

## **ARTICLE 5 - ANIMAL CONTROL**

### **5-100 Dogs**

- 5-110 License Required
- 5-111 Fee
- 5-112 Term
- 5-113 Current License
- 5-114 Time Requirements
- 5-115 Attachment of License
- 5-120 Running at Large Prohibited
- 5-130 Barking Dogs
- 5-140 Reserved
- 5-150 Private Dog Kennel
  - 5-151 License Required
  - 5-152 Procedure of Issuance
  - 5-153 Conditions of License
  - 5-154 Renewal of License
  - 5-155 Denial or Revocation of License
  - 5-156 Fees
- 5-160 Public Dog Kennel
  - 5-161 Definition
  - 5-162 Conditional Use Permit required
  - 5-163 Standard of Operation
- 5-170 Lost or Stolen License
- 5-180 Anti-Rabies Vaccination Required
- 5-190 Impounding
  - 5-191 Notice of Impounding
  - 5-192 Interference with Pound
  - 5-193 Alternative Discretionary Impoundment

### **5-200 Horses, Donkeys or Mules**

- 5-210 Licensing
- 5-211 Application for Permit
- 5-212 Inspection
- 5-213 Duration
- 5-214 Fee
- 5-215 Hearing
- 5-216 Permission of Neighbors
- 5-220 Running at Large
  - 5-221 Impounding
  - 5-222 Sale of Impounded Animal
  - 5-223 Proceeds of Sale of Impounded Animal
- 5-230 Riding in Public Places
  - 5-231 General Prohibition
  - 5-232 Parks and Beaches
  - 5-233 Riding on Streets
  - 5-234 Private Property

- 5-240 Acreage, Fencing and Stable Requirements
  - 5-241 Lot Size
  - 5-242 Number of Animals
  - 5-243 Additional Animals
  - 5-244 Pen Size
  - 5-245 Fence and Pen Construction Standards
  - 5-246 Fence Setbacks
  - 5-247 Feed Lots
- 5-250 Manure and Waste Control
  - 5-251 Removal of Manure and Waste
  - 5-252 Insect Control
- 5-260 Permit Revocation and Enforcement of Code
- 5-300 Animal Permits
- 5-301 Exception for white-tailed Deer

## **ARTICLE 5 - ANIMAL CONTROL**

### **5-100 Dogs**

The following provisions shall govern the keeping and maintaining of dogs:

#### **5-110 License Required**

No person shall keep any dog within the City without securing a license for said dog except as exempted by other portions of this Code. The City Clerk, or other persons, as may be authorized by the City Council, shall keep a record of all licenses issued and issue a tag, metal or other sturdy material, for all individual dog licenses issued.

#### **5-111 Fee**

A fee shall be charged for dog licenses as set by the City Council by resolution from time to time.

#### **5-112 Term**

A license, once issued, shall be valid for a period from the date of the last anti-rabies vaccination of the dog to the vaccinations expiration, as evidenced by the veterinarian's stated required in Article 5-180 of this Code.

#### **5-113 Current License**

The license provided herein shall be required regardless of whether a dog has been or is currently licensed in any other community.

#### **5-114 Time Requirements**

The license required herein shall be obtained not more than 30 days following the acquisition of any dog six months of age or older, or in the case of dogs less than six months of age, said license shall be obtained within 30 days of the attainment of the age of six months by any such dog.

#### **5-115 Attachment of License**

Each dog for which a license is issued shall have such license securely attached to such dog at all times except when penned, tied or housed on the owner's property.

#### **5-120 Running at Large Prohibited**

No dog shall be permitted to run at large within the City. The police officers and Animal Control Officer of the City or anyone else designated by the City Council to do so shall take up and impound any dog so running at large in violation of this provision, and such dog shall thereafter be handled in the same manner as provided herein for other impounded dogs. The restriction imposed by this Article shall not prohibit the appearance of any dog upon the streets, roads, or public property, or on property owned, leased or where permission is granted for such presence by the owner of such dog and such dog is on a leash and accompanied by, and under the immediate control of a competent person or is, if not so leashed, under the immediate control of a competent person charged with its care.

#### **5-130 Barking Dogs**

No Person shall own, harbor, keep, or have in their possession or on their premises any dog which barks, cries, howls excessively, continuously or in an untimely manner, The phrase “barks, cries, or howls excessively, continuously or in an untimely manner” includes, but is not limited to, the creation of any noise by any dog which can be heard by any person, including a law enforcement office or animal control officer, from a location outside of the building or premises where the dog is being kept, and which noise occurs repeatedly over at least a five minute period of time, with a thirty second or less lapse of time between each animal noise during the five minute period.

**5-140 Reserved**

**5-150 Private Dog Kennel** A private dog kennel is defined as any kennel which does not meet the definition of a Public Dog Kennel as found in Article 5-161, but which is located at a residence at which three or more dogs are kept as pets, bred for show, hunting, field trials or pleasure.

**5-151 License Required** A license shall be required for any Private Kennel. All licenses shall be for a period of one year from the date of issuance.

**5-152 Procedure for Issuance** No Private Dog Kennel License shall be issued until after a public hearing is held before the Planning Commission. Written notices of the public hearing shall be mailed to all residences within 750 feet of the outside perimeter of any location where dogs will be kept outside. Published notice of the public hearing shall also occur. Publication and mailing of notices shall occur not less than 10 days prior to the public hearing.

**5-153 Conditions of License**

**A.** Licenses shall be issued only for property that is zoned R-1, RS-1, RS-2 and R-A (or PUD carrying a single-family residential usage), and, depending on lot size, licenses shall further be restricted as follows:

**1)** On R-A lands, no license shall be issued for any lot containing less than one acre. For lots containing between one acre and 2.5 acres, a maximum of four dogs will be allowed. For lots in excess of 2.5 acres, a maximum of six dogs will be allowed.

**2)** On lands zoned R-1, RS-1 and RS-2 (or carrying one of those uses if a residential PUD), no license shall be issued for any lot containing less than one acre. For lots containing more than one acre, a maximum of four dogs will be allowed.

**3)** Lot size shall be measured from the center line of abutting roadways.

**5-154 Renewal of License** If no written complaints, including memorandum complaints from City staff or law enforcement personnel are received, all Private Kennel Licenses shall be automatically renewed by City Staff each year, upon payment of the renewal fee. If one or more

written complaints are received, the Planning Commission shall review the renewal, and at the discretion of the Planning Commission, a public hearing meeting the requirements for initial issuance may be required. The City Council, after receiving the recommendations of the Planning Commission, may alter or amend the conditions of a Private Kennel License as the City Council deems appropriate.

**5-155 Denial or Revocation of License** If a license is denied upon initial application, the license holder shall be given written notice of the denial stating the reasons for the action. If the Planning Commission recommends revocation of a license, the license holder shall be given written notice of the reasons for the proposed revocation, and shall be given the opportunity to be heard by the City Council prior to their taking action on the revocation.

**5-156 Fees** An initial license fee, and an annual license fee shall be established from time to time by resolution of the City Council. In addition, a license applicant shall reimburse the City for all costs of processing, publishing and mailing notices regarding any license or renewal.

#### **5-160 Public Dog Kennels**

##### **5-161 Definition**

A “public dog kennel” means a kennel where dogs owned by others are boarded for a fee.

##### **5-162 Conditional Use Permit Required**

Public dog kennels shall be permitted only by Conditional Use Permit, issued in accord with Article 9, and shall be permitted only in the following zoning classifications:

R-A Residential-Agriculture

##### **5-163 Standard of Operation**

###### **a. Health and Safety Standards**

All public dog kennels must conform to the statutes and regulations of any State or County agency having jurisdiction over such matters as fire control, cleanliness, temperature control, waste disposal, diet and animal treatment. Waste shall not be permitted to accumulate so as to create any odor detectable by adjoining property owners.

###### **b. Noise Control**

All public dog kennels shall be housed in masonry buildings, constructed in such a manner that animal noise cannot be heard from adjoining properties.

###### **c. Lot Size and Setback**

No public dog kennel shall be permitted on any lot containing less than 10 acres. All buildings and runways comprising the public dog kennel shall be constructed at a distance of at least 300

feet from adjoining property owners' dwellings or occupied business structures.

**d. Outside Runways**

Outside runways must be completely screened by an attractive solid fence at least six feet in height. The kennel operator shall not permit noise to be emitted from outside runways which can be heard by adjoining property owners.

**e. Fee**

Annual fee shall be required for all public dog kennels, to be established by resolution of the City Council.

**5-170 Lost or Stolen License**

Upon due proof, to the satisfaction of the City Clerk or person authorized to issue licenses, that said dog has been licensed, a duplicate license may be issued. The duplicate will be stamped with the letter "D".

**5-180 Anti-Rabies Vaccination Required**

No person shall keep any dog over six months of age within the City for a period of time in excess of 15 days unless said dog has been vaccinated with a current anti-rabies vaccine. This requirement shall apply to all dogs, including those being kept or boarded at a kennel. Before issuing a dog license as provided in this Article, the City Clerk shall require that the person applying for a license for a dog present a signed statement from a licensed veterinarian certifying the date on which said dog was vaccinated with anti-rabies vaccine. If said vaccination is not current, the City Clerk shall not issue a license for said dog.

**5-190 Impounding**

The police officer, or such person so authorized by the City Council may impound any dog found unleashed or so running at large. Also, in the event that any dog bites a human being on public or private property, the police officer will immediately have the dog impounded at the animal shelter for the quarantine period or shall at their discretion, follow the Alternative Discretionary Impoundment as written in Article 5-193. The City Council shall, from time to time appoint an animal control contractor, who shall maintain a shelter for impounded animals (the "pound") and perform such other duties as may be contracted for. Notwithstanding the foregoing, if the owner of any dog so impounded shall prefer that the dog be confined for the quarantine period with a licensed veterinarian, the dog, once in the pound, may be transferred to the designated veterinarian upon compliance with the following conditions:

**5-190.1 Payment to pound**

The owner shall provide evidence that all charges for the initial transport and kenneling at the pound have been paid in full.

**5-190.2 Transport**

The owner shall arrange for the transport of the dog from the pound to the veterinarian in a manner acceptable to City staff; the owner shall provide evidence that costs of such transport have been paid in full.

**5-190.3 Confirmation by Veterinarian**

Prior to transporting the dog from the pound to the veterinarian, the City Staff shall be provided with a written statement from the veterinarian stating that the veterinarian will:

- a) Confine the dog in the manner required by law for the entire quarantine period.
- b) Look only to the dog owner, and not to the City, for payment of any veterinary or boarding costs associated with the confinement.

**5-191 Notice of Impounding**

Notice of impounding shall be given to the owner of such dog if known. In case the owner is unknown, the animal control contractor shall post notice at the pound that if the dog is not claimed within 5 days of the posting of the notice it will be sold to private party as a pet, or humanely killed and its carcass disposed of or may be sold. The animal control contractor shall house and feed in a humane manner any dog held at a pound. An impounding fee and charge for feeding shall be charged for any dog held at the pound which latter sum shall be paid to the animal control contractor.

**5-192 Interference with Pound**

It shall be a violation of this Article for any unauthorized person to break open the pound or to attempt to break open the pound or to take or let out any dogs therefrom, or to take or attempt to take from a police officer, dog catcher, or any other person authorized by the City Council in the discharge of his duties pursuant to this Code.

**5-193 Alternative Discretionary Impoundment**

Notwithstanding the provisions of Articles 5-190 through 5-193, a peace officer required by this Code to impound a dog who has bitten a human being, may, in the officer's discretion, make arrangements with the dog owner for the dog owner to impound the dog on the owner's own premises, for a quarantine period of ten (10) days, under the following conditions:

- a) The peace officer must reasonably believe that the dog owner is a responsible person likely to observe the conditions of the quarantine, and that the premises in which the quarantine will take place is suitable. The only suitable premises will consist of a single family home having a garage or a fenced kennel area.
- b) The bite committed by the dog must have been a bite which did not require suturing to treat the wound of the bite victim;
- c) The dog must be kept indoors or within an outdoor fenced kennel, surrounded on all four sides by adequate fencing materials which are not penetrable by the dog, at all times within the quarantine period;
- d) On the next business day following the commencement of the quarantine period, the dog owner must make a deposit of \$150.00 with the City Administrator, in cash or by personal check payable to the City, to

reimburse the City for kennel charges if the owner violates the terms of the self-quarantine; if the dog owner observes all of the conditions of the self-quarantine, the entire \$150.00 deposit shall be refunded to the dog owner;

e) The owner must furnish evidence that the dog is currently licensed and within the required time period has had a rabies vaccination; a dog which, by reason of being less than six months of age, is not required to have a rabies vaccination, shall not be eligible for discretionary impoundment, and must be quarantined under the provisions of Article 5-190 through 5-190.3;

f) If the dog owner fails to observe any of the above conditions, the dog shall be immediately removed by a peace officer and quarantined as provided in Article 5-190 through 5-190.3.

## **5-200 Horses, Donkeys or Mules**

The following provisions shall govern the keeping and maintaining of horses, donkeys or mules.

### **5-210 Licensing**

No person, firm or corporation will keep, stable or maintain horses, donkeys or mules within the City on land other than lands classified as R-A without first obtaining a permit from the City Clerk to so keep, stable or maintain such animals. For the purposes of this Article the word "animal" or "animals" shall hereafter refer collectively to horses, donkeys or mules. No permit shall be issued on any lands zoned RS-1 or RS-2.

### **5-211 Application for Permit**

Application for the permit shall be made in writing by the owner of the lands where such animals are to be kept, and upon blanks and forms furnished by and obtained from the City Clerk. Each application for a permit will contain the correct description of the property where such animal or animals will be kept and the name of the owner of the land; the amount of contiguous area available for such animal or animals; the total number of such animals and information identifying each such animal to be kept or stabled on the land; and the description of the shelter provided for such animal or animals.

### **5-212 Inspection**

The Zoning Officer shall inspect or have inspected the premises before issuing a permit to assure that each person, firm or corporation has complied with the standards and regulations contained in the Articles of this Code.

### **5-213 Duration**

The permit will be of indefinite duration, but subject to revocation for violation of any Article of this Code, for failure to keep current the information required by Article 5-211 or for good cause. Revocation will be a majority vote of the City Council after ten (10) days notice and hearing.

### **5-214 Fee**

The owner of the premises where such animals will be kept or stabled will pay a licensing fee as set by resolution of the City Council. This fee will be used to compensate the cost of issuing the permit and the cost of inspecting the owner's premises. This fee shall not be refunded if the application is denied, or if issued, the permit is later revoked by the City Council.

**5-215 Hearing**

Any person, persons, firm or corporation objecting to questioning the application of this licensing requirement may petition the City Council for a hearing and decision.

**5-216 Permission of Neighbors**

To qualify for a Horse Permit, permission by letter must be obtained from heads of households, who reside in a dwelling, within one thousand (1,000) feet of corral.

**5-220 Running at Large**

No person, firm or corporation shall permit any horse, pony or colt of which he is the owner, caretaker or custodian to run at large within the City. Such animal will be deemed to run at large when it is off the premises owned or rented by its owner and unaccompanied by the owner, or an agent or employee of the owner.

**5-221 Impounding**

A peace officer or any designated agent of the City may impound any such animal found at large, and shall provide proper sustenance for any and all such animals impounded. The peace officer or his designated agent shall then within twenty-four (24) hours after any such animal has been impounded, post written notice in two (2) conspicuous places in the city describing such animal and stating that it has been impounded. If the owner of such impounded animal is known to the person so impounding, personal service shall be made of notice of such impounding upon such owner in the manner prescribed by State law for the service of process. No such animal impounded shall be released except to a person displaying a receipt from the City Clerk showing payment of the reasonable costs of impounding and the cost of feeding at a rate as set by resolution by the City Council.

**5-222 Sale of Impounded Animal**

If any horse, pony or colt impounded is not redeemed within two (2) weeks, the peace officer or his designated agent shall give an additional three (3) days' notice of the time and place where such animal or animals will be sold by posting and servicing notices as required for notice herein. If such animal cannot be sold on the day stated, it may be sold as soon thereafter as possible without notice.

**5-223 Proceeds of Sale of Impounded Animal**

The City Clerk shall turn over the proceeds of any sale to the City Treasurer. On order of the City Council the City Treasurer shall pay to the owner of such animal the balance of the funds received for the sale of such animal after deducting the cost of impounding, feeding, and sales charges, if the owner

makes claim for monies within one (1) year from the date of the sale; otherwise, it shall be forfeited to the City.

### **5-230 Riding in Public Places**

#### **5-231 General Prohibition**

No person may ride or drive a horse after the hour of sunset and before the hour of sunrise along or crossing any public way without appropriate lighting or reflectorized clothing. No person may ride a horse in any public park or beach except in areas duly designated as a trailway or hitching area.

#### **5-232 Parks and Beaches**

The City Park and Beach Commission shall designate and properly post those areas in public lands, parks and beaches where horses may be ridden.

#### **5-233 Riding on Streets**

No horse may be ridden on any public street, alley or highway unless said street, alley or highway is adjacent to land zoned R-A. Every person riding a horse or driving any horse-drawn vehicle upon a public roadway shall be subject to City Code and state law applicable to the driver of a motor vehicle, except those provisions which by their nature have no application.

#### **5-234 Private Property**

No person shall ride any horse upon private property without the prior permission of the owner or occupant thereof.

### **5-240 Acreage, Fencing and Stable Requirements**

#### **5-241 Lot Size**

No such animal shall be kept on any lot or parcel of land containing less than Three (3) acres.

#### **5-242 Number of Animals**

As many as three (3) such animals may be kept on a lot or parcel of land containing three (3) acres.

#### **5-243 Additional Animals**

One (1) additional such animal, per acre, may be kept upon lots or parcels of land containing more than three (3) acres.

#### **5-244 Pen Size**

For three (3) such animals, said animals shall be enclosed in a pen or corral containing at least 3,200 square feet and there must be a stable under roof of at least 144 square feet; for each additional animal at least 1,100 additional square feet of enclosed pen or corral shall be provided and 35 additional square feet of stable under roof shall be provided.

#### **5-245 Fence and Pen Construction Standards**

Fences for pens, corrals, pasture or similar enclosures must be of sufficient height and strength to retain such animals. Reasonable extra care must be taken to ensure that stallions are properly enclosed.

#### **5-246 Fence Setbacks**

Fences for pens, corrals, pastures, or similar enclosures or stables shall not be less than one hundred (100) feet from the road right-of-way line or lines nearest the owner's land or any road passing through a lot or parcel of land where any animal is kept; and such fences for pens, corrals, pasture or similar enclosures or stables shall be no closer to adjoining real estate and shall have a setback or side yard therefrom, of at least twenty (20) feet.

**5-247 Feed Lots**

The feed lot or feeding area of any pasture or similar enclosure shall be a reasonable distance from the fence line thereof.

**5-250 Manure and Waste Control**

**5-251 Removal of Manure and Waste**

Manure and other waste material must be removed from the pen, corral, stable or similar enclosure every seven (7) days, except where the horses, ponies, or colts are confined to an area of four (4) acres. If however, in an area of four (4) acres or more the City Council finds that the manure and other waste materials create a nuisance by attracting flies, other insects and rodents or by creating offensive odors, the City Council may order that the manure and other waste materials be removed within four (4) days of notice to the owner of the land ordering him to do so.

**5-252 Insect Control**

Corrals, pens, stables, or similar enclosures shall be maintained in a manner to eliminate fly breeding.

**5-260 Permit Revocation and Enforcement of Code**

Any permit issued pursuant to this Article may be revoked by the City Council if the City Council finds, after investigation and after holding a public hearing (written notice of the hearing to be given to the holder of the permit and other interested parties at least ten (10) days prior to the hearing), that any of the Articles of this Code have been violated.

**5-300 Animal Permits**

Domesticated pets mean dogs, cats, tropical fish, goldfish, parrots, parakeets, gerbils, hamsters, and rabbits. Except domesticated pets, and as permitted under Chapter 5-200, no raising, breeding, keeping or occupancy of livestock, poultry or other animals shall be permitted on any lands other than those zoned R-A Rural Single Family Residential. In land zoned R-A such activities may be permitted on parcels in excess of five contiguous acres, provided the occupant has obtained an Animal Permit. Animal Permits shall be issued by the Zoning Officer upon approval by the City Council, which may impose such conditions on this issuance of such permits as the Council may deem appropriate. In deciding on the issuance of an animal permit, the Council shall consider the effects of the use on adjacent properties, sanitary condition, disposal of animal waste, noise, odor, or any other factor affecting the health, safety or welfare of the City.

**5-301 Exception for White Tailed Deer**

White Tailed Deer, as that species is commonly known, shall be allowed in areas zoned other than R-A by Temporary Conditional Use Permit, but only under controlled circumstances, which shall include, at a minimum, the following:

- a)** The usage has been approved by the Minnesota Department of Natural Resources;
- b)** The physical facilities have been inspected and approved by the Minnesota Department of Natural Resources;
- c)** The facilities are completely screened by adequate fencing;
- d)** The permit limits the number of deer which can be kept;
- e)** The permit shall be for no more than two years at a time;