

## ARTICLE II. - ANIMALS

### Sec. 7-19. - Purpose.

The city recognizes that animals are an important part of many families. The health, safety, and welfare of the citizens of the city and animals living in the city requires the city to regulate the ownership and keeping of animals.

(Prior Code, § 801.100)

### Sec. 7-20. - State statutes adopted.

The provisions of Minn. Stats. §§ 35.67, 35.68, and 35.69 (relating to rabies) and Minn. Stats. ch. 343 (relating to cruelty to animals) and any rules or regulations related to these statutes are adopted by reference and incorporated in and made part of this article as if fully set forth herein.

(Prior Code, § 801.200)

### Sec. 7-21. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Acre* means an undivided parcel of land with an area of 43,560 square feet.

*Animal* means all farm animals, traditional pets, and exotic animals.

*Apiary* means the assembly of one or more colonies of bees on a single parcel.

*Apiary site* means the parcel upon which an apiary is located.

*Bee* means all life stages of the common domestic honey bees of the *Apis mellifera* species. The term "bee" does not include wasps, hornets, African subspecies or Africanized hybrids.

*Beekeeper* means a person who owns or has charge of one or more colonies of bees or who owns or resides on a parcel on which a colony is located.

*Beekeeping equipment* means anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.

*Brooding* means the period of growth when supplemental heat is provided due to the chickens' inability to generate adequate body heat due to age.

*Chicken* means a female fowl of any age of the genus, species and subspecies *Gallus gallus domesticus*.

*Colony* means an aggregate of bees consisting principally of workers, but having, when perfect, one queen and at times drones, brood, combs, and honey.

*Contiguous acreage* means commonly owned or rented parcels of land which abut each other at some point.

*Coop* means an enclosed and covered accessory structure in which chickens are housed.

*Exercise yard* means a large fenced-in area that provides space for exercise and foraging.

*Exotic animal* means any animal which is not naturally tame or gentle but is of a wild nature or disposition and which, because of its size, vicious nature or other characteristics is not appropriate for keeping in residential areas. The term "exotic animal" includes, but is not limited to, regulated animals as defined by Minn. Stats. § 346.155.

*Farm animal* means any animal that, by tradition, is customarily kept as part of a farm or for agricultural purposes. The term "farm animal" includes, but is not limited to, bees, cattle, horses, ponies, mules, donkeys, llamas, sheep, goats, swine, ducks, geese, turkeys and chickens.

*Flyway barrier* means a barrier that raises the flight path of bees as they come and go from a hive.

*Hive* means the receptacle inhabited by a colony.

*Keeping* means the feeding, housing or sheltering of animals.

*Owner* means any person possessing, owning, controlling, harboring, keeping, having an interest in, or having care, custody or control of any animal.

*Parcel* means a legally described piece of land, whether platted lot/outlot or land described by metes and bounds, along with everything on the land, including, but not limited to, structures, parking lots, landscaping, lighting, and signs.

*Rooster* means a male fowl of any age of the genus, species and subspecies *Gallus gallus domesticus*.

*Run* means an enclosed and covered area attached to a coop in which chickens are allowed to roam freely.

*Slaughtering* means the killing of an animal within the city, excluding animals euthanized by a veterinarian.

*Swarming* means the process where a queen bee leaves a colony with a large group of worker bees.

*Traditional pet* means any animal that by tradition is customarily kept as a pet in the owner's house, including, but not limited to, dogs, cats, ferrets, guinea pigs, rabbits, hamsters, mice/rats, turtles, small lizards, small nonvenomous snakes, fish, parrots, cockatoos, cockatiels and budgerigars.

*Unusual aggressive behavior* means any instance in which unusual aggressive characteristics such as stinging or attacking without provocation occurs.

(Prior Code, § 801.300)

Sec. 7-22. - Limitations on keeping of animals generally.

(a) *Traditional pets*. The following limitations pertain to the keeping of traditional pets:

- (1) In the C-1, C-2, C-3 and I-1 zoning districts, no traditional pets shall be kept on any parcel unless the traditional pets are part of a commercial use allowed under chapter 10.
- (2) In the TC, R-1, R-2 and R-3 zoning districts, no more than three traditional pets, in any combination, shall be kept on any parcel.
- (3) In the A and R-S zoning districts, no more than three traditional pets, in any combination, shall be kept on any parcel unless the traditional pets are part of a commercial use allowed under chapter 10.

(b) *Exotic animals*. The following limitations pertain to the keeping of exotic animals:

- (1) *Prohibited*. It is unlawful for any person to keep any exotic animal anywhere within the city.
- (2) *Exceptions*. This prohibition does not apply to the keeping of exotic animals pursuant to a special permit from the commissioner of natural resources for scientific, educational, rehabilitative, wildlife disease prevention and control, and exhibition purposes pursuant to Minn. Stats. ch. 97A or to the keeping of regulated animals as regulated by the Federal Department of Agriculture pursuant to Minn. Stats. § 346.155.

(c) *Farm animals*. The following limitations pertain to the keeping of farm animals:

- (1) In the C-1, C-2, C-3 and I-1 zoning districts, no farm animals shall be kept on any parcel.
- (2) In the TC, R-1, R-2 and R-3 zoning districts, no farm animals shall be kept on any parcel, except that four chickens or two colonies of bees may be kept on an R-1 parcel if kept in compliance with the applicable regulations set forth in subsection (c)(4) of this section.

- (3) In the A and R-S zoning districts, no farm animals shall be kept on any parcel that is less than ten acres in size, except that 12 chickens or eight colonies of bees may be kept on a parcel that is less than ten acres if kept in compliance with the applicable regulations set forth in subsection (c)(4) of this section.
- (4) In the A and R-S zoning districts, farm animals may be kept on a parcel that is ten acres or more in size only as follows:
  - a. *Bees*. The number of bees is not specifically restricted as long as the bees are kept in compliance with applicable regulations in section 7-23.
  - b. *Horses, mules, donkeys, cattle, hogs, llamas and similar*. One horse, mule, donkey, cow, hog, llama, or similar animal is allowed for the first ten contiguous acres and one additional animal is allowed for each additional contiguous acre.
  - c. *Sheep, goats and similar*. One sheep, goat, or similar animal is allowed for the first ten contiguous acres and one additional animal is allowed for each additional contiguous half of an acre.
  - d. *Poultry, fowl, birds (including, but not limited to, chickens) and similar*. Twenty-five birds such as, but not limited to, chickens are allowed for the first ten contiguous acres and 25 additional birds are allowed for each additional contiguous acre.

(Prior Code, § 801.400)

#### Sec. 7-23. - Keeping farm animals.

- (a) *Stables and barns*. No stable, barn or other structure in which farm animals are kept may be located within 50 feet of a dwelling unit as defined in chapter 10 or within ten feet of any property line. No part of a stable, barn or other structure in which farm animals are kept may be located within 15 feet of any lake, pond, river, creek, stream or wetland. Any stable, barn or other structure in which farm animals are kept shall be kept clean.
- (b) *Running at large*. No farm animal shall be permitted to run at large within the limits of the city. The term "run at large" means going on or about the public streets, alleys, public parks, public beaches, school grounds or other public places or on any private premises without the owner's permission, unless the animal is effectively restrained by a leash, fence or enclosure.
- (c) *Manure*. Manure shall be removed from the parcel with sufficient frequency to avoid nuisance from odors or breeding of flies. At least once per month from October 1 to May 1 and once every two weeks from May 1 to October 1 of each year, manure shall be disposed of so as not to create a nuisance from odors or breeding of flies. If manure is used as fertilizer, it shall be turned under immediately if possible, or as soon as the frost leaves the ground.
- (d) *Chickens*. The keeping of chickens shall be permitted with conditions identified in this subsection (d).
  - (1) No roosters shall be permitted. The raising of chickens for breeding purposes is prohibited.
  - (2) Chickens shall always be confined in a coop, run or exercise yard. Chickens shall not be kept inside of a dwelling except for brooding.
  - (3) Chickens shall be properly protected from the weather and predators in a coop and have access to the outdoors in a run or exercise yard. The coop, run and exercise yard shall meet the following requirements:
    - a. One coop, run and exercise yard allowed per parcel with a principal residence occupied by the owner of the chickens.
    - b. Each coop, run and exercise yard shall be located in the rear yard of the parcel.
    - c. Each coop, run and exercise yard shall be set back a minimum of 50 feet from any residential structure on an adjacent parcel and a minimum of ten feet from any parcel line. Each coop, run or exercise yard must be screened from view with a solid fence or landscaped buffer with a minimum height of five feet. No part of a coop, run or exercise yard shall be located within 15 feet of any lake, pond, river, creek, stream or wetland.
    - d. A coop can be no larger than 25 square feet and cannot exceed six feet in height. A coop shall be elevated a minimum of 12 inches and maximum of 24 inches to ensure circulation beneath the coop. The coop shall contain a solid roof, and construction shall be done in a workmanlike manner utilizing durable materials that offer adequate insulation, ventilation and protection from all natural weather elements, predators, rodents and other pests.
  - e.

No run or exercise yard can exceed 40 square feet and cannot exceed six feet in height. A run or exercise yard may be enclosed with wood or woven wire materials and may allow chickens to contact the ground. Each run and exercise yard must have a protective overhead netting to keep the chickens separated from other animals.

- f. Coops, runs and exercise yards shall be maintained in a reasonably clean and sanitary condition, including the timely removal of feces, urine, and food scraps. Chicken owners shall not allow odors associated with the chickens to emit outside the boundary of the parcel.
  - g. Each coop, run and exercise yard must comply with all applicable building and zoning codes and regulations.
  - h. Chickens shall not be slaughtered on the parcel or elsewhere within the city other than a commercial establishment that employs a butcher.
  - i. Deceased chickens shall be removed as soon as possible but no later than 48 hours after death and shall be disposed of in a manner consistent with chapter 5, article IV.
- (4) Chickens shall be kept in a humane manner that complies with Minn. Stats. ch. 343, and owners shall prevent nuisance conditions by ensuring the following conditions are met:
- a. Chicken grains and feed must be stored in rodentproof containers.
  - b. No chicken may be kept or raised in a manner as to cause injury or annoyance to persons on other property in the vicinity by reason of noise, odor or filth.
  - c. Chickens shall not be allowed to run at large. Any chicken running at large may be impounded by the city and, after being impounded for three days or more without being reclaimed by the owner, may be destroyed or sold. A person reclaiming an impounded chicken must pay the costs of impounding and keeping the same.
- (e) *Bees*. The keeping of bees shall be permitted with conditions identified in this subsection.
- (1) Colony location shall be as follows:
- a. Each hive shall be located in the rear yard of the parcel. Hives shall be set back a minimum of 50 feet from any residential structure on an adjacent parcel and a minimum of ten feet from any parcel line.
  - b. If any part of a hive is kept within 25 feet of a parcel line of the apiary site, the beekeeper shall establish and maintain along the parcel line screening consisting of a flyway barrier of six feet in height or greater meeting the following criteria:
    - 1. The flyway barrier may consist of a wall, fence, dense vegetation, or a combination thereof, such that bees will fly over rather than through the material to reach the colony.
    - 2. If a wall or fence flyway barrier is used, the materials must be decay-resistant and maintained in good condition.
    - 3. If a flyway barrier of dense vegetation is used, the initial planting may be four feet in height, so long as the vegetation reaches a height of six feet or higher within two years of installation.
    - 4. The flyway barrier must continue parallel to the parcel line of the apiary site for ten feet in both directions from the hive or contain the hive in an enclosure.
  - c. Each colony on the apiary site shall be provided with a convenient source of water located on the apiary site. Every effort should be made to ensure that the water source is free of chemicals typically found in tap water.
- (2) Bee colonies shall be kept in hives with removable frames, which frames shall be kept in a sound and usable condition. Beekeeping equipment shall be maintained in good condition, including keeping the hives painted if they have been painted but are peeling or flaking and securing unused equipment from weather, potential theft or vandalism, and occupancy by swarming bees.
- (3) Hives shall be continuously managed to provide adequate living space for their resident bees to prevent swarming.
- (4) Materials from a hive or colony which might encourage the presence of bees, such as wax comb, shall be promptly disposed of in a sealed container or placed within a building or other beeproof enclosure.
- (5)

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. If re-queening the colony is required, queens shall be selected from European stock bred for gentleness and non-swarmling characteristics.

- (6) Fruit and other flowering trees which are located on an apiary site shall not be sprayed, while in full bloom, with any substance which is injurious to bees.

(Prior Code, § 801.500)

Sec. 7-24. - Keeping traditional pets.

- (a) *Animal control facility.* The city manager or designee shall designate an animal control officer. The city may contract for animal control services with a qualified animal control facility. Additionally, the city manager or other authorized city official may make arrangements with local veterinarians, kennels or humane societies for the care and custody of traditional pets as may be deemed necessary.
- (b) *Vaccination.* Every dog and cat shall be vaccinated against rabies. All other traditional pets shall be vaccinated against rabies if appropriate as determined by the owner's veterinarian.
- (c) *Leashing.* It is unlawful for any person to walk a traditional pet without a leash and under control of the person walking the traditional pet.
- (d) *Running at large.* No traditional pet shall be permitted to run at large within the limits of the city. The term "run at large" means going on or about the public streets, alleys, public parks, public beaches, school grounds or other public places, or on any private premises without the owner's permission, unless the pet is effectively restrained by a leash, fence or enclosure.
- (e) *Waste removal.* It is unlawful for any owner to allow solid wastes of a traditional pet to accumulate on the owner's premises for more than 24 hours. Solid waste from a traditional pet shall be immediately removed from public property or private property of another and disposed of in the owner's or a public trash container.

(Prior Code, § 801.600)

Sec. 7-25. - Interference with officer; breaking into animal control facility.

It is unlawful for any unauthorized person to break open the city animal control facility, or attempt to do so, or to take or let out any animals therefrom or to take or attempt to take from any officer or other designated city official any animal taken up by him/her in compliance with this article, or in any manner to interfere with or hinder such officer in the discharge of his/her duties under this article.

(Prior Code, § 801.700)

Sec. 7-26. - Bites and rabies.

- (a) *Bites.* It shall be the duty of every person having knowledge of a bite by any animal which occurred within the city to report the same to the city police department as soon as practical after the bite occurs. This report shall include a description of the animal, the address of the owner of the animal, if known, and the name, address and age of any person injured if known.
- (b) *Quarantine.* Any animal which is suspected of having rabies shall be quarantined for a period of at least ten days. The quarantine may occur in any location approved for impoundment as set forth in [section 7-28](#) unless no current rabies vaccination of the animal can be proven upon written demand, in which case the animal shall be impounded at the city animal control facility.

(Prior Code, § 801.800)

Sec. 7-27. - Nuisance.

- (a) *Owner responsibility.* It shall be the responsibility of the owner of any animal in the city, whether permanently or temporarily therein, to prevent such animal from committing any act which constitutes a nuisance. It shall be considered a nuisance for any owner of an animal to allow the animal to habitually or frequently bark, cry, meow or whimper; to frequent school grounds, parks or other public areas while unrestrained; to chase vehicles; to fight with other animals; to chase and kill birds; to molest, defile, destroy any public or private property; or to leave excrement on any property, public or private; except that excrement that is immediately removed and disposed of in a trash container shall not constitute a public nuisance.
- (b) *Common law nuisance.* Nothing in this article is intended to limit the city or any individual from proceeding under any common law nuisance theory.

(Prior Code, § 801.900)

Sec. 7-28. - Impoundment.

- (a) *Applicability.* This section shall apply to impoundment of an animal except for impoundment of a potentially dangerous or dangerous dog.
- (b) *Grounds for animal seizure.* The animal control officer or designee, member of the city police department, or member of city staff may seize and impound an animal due to any of the following:
  - (1) Bite or rabies;
  - (2) Running at large;
  - (3) Dangerous animal;
  - (4) Nuisance;
  - (5) Inhumane treatment; or
  - (6) Any other reason authorized by law.
- (c) *Costs and fees.* The owner of an impounded animal shall be responsible for paying a fee for the impoundment as set by the city fee schedule or the animal control officer. The owner shall also be responsible for all costs of the impoundment, including, but not limited to, food, housing and veterinary bills.
- (d) *Deceased.* Any animal that dies during seizure or impoundment will be disposed of according to law. Disposal expenses shall be paid by the owner of the deceased animal.
- (e) *Exceptions to impoundment.* Animals may be immediately euthanized if a licensed veterinarian determines the animal is diseased, vicious, rabid or exposed to rabies and cannot be impounded after a reasonable effort or without serious risk to the person attempting to impound or others, or upon determination that the animal is suffering and is beyond cure through reasonable care and treatment. The city may have a necropsy performed on any animal that is euthanized or dies while impounded to determine if it was diseased.
- (f) *Notice.* As soon as reasonably practical after impounding an animal, the animal control officer shall notify the animal's owner of the impoundment. The animal control officer may use any reasonable methods for determining ownership, including, but not limited to, microchips, statements by persons with knowledge, tags, veterinary records or the events related to the impoundment. The notice shall be provided by posting at the property of the owner, U.S. mail or personal service. At a minimum, the notice shall include a description of the animal, the reason and circumstances of impoundment, contact information for questions about the impoundment, process for reclaiming the animal, and the owner's responsibility for costs and fees.
- (g) *Treatment.* Any animal which is impounded in the city animal control facility shall be kept with kind treatment and sufficient food, water and shelter for the animal's comfort, in accordance with state law.
- (h) *Time of impoundment.* An animal that is impounded shall be held for redemption for ten days if impounded to quarantine for rabies or for five days if impounded for any other reason. If, after the impoundment time has expired, the animal has not been claimed, the animal shall be disposed of as allowed by law.

- (i) *Location.* Impoundment may occur at the city animal control facility, a local kennel/veterinarian's office approved by the animal control officer or the owner's property if approved by the animal control officer. Where no current rabies vaccination of the animal can be proven upon written demand, the animal shall be impounded at the city animal control facility.
- (j) *Claiming of impounded animals.*
  - (1) Any person seeking the return of an impounded animal shall show proof of ownership satisfactory to the animal control officer. Prior to release of an animal, the owner shall pay all fees and costs due and shall present a valid driver's license or other acceptable form of identification and sign for the animal.
  - (2) In addition, if the animal was impounded due to suspicion of rabies, the animal shall only be released after the required ten-day quarantine and if a veterinarian has determined that the animal does not have any symptoms of rabies.
  - (3) In addition, if the animal was impounded for inhumane treatment, the animal shall only be returned to the owner if the animal control officer reasonably believes the animal will not be treated cruelly or inhumanely. Prior to returning the animal to its owner, the animal may be treated by a veterinarian or permitted to regain its strength. The owner shall be responsible for any cost incurred for such treatment.
- (k) *Records.* The city animal control facility shall retain impoundment records as required by Minn. Stats. § 346.47.

(Prior Code, § 801.1000)

Sec. 7-29. - Potentially dangerous and dangerous dogs.

- (a) *Applicable state statutes.* In addition to the provisions set forth in this section, Minn. Stats. §§ 347.50 through 347.565 are incorporated herein by reference. To the extent these state statutes are inconsistent with the provisions of this section, the provisions of this section shall apply.
- (b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Dangerous dog* means any dog that has:

- (1) Without provocation, inflicted substantial bodily harm on a human being on public or private property;
- (2) Killed a domestic animal without provocation while off the owner's property; or
- (3) Been found to be potentially dangerous, and, after the owner has notice that the dog is potentially dangerous, the dog aggressively bites, attacks, or endangers the safety of humans or domestic animals.

*Great bodily harm* has the meaning given it under Minn. Stats. § 609.02, subd. 8.

*Potentially dangerous dog* means any dog that:

- (1) When unprovoked, inflicts bites on a human or domestic animal on public or private property;
- (2) When unprovoked, chases or approaches a person, including a person on a bicycle, upon the streets, sidewalks, or any public or private property, other than the dog owner's property, in an apparent attitude of attack; or
- (3) Has a known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety or humans or domestic animals.

*Proper enclosure* means securely confined indoors or in a securely enclosed and locked pen or structure suitable to prevent the dog from escaping and providing protection from the elements for the dog. A proper enclosure does not include a porch, patio, or any part of a house, garage or other structure that would allow the dog to exit of its own volition, or any house or structure in which windows are open or in which door or window screens are the only obstacles that prevent the dog from exiting.

*Provocation* means an act that an adult could reasonably expect may cause a dog to attack or bite.

*Substantial bodily harm* has the meaning given under Minn. Stats. § 609.02, subd. 7a.

(c)

*Determination.* The animal control officer or designee, or a member of the city police department, may declare a dog to be potentially dangerous or dangerous if he/she believes, based upon their professional judgment, that the dog meets the applicable definition in subsection (b) of this section.

- (1) *Notice of determination.* Upon a determination that a dog is potentially dangerous or dangerous, the city shall provide notice to the owner of the dog. The city may use any reasonable methods for determining ownership, including, but not limited to, microchip, statements by persons with knowledge, tags, veterinary records or the events related to the seizure and determination. The notice shall be provided by posting at the property of the owner, U.S. mail or personal service. At a minimum, the notice shall include the following:
  - a. A description of the dog.
  - b. The basis for the determination.
  - c. A description of the potentially dangerous or dangerous dog requirements.
  - d. The criminal penalties for violation of the potentially dangerous or dangerous dog requirements.
  - e. A statement of the owner's right to request a hearing regarding the determination.
- (2) *Appeal hearing.* The owner of a dog that has been declared potentially dangerous or dangerous may request a hearing to challenge the determination. The hearing shall be held before a hearing officer appointed by the city manager. The request for an appeal hearing must be made in writing and submitted to the city clerk within ten days of the notice of determination. The city must hold the appeal hearing no more than 14 days after the city receives the request for a hearing. The hearing officer shall make a determination based upon his/her judgment as to whether or not the dog is potentially dangerous or dangerous. The city shall issue a written decision within ten days of the hearing. The owner must continue to meet all potentially dangerous or dangerous dog requirements during the appeal hearing process.
- (d) *Impoundment.* Any dog declared potentially dangerous or dangerous may be seized and impounded by the animal control officer or designee, member of the city police department, or member of city staff if the owner is not in compliance with the applicable requirements below or the dog is running at large. The owner of the dog shall be responsible for paying a fee for the impoundment as set by the city fee schedule or the animal control officer. The owner shall also be responsible for all costs of the impoundment, including, but not limited to, food, housing and veterinary bills. The city shall not release a dog that has been declared potentially dangerous or dangerous until one of the following has occurred: the dog has been deemed not potentially dangerous or dangerous after an appeal hearing; or the owner provides evidence that he/she has complied with the applicable requirements set forth in subsection (i) of this section for a potentially dangerous or dangerous dog. Any impoundment shall be consistent with the requirements for impoundment set forth above unless this section provides alternative requirements.
- (e) *Claiming.* Any person seeking return of a dog that has been declared potentially dangerous or dangerous shall comply with the following before the dog will be released:
  - (1) Provide proof of ownership;
  - (2) Pay all applicable fees and costs;
  - (3) Present a valid driver's license or other acceptable form of identification;
  - (4) Provide evidence that he/she has complied with the applicable requirements set forth in subsections (i) and (j) of this section for a potentially dangerous or dangerous dog; and
  - (5) Sign for the dog.
- (f) *Exemptions.* Dogs may not be declared potentially dangerous or dangerous if the threat, injury or damage was sustained as provided in Minn. Stats. § 347.51, subs. 4 and 5.
- (g) *Review.* Beginning six months after a dog is declared potentially dangerous or dangerous, an owner may request, every two years, that the city review the designation.
- (h)

*Registration.* No person may own a potentially dangerous or dangerous dog in the city unless the dog is registered. The owner shall submit an application to the city to register a potentially dangerous or dangerous dog within 24 hours of the dog being declared potentially dangerous or dangerous or being brought into the city, whichever occurs earlier. The application shall be submitted to the city clerk along with evidence that the owner has complied with all applicable potentially dangerous or dangerous dog requirements set forth in subsections (i) and (j) of this section. The application shall be accompanied by a fee as set forth in the city fee schedule.

- (i) *Potentially dangerous dog; requirements.* The owner of a dog that has been declared potentially dangerous shall comply with all of the requirements for a dog that has been declared dangerous as set forth in subsection (j) of this section, except the owner of a dog that has been declared potentially dangerous need not comply with the insurance requirement.
- (j) *Dangerous dog; requirements.* The owner of a dog that has been declared dangerous shall comply with all of the following:
  - (1) *Microchip.* A microchip shall be implanted in the dog for identification. Evidence that the microchip has been implanted, including the name of the manufacturer and identification number, must be submitted to the city within 30 days of the determination.
  - (2) *Tag.* A standardized, easily identifiable tag that identifies the dog as dangerous shall be affixed to the dog's collar at all times. The city may provide the tag or require that the owner obtain it privately. If the city provides the tag, it may charge the owner for the cost of the tag.
  - (3) *Warning sign.* A clearly visible warning symbol that there is a dangerous dog on the property, including a warning symbol to inform children, shall be posted on the owner's property. A similar sign is required to be posted on the proper enclosure of the dog.
  - (4) *Proper enclosure.* The owner must keep the dog in a proper enclosure while on the owner's property.
  - (5) *Leash and muzzle.* If the dog is outside the proper enclosure, the dog must be muzzled and restrained by a leash and under the physical restraint of a responsible person.
  - (6) *Insurance.* The owner must obtain and maintain a surety bond or a policy of liability insurance issued by a company authorized to conduct business in the state in a form acceptable to the city in the sum of at least \$300,000.00.
  - (7) *Sterilization.* The dog must be sterilized at the owner's expense within 30 days and submit proof of sterilization within 30 days to the city. If the owner does not sterilize the dog, the animal control officer shall seize the dog and have it sterilized at the owner's expense.
  - (8) *Annual registration.* The owner of the dog must register the dog annually as required in subsection (h) of this section. If the dog is removed from the city, the owner must register the dog in its new jurisdiction.
  - (9) *Death or transfer of dangerous dog.* The owner of the dog must notify the animal control officer in writing of the death of the dog or its transfer to a new jurisdiction within 30 days of the death or transfer. A person who transfers ownership of a dangerous dog must notify the new owner that the dog has been declared dangerous. The owner must also notify the animal control officer in writing of the sale and provide the new owner's name, address and telephone number.
  - (10) *Notice to landlords.* 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.
- (k) *Destruction of dog in certain circumstances.* A dog may be destroyed in a proper and humane manner by the animal control officer or designee if the dog:
  - (1) Inflicted substantial or great bodily harm on a human on public or private property without provocation.
  - (2) Inflicted multiple bites on a human on public or private property without provocation.
  - (3) Bit multiple human victims on public or private property in the same attack without provocation.
  - (4) Bit a human on public or private property without provocation in an attack where more than one dog participates in the attack.
  - (5) Kills a domesticated animal without provocation.

Sec. 7-30. - Animals on public lands.

(a) *Prohibited areas.*

- (1) No person shall be permitted to take any animal, except for a service animal, into any public property or park where the area is clearly marked by a sign bearing the words "animals not permitted in this area." In no case shall any person allow or bring any animal, except for a service animal, upon any beach or bathing area or upon any skating rink or into any park or public building.
- (2) The area identified in Jeffers Pond Park Exhibit 2, dated August 24, 2010, shall be a prohibited area for domestic animals, skateboards, skates, rollerblades, bicycles and motorized vehicles (except authorized vehicles) and signage shall be prominently erected and maintained to confirm this status to users and visitors.



(b) *Horses.*

- (1) The term "horse," as used in this section, means any breed of horse, pony, mule, ass or similar animal. It is unlawful for any person to ride or drive a horse in any public park, beach, golf course or other public property, except within the right-of-way of public streets and highways and in areas duly designated as allowing the riding or driving of horses.
- (2) It is unlawful for any person to ride or to drive a horse after the hour of sunset and before the hour of sunrise along or crossing any public way without appropriate lighting or reflective clothing. Every person riding a horse or driving a horse-drawn vehicle upon a public street shall be subject to those provisions of this Code applicable to the driver of a motor vehicle, except those provisions which by their nature can have no application.

- (c) *Traditional pets under control.* Traditional pets shall be permitted on public lands, except as specified elsewhere in this article, only when they are under control of the owner or custodian and such custodian shall have the responsibility of cleaning up any feces of the animal and shall dispose of such in a sanitary manner.

(Prior Code, § 801.1200)

Sec. 7-31. - Enforcement and penalty.

- (a) *Enforcement.* The city, in its sole discretion, may enforce any provision of this article by fines, revocation/suspension of a permit, license or approval, mandamus, injunction, criminal prosecution, civil suit/penalties, or any other equitable or legal remedy available. Any costs incurred by the city in enforcing any provision of this article shall constitute damages incurred by the city and may be recovered through a judicial proceeding or by assessing the damages against the property. Each day that a violation occurs shall be considered a separate violation.

(b)

*Penalty.* Any person who violates any provision of this article or any regulation adopted hereunder relating to acts, omission or conduct, other than official acts of city officers and employees, shall be guilty of a misdemeanor and punishable in accordance with the penalties established by state law. A separate offense shall be deemed committed for each day such violation is permitted to exist. A person under 18 years of age found to be in violation of this article may be adjudicated delinquent and shall be subject to the dispositional alternatives set forth in Minn. Stats. ch. 260B.

(Prior Code, § 801.1300)

Secs. 7-32—7-50. - Reserved.