have stamped on it the year for which it is issued and the number corresponding with the number on the certificate. The owner must provide each licensed dog with a collar to which the license tag must be affixed and see that the collar and tag are constantly worn. If a dog tag is lost or destroyed, the control officer will issue a duplicate. Dog tags are not transferable from one dog to another. A refund will not be made on any dog license fee or tag because of death of a dog or the owner's leaving the City before the expiration of the license period.
- d) This subdivision does not apply to
 1. dogs whose owners are non-residents living temporarily in the City,
 2. dogs brought into the City for the purpose of participating in a dog show, or

3. "seeing eye" or other dogs properly trained to assist handicapped persons for the purpose of aiding them in going from place to place. Proof of vaccination is still required.
- e) The funds received by the City for dog licenses and metallic tags fees will first be used to defray any costs incidental to the enforcement of this section; including, but not limited to, the costs of licenses, metallic tags and impounding and maintenance of the dogs.
- f) Failure to obtain a license for an animal is a violation of this section. City may impose a fee for non-licensure.

Subd. 3 Cats. The City Council may decide by resolution that cats are to be controlled by this section insofar as running at large, pickup, impounding, boarding, and proof of anti-rabies vaccine is concerned.

Subd. 4 Vaccinations.

- a) Dogs and cats kept, harbored, maintained, or transported within the City must be vaccinated at least once every year by a licensed veterinarian for:
 1. rabies with a live modified vaccine, and
 2. distemper.
- b) A certificate of vaccination must be kept by the owner on which is stated the date of vaccination, the owner's name and address, the animal's name (if applicable), sex, description and weight, the type of vaccine, and the veterinarian's signature. Upon demand made by the animal control officer or a police officer, the owner must present for examination the required certificate of vaccination for the animal. If certificates are not presented, the owner or keeper of the animal must present the certificate to the animal control officer or police officer within seven days of the demand by the officer. Failure to do so is a violation of this section.

1101.05 . Non-Domestic Animals. It is unlawful for a person to own, possess, harbor or offer for sale, a nondomestic animal within the City limits. The owner of a nondomestic animal shall remove the animal from the City within 30 days of the effective date of this section after which time the City may impound the animal as provided for in this section. This subsection does not apply to animals specifically trained for and actually providing assistance to the handicapped or disabled, and those animals brought into the City as part of an operating zoo, veterinarian clinic, scientific research laboratory or a licensed show or exhibition.

1101.06. Beekeeping. Honey bees are an asset to the community and important in the pollination of plants and in the production of honey and other products. The purpose and intent of this ordinance is to permit and establish requirements for the keeping of honey bee colonies, hives, and equipment within the City.

Subd. 1. Definitions: Unless the context clearly indicates otherwise, the words, combination of words, terms, and phrases as used in this section shall have the meanings set for the in the following paragraphs:

- "Apiary" shall mean the assembly of one or more colonies of bees on a single lot.
- "Beekeeper" shall mean a person who owns or has charge of one or more colonies of honey bees or a person who owns or controls a lot on which a colony is located whether or not the person is intentionally keeping honey bees.
- "Beekeeping Equipment" shall mean anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.
- "Colony" shall mean an aggregate of honey bees consisting principally of workers, but having, when perfect, one queen and at times drones, brood, combs, and honey.
- "Flyway Barrier" shall mean a barrier that raises the flight path of bees as they come and go from a hive.
- "Hive" shall mean the receptacle inhabited by a colony.
- "Honey Bee" shall mean all life stages of the common domestic honey bee. This definition does not include wasps, hornets, African subspecies or Africanized hybrids.

- “Nucleus Colony” shall mean a small quantity of honey bees with a queen housed in a smaller than usual hive box designed for a particular purpose, and containing no supers.
- “Super” shall mean a box that holds the frames where bees will store the honey.
- “Swarming” shall mean the process where a queen bee leaves a colony with large group of worker bees in order to form a new honey bee colony.
- “Unusual Aggressive Behavior” shall mean any instance in which unusual aggressive characteristics such as stinging or attacking without provocation occurs.

Subd. 2. Colony Location.

- a) Hives cannot be located in the front yard and must be located a minimum of ten (10) feet from the rear or side property lines and 25 feet from public rights-of-way unless further restricted elsewhere in this Code. A corner lot shall be considered to have two front yards. Hive openings shall face in toward subject property’s backyard.
- b) Honey bee colonies shall be kept in removable frames, which shall be kept in sound and usable condition.
- c) For each colony permitted to be maintained under this section, there may also be maintained upon the same apiary lot, one nucleus colony in a hive structure not to exceed one standard 9 5/8 inch depth, ten-frame hive body with no supers.
- d) A flyway barrier at least six feet in height shall shield any part of a property line that is within 30 feet of ground hive. The flyway barrier shall consist of a wall, fence, dense vegetation or a combination thereof and it shall be positioned to transect both legs of a triangle extending from an apex at the hive to each end point of the part of the property line to be shielded.
- e) Rooftop apiaries are allowed but shall not be located closer than 15 feet from a principal building on an abutting lot.

Subd. 3. Colony Density.

- A. Every lot or parcel of land in the City shall be limited to the following number of colonies based on the size of the apiary lot:
 - a. One half acre or smaller is allowed two colonies;
 - b. More than one half acres to three quarters of an acre is allowed four colonies;
 - c. More than three quarter of an acre to one acre is allowed six colonies;
 - d. More than one acre to five acres is allowed eight colonies;
 - e. More than five acres, there is no restriction on the number of colonies and no registration is required.
- B. If any beekeeper removes honeybees from locations where they are not desired, that person shall not be considered in violation if the person temporarily houses the honeybees on the Apiary Site of a beekeeper registered under this Section for no more than 30 days and remains at all times in compliance with the other provisions in this section.

Subd. 4. Required Conditions.

- A. Honey bee colonies shall be kept in hives with removable frames, which shall be kept in sound and useable condition.
- B. A constant supply of water shall be provided for all hives, except during the dormant period.
- C. Materials from a hive or colony which might encourage the presence of honeybees, such as wax comb, shall be promptly disposed of in a sealed container or placed within a building or other bee-proof enclosure.
- D. Beekeeping equipment shall be maintained in good condition. Unused beekeeping equipment must be protected to prevent occupancy by swarming honeybees.

- E. Hive shall be continuously managed to provide adequate living space for their resident honeybees in order to prevent swarming.
- F. In any instance in which a colony exhibits unusual aggressive behavior, it shall be the duty of the beekeeper to promptly implement appropriate actions to address the behavior.
- G. Honey may not be sold from any residential property.

Subd. 5. License Required. A license is required for any person seeking to keep and raise honeybees in the city of Askov as allowed by this Ordinance. Registration is not required for sites over 5 acres in size. An applicant must complete an application form provided by the city. The application shall include, but is not limited to, the following information:

- A. If the beekeeper relocates a hive or colony to a new apiary site, the beekeeper shall apply for an updated registration, prior to the relocation, on the form provided by the city of Askov.
- B. The applicant for the license must notify all residents of the property are the applicant is not the owner or operator and the owner or operator must be an additional signatory on the license application.
- C. Residents seeking approval to keep and raise honeybees shall submit an application, and site plan.
- D. Upon receipt of application, the City will send written notice to property owners living within 200 ft. of applicant. Any objections to the registration must be made in writing a received within ten (10) days. If any written objection is received, the application must be referred to the City Clerks.
 - a. The application must be denied if the City receives a written objection from an adjacent property owner that includes medical documentation by a licensed physical of an allergy to honeybee venom.
- E. Applicants for a beekeeping license shall provide proof of applicable training or provide a waiver indicating how required experience has been obtained.

Subd. 6. Duration of License and Fee.

- A. Each license issued under this ordinance shall expire on December 31 in the year of issuance unless sooner revoked. A license shall be renewed annually to continue the limited keeping of honeybees.
- B. The annual fee for a license shall be in such amount as set forth the City Master Fee Schedule which shall be paid at the time of the making of the application.

Subd. 7. Inspection & Enforcement. Upon initial registration, annual renewal or any updated registration, each beekeeper must allow for an inspection by an officer designated by the City Council of the site. Upon prior notice to the owner of the apiary site, City staff shall have the right to inspect any apiary. The City council may refuse to grant or revoke a license if the honeybees become a nuisance as determined by the officer designated by the City Council.

Subd. 8. Appeal and Hearing Procedure. Registrations issued under this Section may be denied, revoked or non-renewal due to any of the following:

- a) The keeping of honeybees in a manner which constitutes a nuisance to the health, safety, or general welfare of public as determined by the officer designated by the City Council.
- b) Fraud, misrepresentation, or false statement contained in the registration application or during the course of the registered activity; and
- c) Any violation of the applicable provisions in this Chapter.

Notice of approval, denial, revocation or non-renewal must be made in writing to the registrant and to any person opposing the application for initial registration specifying the reason(s) for the action. The registrant or any person

opposing the application may request a hearing with the Askov City Council with fourteen (14) days of the date of the notification letter.

1101.07 . Farm Animals. Farm animals may be kept only in a Residential Open zoning district in the City, (or on a residential lot of at least ten acres in size?), but an animal shelter may not be located within 250 feet of the boundary of an adjoining parcel of property. This subsection does not apply to animals brought into the City as part of an operating zoo, veterinarian clinic, scientific research laboratory, or a licensed show or exhibition.

1101.08 . Urban Chickens. It is recognized that the ability to cultivate one's own food is a sustainable activity that can also be a rewarding pastime. Therefore, it is the purpose and intent of this ordinance to permit the keeping and maintenance of chicken hens for residential egg production. The chicken **MUST** be kept in a clean and sanitary manner that is not a nuisance to or detrimental to the public health, safety and welfare of the community. The keeping of other poultry is prohibited.

Subd. 1. Investigation & Enforcement. Officers designated by the City Council shall have authority in the investigation and enforcement of this ordinance and no person shall interfere with, hinder or resist any such officer in the exercise of such powers. The officer shall make investigations as necessary and may grant, deny or refuse to renew any application for license or terminate an existing license under this article.

Subd. 2. License Required. A license is required for any person seeking to keep Urban Chickens in the city of Askov as allowed by this Ordinance. An applicant must complete an application form provided by the city. Any amendment to an existing license shall constitute a new application fee. The application shall include, but is not limited to, the following information:

- a) Written, dated and signed consents from 100% of the owners and occupants of all properties within 100 feet of the applicant's property. Such consents may also be required upon any request for renewal of the license.
- b) A scaled drawing (Site Plan) showing the location, size and dimensions of all structures (coops, runs, etc.) and containment area for the urban chicken(s), including the distance of all structures and containment areas from the adjoining structures and neighboring property lines.
- c) The number of chickens to be kept on site. (Six maximum)
- d) Detailed feces and waste management plan.
- e) An agreement by the applicant that the premises may be inspected by the city at any reasonable time to ensure compliance with all applicant conditions.

Subd. 3. Duration of License and Fee.

- a) Each license issued under this ordinance shall expire on December 31 in the year of issuance unless sooner revoked. A license shall be renewed annually to continue the limited keeping of urban chickens.
- b) The annual fee for a license shall be in such amount as set forth in the City Master Fee Schedule which shall be paid at the time of the making of the application.

Subd. 4. License Subject to Terms and Conditions of the Ordinance.

- a) A license is subject to all terms and conditions of this Ordinance and any additional conditions deemed necessary by the City to protect health, safety and welfare.
- b) The City may revoke a license for failure to comply with the provisions of the Ordinance or any of the license's conditions. Prior to revoking the license, the City shall provide the owner with written notice of such violation and provide the owner with 48 hrs. to become compliant with this ordinance.

Subd. 5. Conditions of License for Urban Chickens

- a) No person may keep a rooster or crowing hen.
- b) No person may keep more than six (6) laying hens at one time.
- c) The sale of eggs or chicks is strictly prohibited.

- d) Chicken fighting is prohibited.
- e) The slaughtering of chickens inside the city limits is prohibited.
- f) The raising of chickens for breeding purposes is prohibited.
- g) No person may allow chickens to roam freely.
- h) No person may keep chickens inside a house or attached garage.
- i) Chickens must be provided a secure and well-ventilated roofed structure (“Chicken Coop”).
- j) The roofed structure must be built in such a manner that it is not considered a nuisance to the neighboring properties.
- k) The roofed structure must be built tall enough to ensure proper cleaning of the structure.
- l) The roofed structure must have a minimum of five (5) square feet per bird, including an outdoor fenced run.
- m) The roofed structure must be located in the rear yard.
- n) The roofed structure must be fully enclosed, wind- and weatherproof, and have sufficient windows for natural light.
- o) The roofed structure must have a heat source for the winter months.
- p) The roofed structure must be constructed with materials that will prevent rodent and predator access.
- q) All grain and food for the use of the chickens on premises with permit shall be kept in rodent-proof containers.
- r) Dead chickens must be disposed of within 24 hours of death. Methods of disposal include offsite burial, offsite incineration or offsite composting.
- s) All premises on which the chickens are kept or maintained shall be kept clean from filth, garbage and any substances which will attract rodents. The roofed structure must be cleaned frequently enough to control odor. Manure shall not be allowed to accumulate in a way that causes an unsanitary condition or cause odors detectible on another property.

Subd. 6. Penalty for Non-Compliance. Failure to comply with these conditions may result in the removal of all chickens from the premises to include the revocation of the license.

- a) Any person whose license is revoked shall, within ten (10) days thereafter, humanly dispose of all chickens being owned, kept or harbored by such person.
- b) Any person violating any conditions of this permit shall reimburse the city for all costs borne by the city to enforce the conditions of the license.

1101.09 Impounding.

Subd. 1. Running at large. An unlicensed animal running at large is a public nuisance. The animal control officer or any police officer may impound any dog or other animal found unlicensed or any animal found running at large and must give notice of the impounding to the owner of the dog or other animal, if known. If the owner is unknown, a notice must be posted at the City office that if the dog or other animal is not claimed within ten regular business days of the posting of the notice, it will be sold or otherwise disposed of. Except as otherwise provided in this section, it is unlawful to kill, destroy, or otherwise cause injury to any animal, including dogs and cats running at large.

Subd. 2. Animals: bites. An animal that has not been inoculated by a live modified rabies vaccine and that has bitten a person and the skin has been punctured or the services of a doctor are required, must be confined in the City pound for a period of not less than ten days, at the expense of the owner. The animal may be released at the end of that time if healthy and free from symptoms of rabies, and after the payment of all costs by the owner. However, if the owner of the animal elects immediately upon receipt of notice of need for such confinement by the officer to voluntarily and immediately confine the animal for the required period of time in a veterinary hospital of the owner's choosing, not outside of Pine County, and provide immediate proof of such confinement in such manner as may be required, the owner

may do so. If, however, the animal has been inoculated with a live modified rabies vaccine, and the owner has proof of the vaccination by a certificate from a licensed veterinarian, the owner may confine the dog or other animal to the owner's property.

Subd. 3. Reclaiming. Animals conveyed to the pound must be kept with humane treatment and sufficient food and water for their comfort, at least ten business days, unless sooner reclaimed by their owners as provided by this section. In case the owner desires to reclaim the animal from the pound, the following is required, unless otherwise provided for in this section:

- a) payment of a release fee and receipt of a release permit from City Hall; this release fee is in addition to the "release permit fee";
- b) payment of maintenance costs, as provided by the pound, per day or any part of a day while animal is in the pound; and
- c) if a dog is unlicensed, payment of a regular license fee, payment of an unlicensed dog fee, and valid certificate of vaccination for rabies and distemper shots is required.

Subd. 4. Unclaimed Animals. If the animal has not been claimed at the expiration of ten business days from the time an animal is impounded, the animal control officer may let any person claim the animal by complying with all provisions in this section, or cause the animal to be destroyed in a proper and humane manner by a registered veterinarian and the remains properly disposed.

1101.11 Keeping Dogs: more than three prohibited.

Subd. 1. Policy. The city council has found and determined that the keeping of more than three dogs on a single premises is subject to abuse, and may cause discomfort to persons because of smell, noise, hazards and aesthetic depreciation.

Subd. 2. Prohibition. The keeping of more than three dogs on a single premises is prohibited.

Subd. 3. Exception. This subsection does not apply to properly zoned commercial pet and animal stores; to veterinarians providing medical care; or to keeping a newly born litter of pups for a period of 90 days.

1101.13 Nuisances.

Subd. 1. Habitual Barking. It is unlawful to keep or harbor a dog that habitually barks or cries. Habitual barking means barking for an interval of at least five minutes with less than one minute of interruption. The barking must also be audible off the owner's premises. Noises by other animals are included in this definition.

Subd. 2. Damage to Property. It is unlawful to permit a dog or other animal to damage any lawn, garden, or other property whether or not the owner of the animal has knowledge of the damage. An animal subject to this subdivision may be impounded as provided in this section or a complaint may be issued by anyone aggrieved by an animal under this section, against the owner of the animal.

Subd. 3. Cleaning up litter. The owner of an animal or person having the custody or control of an animal is responsible for cleaning up any feces of the animal and disposing of the feces in a sanitary manner if the feces are found on the property of others or on public property.

Subd. 4. Other. An animal kept contrary to this section is subject to impoundment.

1101.15 Seizing of Animals. A police officer or the animal control officer may enter upon private property and seize an animal provided that the following exist:

- a) there is an identified complaint other than the police officer or animal control officer making a contemporaneous complaint about the animal;

- b) the officer reasonably believes that the animal meets either the barking dog criteria, the criteria for cruelty; or the criteria for an at large animal;
- c) the officer can demonstrate that there has been at least one previous complaint of a barking dog, inhumane treatment of the animal, or that the animal was at large at this address on a prior date;
- d) the officer has made reasonable attempts to contact the owner of the property and those attempts have either failed or have been ignored.
- e) the seizure will not involve the forced entry into a private residence. Use of a pass-key obtained from a property manager, landlord, innkeeper, or other authorized person to have such key is an authorized entry;
- f) no other less intrusive means is available to stop either the barking dog, the inhumane treatment of the animal; or the at large animal; and
- g) written notice of the seizure is left in a conspicuous place if personal contact with the owner of the dog is not possible.

1101.17. Dangerous animals. If, in the reasonable belief of any person, the animal control officer or police officer, an animal presents an immediate danger to the safety of any person or the animal is threatening imminent harm or is in the process of attacking any person, the officer may, as a last resort, destroy the animal in a proper manner. Otherwise the person or officer may apprehend the animal and deliver it to the pound for confinement. If the animal is destroyed by the officer, a charge of \$75 dollars to dispose of the animal is payable by the owner of the animal. If the animal is found not to be a danger to the health and safety of any person or the City, it may be released to the owner or keeper.

1101.19. Diseased Animals.

Subd. 1. Running at Large. It is unlawful to keep or permit to run at large in the City, an animal that is diseased so as to be a danger to the public health and safety, even though the animal is properly licensed under this section.

Subd. 2. Confinement. An animal reasonably suspected of being diseased and presenting a threat to public health and safety may be apprehended and confined in the pound by a police officer or animal control officer. The police officer must have a qualified veterinarian, examine the animal. If the animal is found to be diseased in such a manner so as to be a danger to the public health and safety, the officer must cause such animal to be painlessly killed and must properly dispose of the remains. The owner or keeper of the animal killed under this subsection is liable for a fine of \$75 to cover the costs of maintaining and disposing of the animal, plus the costs of any veterinarian examinations.

Subd. 3. Release. If the animal, upon examination, is not found to be diseased within the meaning of this section, the animal must be released to the owner or keeper free of charge.

1101.21 Dangerous Animals.

Subd. 1. Attack by an animal. It is unlawful for an owner to fail to restrain an animal from inflicting or attempting to inflict bodily injury to any person or other animal whether or not the owner is present. This section does not apply to an attack by a dog under the control of an on-duty law enforcement officer or to an attack upon an uninvited intruder who has entered the owner's home with criminal intent.

Subd. 2. Destruction of dangerous animal. The animal control officer may order the euthanasia by a registered veterinarian of a dangerous animal in accordance with this section.

Subd. 3. Definitions.

- a) A dangerous animal is an animal that has
 - 1. caused bodily injury or disfigurement to any person on public or private property; or
 - 2. engaged in any attack on any person under circumstances that would indicate danger to personal safety; or

3. exhibited unusually aggressive behavior, such as an attack on another animal; or
 4. bitten one or more persons on two or more occasions; or
 5. been found to be potentially dangerous or the owner has personal knowledge of the same and the animal aggressively bites, attacks, or endangers the safety of humans or domestic animals.
- b) A potentially dangerous animal is an animal that has
1. bitten a human or a domestic animal on public or private property; or
 2. when unprovoked, has chased or approached a person upon the streets, sidewalks, or any public property in an apparent attitude of attack; or
 3. has engaged in unprovoked attacks causing injury or otherwise threatening the safety of humans or domestic animals.
- c) Proper enclosure. Proper enclosure means a space securely confined indoors or in a securely locked pen or structure suitable to prevent the animal from escaping and to provide protection for the animal from the elements. A proper enclosure does not include a porch, patio, or any part of a house, garage, or other structure that would allow the animal to exit of its own volition, or any house or structure in which windows are open or in which a door or window screens are the only barriers which prevent the animal from exiting. The enclosure must not allow the egress of the animal in any manner without human assistance. If the animal is kept outside there must be a structure to provide for weather protection. The structure must meet the following specifications:
1. have a minimum overall floor size of 32 square feet.
 2. sidewalls must have a minimum height of five feet and be constructed of 11-gauge or heavier wire. Openings in the wire may not exceed two inches, support posts must be one-and-one-quarter inch or larger steel pipe buried in the ground 18 inches or more. When a concrete floor is not provided, the sidewalls must be buried a minimum of 18 inches in the ground.
 3. A cover over the entire pen must be provided. The cover must be constructed of the same gauge wire or heavier as the sidewalls and may have no openings in the wire greater than two inches.
 4. An entrance/exit gate must be provided and be constructed of the same material as the sidewalls and have no openings in the wire greater than two inches. The gate must be equipped with a device capable of being locked and must be locked at all times when the animal is in the pen.
- d) Unprovoked.
- e) the term “great bodily harm” has the meaning given it by Minnesota Statutes, Section 609.02, subdivision 8.

Subd. 4. Designation as potentially dangerous animal. The animal control officer must designate any animal as a potentially dangerous animal upon receiving such evidence that such potentially dangerous animal has, when unprovoked, bitten, attacked, or threatened the safety of a person or a domestic animal. If an animal is declared potentially dangerous, the animal control officer must cause the owner of the potentially dangerous animal to be notified in writing that such animal is potentially dangerous.

Subd. 5. Evidence justifying designation. The animal control officer may designate any animal as a dangerous animal upon receiving evidence that: 1) the animal has, when unprovoked, bitten, attacked or threatened the safety of a person or domestic animal; 2) the animal has been declared potentially dangerous and such animal has then bitten, attacked, or threatened the safety of a person or domestic animal.

Subd. 6. Authority to order destruction. The animal control officer, upon finding that an animal is dangerous, may order that the animal be destroyed based on a written order containing one or more of the following findings of fact:

- a) the animal is dangerous as demonstrated by a vicious attack, an unprovoked attack, an attack without warning or multiple attacks; or
- b) the owner of the animal has demonstrated an inability or unwillingness to control the animal in order to prevent injury to persons or other animals.

Subd. 7. Procedure. The animal control officer, after having determined that an animal is dangerous, may proceed in the following manner:

- a) The animal control officer must notify owner of the animal in writing or in person that the animal is dangerous and may order the animal seized or make such orders as deemed proper. The owner must be notified as to dates, times, places and parties bitten and be given 14 days to appeal this order by requesting a hearing before the City Council of this determination.
 - 1. If no appeal is filed, the animal control officer may order the animal destroyed.
 - 2. If an owner requests a hearing for determination as to the dangerous nature of the animal, the hearing must be held before the city council, which must set a date for hearing not more than three weeks after demand for said hearing. The records of the animal control or city clerk's office are admissible for consideration by the animal control officer without further foundation. After considering evidence pertaining to the temperament of the animal, the animal control officer may make such order as the officer deems proper. The animal control officer may order that the animal be taken into custody for destruction, if such animal is not currently in custody. If, the animal is ordered into custody for destruction, the owner must immediately make the animal available to the animal control officer.
 - 3. A person who harbors an animal after it has been found by the animal control officer to be dangerous and ordered into custody for destruction is subject to the penalties provided in this section.

Subd. 8. Stopping an attack. If a police officer or animal control officer is witness to an attack by an animal upon a person or another animal, the officer may take whatever means the officer deems appropriate to bring the attack to an end and prevent further injury to the victim.

Subd. 9. Notification of new address. The owner of a dangerous or potentially dangerous animal must notify the animal control officer in writing if the animal is to be relocated from its current address or given or sold to another person. The notification must be given in writing at least 14 days prior to the relocation or transfer of ownership. The notification must include the current owner's name and address, the relocation address, and the name of the new owner, if any.

1101.23. Dangerous animal requirements.

Subd. 1. Requirements. If the animal control officer does not order the destruction of an animal that has been declared dangerous, the court or animal control officer may, as an alternative, order any or all of the following:

- a) that the owner provides and maintains a proper enclosure for the dangerous animal;
- b) post the front and the rear of the premises with clearly visible warning signs, including a warning symbol to inform children that there is a dangerous animal on the property as specified in Minnesota Statutes, section 347.51;
- c) provide and show proof annually of public liability insurance in the minimum amount of \$300,000;
- d) if the animal is a dog and is outside the proper enclosure, the dog must be muzzled and restrained by a substantial chain or leash (not to exceed six feet in length) and under the physical restraint of a person 16 years of age or older. The muzzle must be of such design as to prevent the dog from biting any person or animal, but will not cause injury to the dog or interfere with its vision or respiration;
- e) if the animal is a dog, it must have an easily identifiable, standardized tag identifying the dog as dangerous affixed to its collar at all times as specified in the Minnesota Statutes, section 347.51;
- f) provides and shows proof of microchip identification;

- g) animals deemed dangerous by the animal control officer must be registered with Pine County within 14 days after the date the animal was so deemed and provide satisfactory proof thereof to the animal control officer;
- h) if the animal is a dog, the dog must be licensed and up to date on rabies vaccination. If the animal is a cat or ferret, it must have a rabies vaccination.

Subd. 2. Seizure. The animal control officer must immediately seize any dangerous animal if the owner does not meet each of the above requirements within 14 days after the date the notice is sent to the owner that the animal is dangerous. The seizure may be appealed to the District Court by serving a Summons and Complaint upon the City and filing it with the District Court.

Subd. 3. Reclaiming animals. A dangerous animal seized under this subsection may be reclaimed by the owner of the animal upon payment of impounding and boarding fees, and presenting proof to the animal control officer that each of the requirements under subsection 1101.23 is fulfilled. An animal not reclaimed under this section within 14 days may be disposed of, and the owner is liable for costs incurred in confining the animal.

Subd. 4. Subsequent offenses. If an owner of an animal has subsequently violated the provisions under subsection 1101.21 with the same animal, the animal control officer must seize the animal. The owner may request a hearing. If the owner is found to have violated the provisions for which the animal was seized, the animal control officer must order the animal destroyed in a proper and humane manner and the owner must pay the costs of confining the animal. If the person is found not to have violated the provisions for which the animal was seized, the owner may reclaim the animal. If the animal is not yet reclaimed by the owner within 14 days after the date the owner is notified that the animal may be reclaimed, the animal may be disposed of and the owner is liable for the costs incurred in confining, impounding and disposing of the animal.

Subd. 5. Registration. An animal control authority must issue a certificate of registration to the owner of a dangerous dog if the owner presents sufficient evidence that:

- a. a proper enclosure exists for the dangerous dog and a posting on the premises with a clearly visible warning sign, including a warning symbol to inform children, that there is a dangerous dog on the property;
- b. a surety bond issued by a surety company authorized to conduct business in this state in a form acceptable to the animal control authority in the sum of at least \$50,000, payable to any person injured by the dangerous dog, or a policy of liability insurance issued by an insurance company authorized to conduct business in this state in the amount of at least \$50,000, insuring the owner for any personal injuries inflicted by the dangerous dog;
- c. the owner has paid an annual fee of not more than \$500, in addition to any regular dog licensing fees, to obtain a certificate of registration for a dangerous dog under this section; and
- d. the owner has had microchip identification implanted into the dangerous dog as required under section 347.515.

Subd. 6. Dangerous dog designation review. Beginning six months after a dog is declared a dangerous dog, an owner may request annually that the animal control authority 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 authority finds sufficient evidence that the dog's behavior has changed, the authority may rescind the dangerous dog designation.

Subd. 7. Microchip identification. The owner of a dangerous or potentially dangerous dog must have a microchip implanted in the dog for identification, and the name of the microchip manufacturer and identification number of the microchip must be provided to the animal control authority. If the microchip is not implanted by the owner, it may

be implanted by the animal control authority. In either case, all costs related to purchase and implantation of the microchip must be borne by the dog's owner.

Subd. 8. Dangerous dogs: other requirements.

a) An owner of a dangerous dog must keep the dog, while on the owner's property, in a proper enclosure. If the dog is outside the proper enclosure, the dog must be muzzled and restrained by a substantial chain or leash and under the physical restraint of a responsible person. The muzzle must be made in a manner that will prevent the dog from biting any person or animal but that will not cause injury to the dog or interfere with its vision or respiration.

b) An owner of a dangerous dog must renew the registration of the dog annually until the dog is deceased. If the dog is removed from the jurisdiction, it must be registered as a dangerous dog in its new jurisdiction.

c) An owner of a dangerous dog must notify the animal control authority in writing of the death of the dog or its transfer to a new jurisdiction within 30 days of the death or transfer, and must, if requested by the animal control authority, execute an affidavit under oath setting forth either the circumstances of the dog's death and disposition or the complete name, address, and telephone number of the person to whom the dog has been transferred.

d) An animal control authority may require a dangerous dog to be sterilized at the owner's expense. If the owner does not have the animal sterilized, the animal control authority may have the animal sterilized at the owner's expense.

e) A person who owns a dangerous dog and who rents property from another where the dog will reside must disclose to the property owner prior to entering the lease agreement and at the time of any lease renewal that the person owns a dangerous dog that will reside at the property.

f) A person who sells a dangerous dog must notify the purchaser that the animal control authority has identified the dog as dangerous. The seller must also notify the animal control authority in writing of the sale and provide the animal control authority with the new owner's name, address, and telephone number.

Subd. 9. Destruction of dog in certain circumstances. A dog that has inflicted substantial or great bodily harm on a human being on public or private property without provocation may be destroyed in a proper and humane manner by the animal control authority. The animal control authority may not destroy the dog until the dog owner has had the opportunity for a hearing before the City Council.

1101.25 Basic care. Animals must receive from their owners or keepers kind treatment, year-round housing in all weather, and sufficient food and water for their comfort. It is unlawful to not treat an animal in a humane manner.

1101.27 Breeding moratorium. A female dog or female cat in heat must be confined in a building or other enclosure in such manner that it cannot come in contact with another dog or cat except for planned breeding. Upon capture and failure to reclaim the animal, a dog or cat prior to being transferred to a new owner must be neutered or spayed at the expense of the new owner.

1101.29 Enforcing officer. The Council must appoint an animal control officer to enforce the provisions of this section. The animal control officer may, with the consent of the Council, designate assistants.

1101.31 Pound. The Council will annually, prior to January 15, designate an official pound to which animals found in violation of this section will be taken for safe treatment, and, if necessary, for destruction.

1101.33 Interference with Officers. It is unlawful to molest, hinder or interfere with any person authorized by the Council to capture dogs, cats or other animals and convey them to the pound while engaged in such operation. It is unlawful to break open the pound or attempt to do so, or take or attempt to take from any agent any animal taken up by an authorized person in compliance with this section, or in any other manner to interfere with or hinder the authorized person in the discharge of the person's duties.

1101.35 Violations and Penalties.

Subdivision 1. Petty Misdemeanor. A violation of subsections 1101.13, 1101.25 or 1101.27 is a petty misdemeanor punishable by a fine up to \$200. The owner or keeper of the animal is the chargeable party.

Subd. 2. Misdemeanor. A violation of any other subsection is a misdemeanor punishable by a fine of up to \$700 or jail up to 90 days. The owner or keeper of the animal is the chargeable party.

Subd. 3. Dangerous dogs. It is a misdemeanor to remove a microchip from a dangerous or potentially dangerous dog, to fail to renew the registration of a dangerous dog, to fail to account for a dangerous dog's death or removal from the jurisdiction, to sign a false affidavit with respect to a dangerous dog's death or removal from the jurisdiction, or to fail to disclose ownership of a dangerous dog to a property owner from whom the person rents property.

1101.37. Application of State law.

Subd. 1. Minnesota Statutes, sections 343.20 to 343.40, relating to cruelty of animals is one adopted by reference.

Subd. 2. The provisions of this section relating to dangerous or potentially dangerous dogs are intended to be the fullest exercise of the City's authority on the subject that is permitted by Minnesota Statutes, sections 347.50 to 347.54. If there is a conflict between the provisions of this section and those statutes, the provisions of the statutes prevail.