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PUBLIC SAFETY

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Section 905 Animals

905.01. General Provisions. Subd. 1. License Required. All dogs and cats over four months of age, kept, harbored or maintained by their owner within the limits of the City, must be licensed and registered as provided in this Section. All owners must complete an application provided by the City Clerk and pay a license fee set by City Council Resolution. This Section does not apply to dogs used by Police Departments.

Subd. 2. Vaccination Required. The applicant for a dog or cat license must show a certificate or vaccination tag that a doctor qualified to practice veterinary medicine has vaccinated the animal against rabies and that the effective period of the vaccination has not expired at the time the license is issued. The vaccine must be of a type approved and authorized for use by the United States Department of Agriculture.

Subd. 3. Tags. Upon payment of the license fee, the City Clerk will issue the owner a license certificate and a metallic tag for each animal licensed. The tag will have stamped on it a number corresponding to the number on the license certificate.

Subd. 4. Collar. Every owner of a dog or cat required to be licensed will be required to provide the animal with a collar to which the license tag must be affixed, and the collar with tag attached must be worn by the animal at all times.

Subd. 5. Duplicate Tags; Transfer. In the event an animal tag is lost or destroyed, a duplicate will be issued by the City Clerk upon presentation of the receipt for the license paid and upon payment for the duplicate license. Tags are not transferable from one animal to another, and no refunds will be made on any license fee.

905.03. Running at Large

Subd. 1. Definition. A dog or cat is "running at large" if it:

- a. Is not effectively contained within a fenced area; or
- b. Is on any unfenced area or lot abutting a street, alley, public park, public place or upon any other private land without being effectively restrained by chain, leash or an electronic pet containment device from moving beyond such unfenced area or lot; or

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c. Is on any street, public park, school grounds or public place without being effectively restrained by chain or leash.

Subd. 2. General Rule. The license holder, owner, or keeper of any dog or cat will be responsible for the effective restraint of the dog or cat and must not permit the dog or cat to run at large.

Subd. 3. On Owner's Premises. When an animal is on its owner's premises, it will be considered to be within the effective direction, supervision and control of the owner.

Subd. 4. Impounding. The animal control officer, any police officer or any person duly authorized by the City may capture and seize any animal found running at large within the City contrary to the provisions of this Section.

Subd. 5. Redemption. Any dog or cat seized and impounded may be redeemed by any person producing a license and proving ownership by a statement in writing within five days after such seizure and impounding and by paying the impound fee, plus any additional boarding costs, redemption fees, or special call-back services costs incurred by the City by the impoundment, and upon presentation of payment, animal control will release the animal to the owner. If the animal is unlicensed, a license must be obtained before it may be released. If the owner of the seized or impounded animal under the provisions of this Section does not reclaim possession of the animal in compliance with the foregoing provisions within seven days after the seizure or impounding, the owner will forfeit all right of property in the animal.

Subd. 6. Interfering with Enforcement. A person must not interfere with any city official, animal control officer or police officer while engaged in performing work under the provisions of this Section.

Subd. 7. Disposition of Unclaimed Animals. At the expiration of five days from the time the animal is impounded as provided for in this Section, if the animal has not been reclaimed according to the provisions in this Section, it will be the duty of animal control to dispose of the animal in a humane manner and according to the law.

905.05.Cleaning Up of Litter

. The owner of any dog or cat or any person having the custody or control of any dog or cat will be responsible for cleaning up any feces of the animal and disposing of the feces in a sanitary manner. A person who owns, keeps or harbors a dog or cat must not allow or cause the dog or cat to be on property, other than the owner's own property, without having tools or equipment in their immediate possession that are suitable for the removal of animal fecal material. All fecal materials deposited by the dog or cat must be promptly and effectively removed from the ground or surface and deposited in a sanitary manner. With the exception of parks in the City, a person in control of a dog or cat must not cause or permit any dog or cat to be on any property, public or private, not owned or possessed by the person. The provisions of this paragraph will not apply to the ownership or use of service dogs or police enforcement dogs.

905.07.Number of Dogs and Cats

Subd. 1. Limitation on Number of Dogs and Cats. A person must not keep more than a total of three (3) dogs or cats, or a combination thereof, that are older than four (4) months on any residential premises within the City.

Subd. 2. Special Permit. It is unlawful for any person to exceed the number of dogs or cats limited by subdivision 1 without first obtaining a Special Permit from the Council as provided in this Section.

- a. Application. Application for a Special Permit must be made to the City Clerk upon a form provided by the City. A completed application, accompanied by the appropriate fee, will be submitted to the City Council for approval. Such permit shall only be issued after an inspection of the premises and a finding of fact that no nuisance will be created by issuing the permit. The Council may impose additional restrictions, limitations, conditions or prohibitions that the Council deems reasonably necessary to protect any person or neighboring use from unsanitary conditions, unreasonable noise, odors, or annoyance, or to protect the public health, safety or welfare.
- b. Limitations. Notwithstanding a Special Permit, no person shall keep more than a total of three (3) dogs and no person shall keep more than a combination of six (6) dogs and/or cats.
- c. Permit Term. The annual term of the permit begins on January 1 and ends on December 31 unless sooner revoked.
- d. Annual Fee. The annual fee for such permit shall be set by City Council resolution. Permit fees will not be prorated for a portion of a year.
- e. Inspection Requirement. The City shall inspect the premises upon the initial application and every odd-numbered year prior to issuing a renewal of the permit.
- f. Notification. Upon receipt of an initial or renewal application, the City shall notify all residential properties within 300 feet of the applicant's property line of the Council's consideration of the Special Permit.
- g. Modification or Revocation of Permit. Such a permit may be monitored by the Community Development Department and may be modified or revoked by City Staff for failure to comply with the terms of this Ordinance, or to conform to such restrictions, limitations, conditions or prohibitions imposed by the permit.
 1. Effective Date. Such modification or revocation shall be effective ten (10) days following the mailing of written notice by certified mail to the permittee.
 2. Appeal. The permittee may appeal the modification or revocation by serving a written request for a hearing upon the City Clerk within five (5) days of receipt of the written notice. The appeal shall be heard by the Community Development Director or his/her designee.

Subd. 3. Exemptions. Service animals from a recognized training program or temporary foster animals through the Humane Society are exempt from the limitations of this Ordinance.

905.09.Dangerous or Potentially Dangerous Dog

Subd. 1. Adoption by Reference. Except as otherwise provided in this Section, the regulatory and procedural provisions of Minnesota Statutes, Sections 347.50 to 347.565 (commonly referred to as the "Dangerous Dog Regulations"), as amended, are adopted by reference.

Subd. 2. Declaration of Dangerous or Potentially Dangerous Dog.

a. A police officer, community service officer, or animal control officer may declare a dog to be Potentially

Dangerous or Dangerous when the officer has probable cause to believe that a dog is Potentially Dangerous or Dangerous. The following factors will be considered in determining a Potentially Dangerous or Dangerous Dog.

1. Whether any injury or damage to a person or domestic animal by the accused animal was caused or contributed to by the actions of that person, including acts of physical abuse, tormenting, teasing or assault.
2. Whether a person injured by the animal was committing a trespass or other tort upon the premises occupied by the owner or custodian of the animal, or whether the person injured by the animal was committing or attempting to commit a crime.
3. Whether a person injured by the animal had gained uninvited and unauthorized entry onto fenced or indoor property of the owner or custodian of the animal. As used in this section, "unauthorized entry" does not include entry into a fenced residential front yard unless the yard is locked or posted to prohibit entry.
4. Whether any injury or damage to a person by the animal was caused while the animal was protecting or defending a person or the animal's offspring within the immediate vicinity of the animal from an unjustified attack or assault.

The size and strength of the animal, including jaw strength, and the animal's propensity to bite humans or other domestic animals.

b. Beginning six months after a dog is declared Dangerous, an owner may request annually that the City 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 or other factors. If enough evidence is provided, the City may rescind the Dangerous Dog designation.

Subd. 3. License Required. The owner must annually license Dangerous Dogs with the City and must license a newly declared Dangerous Dog within 14 days after notice that a dog has been declared Dangerous. Regardless of any appeal that may be requested, the owner must comply with the provisions of this Section until and unless a hearing officer, City Council or court of law reverses the declaration.

a. Process. The City will issue a license to the owner of a Dangerous Dog if the owner presents sufficient evidence that:

- (1) There is a proper enclosure;
- (2) There is a clearly visible warning symbol placed on the premises to inform children that there is a Dangerous Dog on the property;
- (3) Written proof that there is a surety bond by a surety company authorized to conduct business in Minnesota in the sum of at least \$300,000, payable to any person injured by a Dangerous Dog, or receipt of a copy of a policy of liability insurance issued by an insurance company authorized to do business in Minnesota in the amount of at least \$300,000, insuring the owner for any personal injuries inflicted by the Dangerous Dog. Such surety bond or insurance policy shall provide that no cancellation of the bond or policy will be made unless the City is notified in writing by the surety company or the insurance company at least 10 days prior to such cancellation;
- (4) The owner has paid the annual license fee;
- (5) The owner has had a microchip identification implanted in the Dangerous Dog. The name of the microchip manufacturer and identification number of the microchip must be provided to the City. If the microchip is not implanted by the owner, it may be implanted by the City at the owner's expense; and
- (6) The owner provides proof that the dog has been sterilized. If the owner does not sterilize the dog within 30 days, the City may seize the dog and sterilize it at the owner's expense.

b. Inspection. A pre-license inspection pursuant to City Code Section 1005.23 is required. If the City issues a license to the owner of a Dangerous Dog, the City shall be allowed at any reasonable time to inspect the animal, the proper enclosure and all places where the animal is kept.

c. Warning Symbol. If the City issues a license to the owner of a Dangerous Dog, the City will provide a copy of a warning symbol that must be posted on the property in order to inform children that there is a Dangerous Dog on the property. This symbol will be the uniform symbol provided by the Commissioner of Public Safety. The City may impose a fee to the owner for the provided symbol(s) no greater than the actual cost of each symbol.

d. Tags. A Dangerous Dog registered under this Section must wear at all times a standardized, easily identifiable tag, which contains the uniform dangerous dog symbol, identifying the dog as Dangerous. The tag shall be provided by the City upon issuance of the license.

e. License Fee. The City will charge the owner an annual license fee for a Dangerous Dog, in addition to any regular dog licensing fees set by City Council Resolution.

f. Exceptions. Dogs may not be declared Dangerous or Potentially Dangerous if the threat, injury, or danger was sustained by a person who was:

- (1) Committing a willful trespass or other tort upon the premises occupied by the owner of the dog;
- (2) Provoking, tormenting, abusing or assaulting the dog, or who can be shown to have a history of repeatedly provoking, tormenting, abusing, or assaulting the dog; or
- (3) Committing or attempting to commit a crime.

Subd. 4. Proper Enclosure. While on the owner's property, an owner of a Dangerous Dog must keep it in a proper enclosure. Inside a residential home, there must be a secured area maintained where the dog will stay when persons

other than family members are present. If the dog is outside the proper enclosure, the dog must be muzzled and restrained by a substantial chain or leash no longer than four feet 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. Any pen or kennel where the dog is kept must comply with the following specifications:

- a. It must provide a minimum of thirty-two (32) square feet in floor area per dog that will be kept in such enclosure.
- b. The sidewalls shall have a minimum height of five (5) feet and be constructed of eleven (11) gauge or heavier wire. If the enclosure is on any permeable surface, the fence must be buried a minimum of eighteen (18) inches. Openings in the wire shall not exceed two (2) inches, support posts shall be one and one-quarter (1 1/4) inch or larger steel pipe buried a minimum of eighteen (18) inches into the ground.
- c. A cover over the entire enclosure shall be provided. The cover shall be constructed of the same gauge wire as the sidewalls or heavier and shall have no openings greater than two (2) inches.
- d. An entrance/exit gate shall be provided and constructed of the same material as the sidewalls and shall also have no openings greater than two (2) inches. The gate shall be self-closing, self-locking and shall be locked at all times the animal is in the kennel.
- e. The enclosure shall comply with all zoning setbacks requirements unless variances are obtained.

Subd. 5. Notification Requirements to City.

- a. Relocation or Death. The owner of a dog that has been declared Dangerous or Potentially Dangerous must notify the City Clerk in writing if the dog is to be relocated from its current address or if the dog has died. The notification must be given in writing within 30 days of the relocation or death. The notification must include the current owner's name and address, and the new owner's name and the relocation address.
- b. Renter's Obligations. A person who owns or possess a Potentially Dangerous or Dangerous Dog and who will rent 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 periods that the person owns or possesses a Potentially Dangerous or Dangerous Dog that will reside at the property. A dog owner, who is currently renting property, must notify the property owner within 14 days of City notification, if the owned dog is declared as Potentially Dangerous or Dangerous and the owner keeps the dog on the property.
- c. Transfer of Ownership within the City. A person who has a license and who transfers ownership of a Potentially Dangerous or Dangerous Dog to another person must notify the new owner that the dog has been declared as such. In addition, the current owner must also notify the City of the transfer of ownership and comply with the registration requirements listed in this Section if the dog is to be kept within the City.
- d. Transfer of Ownership into the City. No dog that has been previously determined to be Potentially Dangerous or Dangerous by another jurisdiction shall be kept, owned or harbored in the City unless the dog's owner complies with the requirements of this section prior to bringing the dog into the City. Dogs in violation of this subsection are subject to impoundment and destruction, after being given notice pursuant to subdivision 9.

Subd. 6. Seizure. Animal control will immediately seize any Dangerous Dog if:

- a. After 14 days after the owner has notice that the dog is Dangerous, the dog is not validly registered under subdivision 4 of this Section; or
- b. After 14 days after the owner has notice that the dog is Dangerous, the owner does not secure the proper liability insurance or surety coverage as required under Minnesota Statutes, Section 347.51, subd. 2; or
- c. The dog is not maintained in the proper enclosure; or
- d. The dog is outside the proper enclosure and not under physical restraint of a responsible person as required under Minnesota Statutes, Section 347.52.
- e. The dog is not sterilized within 30 days, pursuant to Minnesota Statutes, Section 347.52.

Subd. 7. Reclamation. A Dangerous Dog seized under subdivision 7 may be reclaimed by the owner of the dog upon payment of impounding and boarding fees, and presenting proof to animal control that the requirements of this Section have been met. A dog not reclaimed under this subdivision within seven days may be disposed of and the owner will be liable to the City for costs incurred in confining and disposing of the dog. A person claiming an interest in a seized dog may prevent disposition of the dog by posting a security in an amount sufficient to provide for the dog's actual cost of care and keeping. The security must be posted with the City within seven days of the seizure inclusive of the date seized.

Subd. 8. Subsequent Offenses; Seizure. If a person has been convicted of violating a provision of this Section, and the person is charged with a subsequent violation relating to the same dog, the dog must be seized. If the owner is convicted of the crime for which the dog was seized, the court may order that the dog be destroyed in a proper and humane manner and the owner pay the cost of confining and destroying the animal. If the owner is not convicted and the dog is not reclaimed by the owner within seven days after the owner has been notified that the dog may be reclaimed, the dog may be disposed of.

Subd. 9. Notice, Hearings and Appeals.

a. Notice. After a dog has been declared Dangerous or Potentially Dangerous or has been seized for destruction, the City shall give notice by delivering or mailing it to the owner of the dog, or by posting a copy of it at the place where dog is kept, or by delivering it to a person residing on the property, and telephoning, if possible. The notice shall include:

1. A description of the seized dog; the authority for and purpose of the Dangerous Dog declaration and seizure; the

time, place, and circumstances under which the dog was declared dangerous; and the telephone number and contact person where the dog is kept;

2. A statement that the owner of the dog may request a hearing concerning the Dangerous Dog declaration and, if applicable, prior potentially dangerous dog declarations for the dog, and that failure to do so within 14 days of the date of the notice will terminate the owner's right to a hearing under this section;

3. A statement that if an appeal request is made within 14 days of the notice, the owner must immediately comply with the requirements of Minnesota Statutes, section 347.52, paragraphs (a) and (c), and until such time as the hearing officer issues an opinion;

4. A statement that if the hearing officer affirms the Dangerous Dog declaration, the owner will have 14 days from receipt of that decision to comply with all other requirements of Minnesota Statutes, Sections 347.51, 347.515, and 347.52;

5. A form to request a hearing under this subdivision; and

6. A statement that all actual costs of the care, keeping, and disposition of the dog are the responsibility of the person claiming an interest in the dog, except to the extent that a court or hearing officer finds that the seizure or impoundment was not substantially justified by law.

b. Right to Hearing. After a dog has been declared Potentially Dangerous, Dangerous or has been seized for destruction, the owner may appeal in writing to the Police Chief within five (5) days after notice of the declaration or seizure for a hearing. The owner must pay a \$100 fee for an appeal hearing. Any hearing must be held within 14 days of the request to determine the validity of the declaration; failure to do so within 14 days of the date of the notice will terminate the owner's right to a hearing. The hearing officer must be an impartial employee of the City or an impartial person retained by the City to conduct the hearing. In the event that the declaration is upheld by the hearing officer, actual expenses of the hearing up to a maximum of \$1,000 will be the responsibility of the dog's owner. The hearing officer shall issue a decision on the matter within ten days after the hearing. The decision must be delivered to the dog's owner by hand delivery or registered mail as soon as practical and a copy must be provided to the Police Chief.

c. Appeals to City Council. Within five (5) days after receiving notice of the decision of the hearing officer, the owner may appeal in writing to the City Council. The appeal will be placed on the agenda for the next regular City Council meeting. The Council will hear testimony and receive evidence from all parties involved and will render a final decision. The City Council may order destruction or release of the dog, or such other actions as the Council deems appropriate.

Subd. 10. Disposition of Certain Animals.

a. The Police Chief, hearing officer and/or City Council are authorized to order the destruction or other disposition of any animal upon a finding that:

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

2. The animal has been declared Dangerous, the owner's right to appeal hereunder has been exhausted or expired, and the owner has failed to comply with the provisions of this Section; or

3. The animal has habitually barked, cried, whimpered or otherwise emitted loud or unusual noises or is otherwise kept within the limits of the City in violation of the provisions of this Section; or

4. It is determined that the animal is infected with rabies.

5. The animal inflicted substantial or great bodily harm on a human on public or private property without provocation; or

6. The animal inflicted multiple bites on a human on public or private property without provocation; or

7. The animal bit multiple human victims on public or private property in the same attack without provocation; or

8. The animal bit a human on public or private property without provocation in an attack where more than one dog participated in the attack; or

9. The animal poses a danger to the public's health, safety or welfare.

b. In determining whether the animal poses a danger to the public's health, safety or welfare, the City may use the following factors:

1. The animal weighs more than twenty (20) pounds;

2. The strength of the animal, including jaw strength;

3. The animal's tolerance for pain;

4. The animal's tendency to refuse to terminate an attack;

5. The animal's propensity to bite humans or other domestic animals;

6. The animal's potential for unpredictable behavior;

7. The animal's aggressiveness;
8. The likelihood that a bite by an animal will result in serious injury.

Subd. 11. Concealing of Animals. No person may harbor, hide or conceal an animal that has been ordered into custody for destruction or other proper disposition.

Subd. 12. Conditioning and training equipment prohibited. No person shall use or possess any device, equipment, treatment or products for strengthening or conditioning of an animal with the intent to enhance the animal's ability to inflict bodily injury to human beings or domestic animals.

Subd. 13. Do ownership prohibited.

a. Except as provided below, a person shall not own a dog if the person is prohibited from owning a dog under Minnesota Statute, section 347.542, subdivision 1.

b. Any person who owns a Potentially Dangerous or Dangerous Dog and is found to be in violation of any of the provisions of this section or had owned a Potentially Dangerous or Dangerous Dog but never achieved compliance with this section may be prohibited from ownership or custody of another dog for a period of five (5) years after the original declaration. Any animal found to be in violation shall be impounded until due process is completed, pursuant to subdivision 9.

c. Household members. If any member of a household is prohibited from owning a dog in subdivision 14.a. or 14.b., unless specifically approved with or without restrictions by the City, no person in the household is permitted to own a dog.

Subd. 14. Dog ownership prohibition review. Beginning three (3) years after a conviction under subdivision 14.a that prohibits a person from owning a dog, or and annually thereafter, the person may request in writing to the Police Chief that the City review the prohibition. The City may consider such facts as the seriousness of the violation or violations that led to the prohibition, any criminal convictions, or other facts that the City deems appropriate. The City may rescind the prohibition entirely or rescind it with limitations. The City also may establish conditions a person must meet before the prohibition is rescinded, including, but not limited to, successfully completing dog training or dog handling courses. If the City rescinds a person's prohibition and the person subsequently fails to comply with any limitations imposed by the City or the person is convicted of any animal violation involving unprovoked bites or dog attacks, the City may permanently prohibit the person from owning a dog in this state.

Subd. 15. Penalties.

a. Unless stated otherwise, any person who violates a provision of this section is guilty of a misdemeanor.

b. Any person who is convicted of a second or subsequent violation of any provision of City Code section 905.09 is guilty of a gross misdemeanor.

c. Any person who violates City Code section 905.09, Subd. 13, whether an owner or household member, is guilty of a gross misdemeanor.

905.11. Dangerous Animals

Subd. 1. At Large. A person owning or harboring any vicious, dangerous or diseased animal must not permit such animal to run at large within the City. If the animal cannot be impounded after a reasonable effort, or cannot be impounded without serious risk to the person attempting to impound the animal, it may be immediately killed.

Subd. 2. Bites. Any animal that has bitten a person will immediately be impounded for at least ten days and kept apart from other animals until it is determined whether the animal has rabies. Impounding may be by the owner and need not be by animal control, but if it is not by animal control, the owner must notify the City and must furnish proof in writing that the animal is being impounded. On expiration of the ten days, if the animal does not have rabies, it may be released and the City must be notified just prior to the release. If the animal is impounded by animal control, the animal may be reclaimed upon payment of the impound fee. Any animal that has been bitten by a rabid animal or believed to have been exposed to rabies must be impounded and kept in the same manner and for the same period of time.

905.13. Noisy Animals

. A person must not keep, harbor, or maintain at any place within the City, any animal that by its barking, howling, whining, or other noises, unreasonably disturbs the peace and quiet of any person in the vicinity. The phrase "unreasonably disturbs the peace and quiet" will include, but is not limited to, the creation of any noise by the animals, that can be heard by any person, including a law enforcement officer or animal control officer, from a location outside of the building or premises where the animal is being kept and that animal noise occurs repeatedly over at least a five-minute period of time with one minute or less lapse of time between each animal noise during the five minute period.

905.15. Permit to Keep Certain Animals

Subd. 1. General Rule. A person must not keep any horse, mule, donkey or pony, cow, goat, sheep, or any animal raised for fur bearing purposes, within the City except on a tract of not less than five acres where there are not more than three residences, other than those occupied by the owner or occupant of the premises upon which the animals are kept, within a distance of 300 feet of the structure housing or enclosing the animals, unless a special written permit is issued by the Council after an inspection of the premises and a finding of fact to the effect that no nuisance will be created by their existence. The permit will be for the term of one year and will not be renewed without a reinspection. A person must not keep or maintain any hogs or pigs within the City.

Subd. 2. Stables.

a. Construction. Every stable or other building where any animal is kept will be constructed of material and in a manner that allow it to be kept clean and sanitary at all times.

b. Proximity to Residences. Every stable or other building occupied by authority of a special permit will, if located within 200 feet of any apartment, hotel, restaurant, retail food store, school, religious or hospital purposes, or residences other than those occupied by the owner or occupant of the premises upon which the animals are kept, be provided with a watertight and flytight receptacle for manure of such dimensions as to contain all accumulations of manure. The receptacle must be emptied sufficiently often and in such manner as to prevent it from becoming a nuisance. The receptacle must be kept securely covered at all times except when open during the deposit or removal of manure or refuse. Manure must not be allowed to accumulate outside the receptacle.

c. Screening: Sanitary Conditions. The Council or Health Officer may, in order to avoid a nuisance, require that any stable or other building where any animal is kept be screened tightly against flies, and that it be provided with running water, drain sewer connection, flooring impervious to water, and that measures be taken as may be necessary to insure proper protection to public health and safety, as conditions precedent to the issuance of any special permit.

Subd. 3. Small Animal Shelters.

a. Proximity to Certain Uses. A chicken coop, dove cote, dog kennel facility (which is a facility designed to contain more than three (3) dogs, rabbit warren, or other yard or establishment where small animals or fowls are kept, must not be maintained closer than 100 feet from any apartment, hotel, restaurant, boarding house, retail food store, building used for school, religious or hospital purposes, or residence other than occupied by the owner or occupant of the premises where the creatures are kept.

b. Keeping at Residence. A person must not keep more than two rabbits, guinea pigs, ducks, chickens, pigeons or geese, more than four months old on any residential premises less than five acres within the City, except by special written permit issued by the Council after an inspection of the premises and a finding of fact to the effect that no nuisance will be created by their existence. The applicant must provide the City with the names and addresses of all persons residing within 75 feet of applicant's property; together with payment of a fee set by City Council Resolution. If the applicant provides the City with a signed acknowledgement of surrounding residents stating that they have been informed of the Council hearing date for such permit and that they have no objection, then notice does not need to be given by the City Clerk and no fee needs to be paid by the applicant.

Subd. 4. Cleaning Animal Shelters. All structures, pens, coops or yards where animals or fowls are kept or permitted to be, must be maintained in a clean and sanitary condition, devoid of all rodents and vermin, and free from objectionable odors. The interior walls, ceiling, floors, partitions, appurtenances of all the structures must be whitewashed or painted annually or as often as the City directs. The City, upon the complaint of any individual, will inspect any structure or premises and issue any order as may be necessary to carry out the provisions of this Section.

Subd. 5. Animals at Large. The owner, caretaker or custodian of any animal will be responsible for the effective restraint of the animal and must not permit it to be at large within the City. Any animal will be deemed to be 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. A person must not ride, lead or permit a horse, mule, donkey or pony on a public walk or boulevard in the City. A person must not ride a horse, mule, donkey or pony upon public highways in the City.

905.17. Steel Leg Hold Traps

Subd. 1. Prohibited. No person may set or possess steel leg hold traps, also known as steel jump traps, within the City.

Subd. 2. Special Permit. Steel leg hold traps may be used within the City by first obtaining a special permit for their use from the City Council. Application for a permit to use steel leg hold traps must be in writing and must specify the type of animal sought to be trapped, the location where each trap is to be set and the days for that the trapping permit is sought.

Subd. 3. Basis for Granting. Special permits may only be granted where the animal or rodent to be trapped constitutes a hazard or danger to persons or property and when the use of traps at the location specified does not cause or constitute a special hazard to children, other animals or birds. A special permit will be granted when no other lawful and reasonable other methods of trapping are adequate to abate the hazard.

905.19. Keeping of Dangerous Exotic Animals or Dangerous Wild, Native Animals Within the City

Subd. 1. Definitions. For purposes of this Section, the terms defined have the following meanings:

a. "Dangerous exotic animals" means any mammal, bird, amphibian, or reptile not native to Minnesota, not usually domesticated, and of a species that, due to its size, wild nature, or poisonous venom, is Dangerous to humans. By way of example and not limitation, the term includes jaguars, cougars, ocelots, leopards, panthers, lions, tigers, cheetahs, gorillas, baboons, coral snakes, and Vietnamese pot-bellied pigs.

b. "Dangerous wild native animals" means any mammal or reptile native to Minnesota, not usually domesticated and of a species that, due to its size, wild nature or poisonous venom, is Dangerous to humans. Examples of Dangerous wild native animals are bison, wolves, bears, rattlesnakes, raccoons, porcupines, deer, elk, mink, skunk, fox, and badgers.

Subd. 2. Prohibited. The owning, keeping, and maintaining of a Dangerous exotic or a Dangerous wild animal within the City is prohibited.

Subd. 3. Exceptions. This Section does not apply to:

a. Animals that are temporarily brought into the City for the purpose of participating in an educational program, circus or show, if protective measures are provided to adequately prevent such animals from escaping or injuring the public.

b. Unconfined wild native animals presently indigenous to Dakota County that roam free.

c. Wild native animals kept in confinement by zoos, circuses, or nature centers, if protective measures are provided to adequately prevent such animals from injuring the public are provided.

SECTION 910

SHADE TREE DISEASE CONTROL

910.01.

The Shade Tree Disease Control Statute, Minnesota Statutes, Section 18.023, as it relates to cities, is adopted by reference.

[Chapter IX continues](#)

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