

## ANIMAL ORDINANCE

### Section 705 Animal Control

#### 705.01 DEFINITION OF TERMS.

As used in this Section, unless context otherwise indicates:

- Subd. 1. "Animal" shall mean any mammal, reptile, amphibian, fish, bird (including all fowl and poultry) or other member commonly accepted as a part of the animal kingdom. Animals shall be classified as follows:
- A. "Domestic animals" shall mean those animals commonly accepted as domesticated household pets. Unless otherwise defined, such animals shall include dogs, cats, caged birds, gerbils, hamsters, guinea pigs, domesticated rabbits, fish, non-poisonous, non-venomous and non-constricting reptiles or amphibians, and other similar animals.
  - B. "Non-Domestic animals" shall mean those animals commonly considered to be naturally wild and not naturally trained or domesticated, or which are commonly considered to be inherently dangerous to the health, safety, and welfare of people. Unless otherwise defined, such animals shall include:
    - 1. Any member of the large cat family (family felidae) including lions, tigers, cougars, bobcats, leopards and jaguars, but excluding commonly accepted domesticated house cats.
    - 2. Any naturally wild member of the canine family (family canidae) including wolves, foxes, coyotes, dingoes, and jackals, but excluding commonly accepted domesticated dogs.
    - 3. Any crossbreeds such as the crossbreed between a wolf and a dog, unless the crossbreed is commonly accepted as a domesticated house pet.
    - 4. Any member or relative of the rodent family including any skunk (whether or not descended), raccoon, squirrel, or ferret, but excluding those members otherwise defined or commonly accepted as domesticated pets.
    - 5. Any poisonous, venomous, constricting, or inherently dangerous member of the reptile or amphibian families

including rattlesnakes, boa constrictors, pit vipers, crocodiles and alligators.

6. Any other animal which is not explicitly listed above but which can be reasonably defined by the terms of this subpart, including but not limited to bears, deer, monkeys and game fish.

C. "Farm animals" shall mean those animals commonly associated with a farm or performing work in an agricultural setting. Unless otherwise defined, such animals shall include members of the equestrian family (horses, mules), bovine family (cows, bulls), sheep, poultry (chickens, turkeys), fowl (ducks, geese), swine (including Vietnamese pot-bellied pigs), goats, bees, and other animals associated with a farm, ranch, or stable.

Subd. 2. "Cat" shall be intended to mean both the male and female of the felidae species commonly accepted as domesticated household pets.

Subd. 3. "Chicken Coop" means a structure for housing chickens made of wood or other similar materials that provides shelter from the elements.

Subd. 4. "Chicken Run" means an enclosed outside yard for keeping chickens.

Subd. 5. "Dog" shall be intended to mean both the male and female of the canine species, commonly accepted as domesticated household pets, and other domesticated animals of a dog kind.

Subd. 6. "Feedlot" A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals and specifically designed as a confinement area in which manure may accumulate. Or, where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. Open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered to be animal feedlots.

Subd. 7. "Owner" shall be intended to mean any person or persons, firm, association or corporation owning, keeping, or harboring an animal.

Subd. 8. "At Large" shall be intended to mean off the premises of the owner and not under the custody and control of the owner or other person, either by leash, cord, chain, or otherwise restrained or confined.

Subd. 9. "Release Permit" shall mean a permit issued by the Police Department for the release of any animal that has been taken to the pound. A release permit may be obtained upon payment of a fee in accordance with that regular license requirement if the animal is unlicensed, payment of a release fee, and any maintenance costs incurred in capturing and impounding the animal. The release fee shall be as established from time to time by resolution of the city council, but not less than twenty-five dollars (\$25.00) the first time an animal is impounded, fifty dollars (\$50.00) the second time it is impounded, and seventy-five dollars (\$75.00) for the third and each subsequent time the same animal is impounded. For the purpose of a release permit, any change in the registered ownership of an animal subsequent to its impoundment and release shall reset that animal's impoundment count to the beginning of the fee scale.

#### 705.02 DOGS AND CATS.

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

Subd. 2. License Required.

- A. All dogs and cats kept, harbored, or maintained by their owners in the City, shall be identified with an id tag stating owner's name and phone number or an electronic tracking device (microchip).
- B. The identification provisions of this Subdivision shall not apply to dogs or cats whose owners are non-residents temporarily within the City, nor to dogs or cats brought into the City for the purpose of participating in any dog or cat show, nor shall this provision apply to "seeing eye" dogs properly trained to assist blind persons for the purpose of aiding them in going from place to place.

- Subd. 3. Cats. Cats shall be included as controlled by this sub-section insofar as running-at-large, pickup, impounding, boarding, and proof of anti-rabies vaccine is concerned.
- Subd. 4. Vaccination.
- A. All dogs and cats kept harbored, maintained, or transported within the City shall be vaccinated at least once every three years by a licensed veterinarian for:
1. Rabies - with a live modified vaccine; and
  2. Distemper
- B. A certificate of vaccination must be kept on which is stated the date of vaccination, owner's name and address, the animal's name (if applicable), sex, description and weight, the type of vaccine, and the veterinarian's signature. Upon demand made by the Clerk-Treasurer or a police officer, the owner shall present for examination the required certificate(s) of vaccination for the animal(s). In cases where certificates are not presented, the owner or keeper of the animal(s) shall have seven days in which to present the certificate(s) to the Clerk-Treasurer or police officer. Failure to do so shall be deemed a violation of this Section.

#### 705.03 Non-Domestic Animals.

It shall be illegal for any person to own, possess, harbor, or offer for sale, any non-domestic animal within the City limits. Any owner of such an animal at the time of adoption of this Code shall have thirty days in which to remove the animal from the City after which time the City may impound the animal as provided for in this Section. An exception shall be made to this prohibition for animals specifically trained for and actually providing assistance to the handicapped or disabled, and for those animals brought into the City as part of an operating zoo, veterinarian clinic, scientific research laboratory, or a licensed show or exhibition.

#### 705.04 Farm Animals.

Farm animals shall not be allowed in any platted areas of the City except for the following:

- Subd. 1. An exception shall be made to this subsection for those animals brought into the City as part of an operating zoo, veterinarian clinic, scientific research laboratory, or a licensed show or exhibition.

- Subd. 2. The raising of hen chickens with a special permit issued annually by the City (The following applies only to areas within the City that are platted. Where other livestock raising is specifically allowed under this Section and Zoning code, the following does not apply)
- A. No permit shall be issued for the keeping of any rooster chicken on any premises.
  - B. A permit may be revoked or suspended by the City for any violation of this chapter or any other City code following procedures detailed in Section 7.05.04 Subdivision 3.
  - C. Application for a permit must include:
    - 1. a scaled site plan diagram indicating the location of a the chicken coop and/or run on the property and the approximate size and distance from adjacent structures and property lines and neighboring residence('s)
    - 2. A construction plan or photograph of the coop to be used for the keeping of chickens
  - D. Maximum number of chickens allowed is based on lot size as follows. Additional chickens are allowed in some zoning districts with a Conditional/Interim Use Permit (see Section 305 of City Code)

<b>Lot Size in square feet</b>	<b>Maximum number of chickens</b>
Under 8,500	3
8,500 – 11,000	4
11,001 – 43,560	5
43,561 and above	6

- E. Chickens must be confined at all times while in the city in a chicken coop and chicken run.
- F. All chicken coops and chicken runs must be screened from neighboring properties, streets, or public ways with a solid fence or landscaped buffer (including conifers for screening during winter months) with a minimum height of four feet or as high as the chicken coop if taller than four feet.
- G. Any coop and run shall be at least 25 feet from any residential structure on any adjacent or nearby premises
- H. Any coop and run shall be set back at least 15 feet from property lines

- I. All chicken *coops* as accessory structures must meet the requirements of the building and zoning codes.
- J. Attached fenced-in chicken *runs* **must be at least 10** square feet per chicken or be designed to be movable. Movable runs must be moved on a regular basis in order to maintain vegetation.
- K. Attached fenced-in chicken *runs* **must not exceed 20** square feet per chicken
- L. Attached fenced-in chicken runs must not exceed six feet in total height.
- M. Chicken runs may be enclosed with wood and/or woven wire materials, and allow chickens to contact the ground.
- N. Chicken feed and manure must be kept in rodent and raccoon proof containers
- O. Chicken coops must either be:
  1. Elevated with a clear open space of at least 24 inches between the ground surface and framing/floor of the coop; or
  2. The coop floor, foundation and footings must be constructed using rodent resistant concrete construction.
- P. No chicken confinement meeting the definition of “feed lot” is allowed within any platted area of the City.
- Q. No person who owns, keeps or harbors hen chickens shall be allowed to permit the premises where the hen chickens are kept to be or remain in an unhealthy, unsanitary or noxious condition or to permit the premises to be in such condition that noxious odors are carried to adjacent public or private property.
- R. Any chicken coop and run authorized by permit under this chapter may be inspected at any reasonable time by a city animal control officer or other agent of the city.

Subd. 3. Violations.

- A. Any person who keeps or harbors chickens in the platted portion of the city limits of Wabasha without obtaining or maintaining a current permit or after a permit has been suspended or revoked shall be guilty of a petty misdemeanor

B. Any person who is issued a permit but is found in violation of any provision of this ordinance shall also be guilty of a petty misdemeanor

C. Civil Violations:

1. The City shall determine the conditions that exist which violate this Section. Upon identification of a violation, notification by certified, registered letter, or personal service shall be issued to the owner of the property. Said notice shall identify the nature of the violation of this Section, and order that the nuisance be abated within ten (10) days of receiving notice. Upon receipt of said notification, the property owner shall proceed with alleviating the nuisance.
2. The property owner shall have the right to a hearing before the Wabasha City Council provided that any request for hearing must be submitted in writing to the City of Wabasha no later than ten (10) days following receipt of the violation notice.
3. If no public hearing is requested within ten (10) days of receiving the notice and the property owner has not proceeded with alleviating the nuisance, the City shall proceed with making the necessary arrangements to have the cited violation abated. Any and all costs that may be incurred by the City to alleviate the cited violation shall be the property owner's obligation.
4. If the property owner requests a hearing in compliance with the provisions established by this Subsection, a hearing before the City Council shall be scheduled. Following said hearing, the City Council shall, by resolution, determine whether a violation has occurred. Upon finding of a violation, the City Council shall order that the cited conditions be abated.
5. If an appeal to the City Council's order is not made within ten (10) days following the City Council's decision and the property is not brought into compliance as ordered, the City will initiate action to eliminate the violation.
6. The City shall proceed with making the necessary arrangements to have the cited violation abated. Any and all costs that may be incurred by the City to alleviate the cited violation shall be the property owner's obligation.
7. Failure by the property owner to reimburse the City of Wabasha for any reasonable costs incurred concerning the enforcement of this Section shall be cause to certify said costs to the Wabasha County Auditor as a special assessment against the property.

705.05 Impounding.

- Subd. 1. **Running at Large.** Any unlicensed animal running at large is hereby declared a public nuisance. Any police officer may impound any dog or other animal found unlicensed or any animal found running at large and shall give notice of the impounding to the owner of such dog or other animal, if known. In case the owner is unknown, the officer shall post notice at the City office that if the dog or other animal is not claimed within the time specified in Subd. 3., it will be sold or otherwise disposed of. Except as otherwise provided in this Section, it shall be unlawful to kill, destroy, or otherwise cause injury to any animal, including dogs and cats running at large.
- Subd. 2. **Biting Animals.** Any animal that has not been inoculated by a live modified rabies vaccine and which has bitten any person, wherein the skin has been punctured or the services of a doctor are required, shall be confined in the City Pound for a period of not less than ten days, at the expense of the owner. The animal may be released at the end of such time if healthy and free from symptoms of rabies, and by the payment of all costs by the owner. However, if the owner of the animal shall elect immediately upon receipt of notice of need for such confinement by the officer to voluntarily and immediately confine the animal for the required period of time in a veterinary hospital of the owner's choosing, not outside of the County in which this city is located, and provide immediate proof of such confinement in such manner as may be required, the owner may do so. If, however, the animal has been inoculated with a live modified rabies vaccine and the owner has proof of the vaccination by a certificate from a licensed veterinarian, the owner may confine the dog or other animal to the owner's property.
- Subd. 3. **Reclaiming.** All animals conveyed to the pound shall be kept, with humane treatment and sufficient food and water for their comfort, at least five regular business days, unless the animal is a dangerous animal as defined under § 705.10 in which case it shall be kept for seven regular business days or the times specified in §705.10, and except if the animal is a cruelly-treated animal in which case it shall be kept for ten regular business days, unless sooner reclaimed by their owners or keepers as provided by this Section. In case the owner or keeper shall desire to reclaim the animal from the pound, the following shall be required, unless otherwise provided for in this code or established from time to time by resolution of the city council:

- A. Payment of a twenty-five dollar (\$25.00) release fee and receipt of a release permit from the police;
- B. Payment of maintenance costs of \$10.00 per day plus any additional costs identified by the City while animal is in said pound; and
- C. If a dog or cat is unlicensed, payment of a regular license fee and valid certificate of vaccination for rabies and distemper shots is required.

The twenty-five dollar (\$25.00) release fee in A is in addition to the release permit fee specified by § 705.01, Subd. 6.

- Subd. 4. Unclaimed Animals. At the expiration of the times established in Subdivision 3, if the animal has not been reclaimed in accordance with the provisions of this Section, the officer appointed to enforce this Section may let any person claim the animal by complying with all provisions in this Section, or release the animal to a animal shelter, or cause the animal to be destroyed in a proper and humane manner and shall properly dispose of the remains thereof. Any money collected under this Section shall be payable to the Clerk-Treasurer.

#### 705.06 Kennels.

- Subd. 1. Definition of Kennel. The keeping of more than three dogs or four cats on the same premises, whether owned by the same person or not and for whatever purpose kept, shall constitute a “kennel;” except that a fresh litter of pups or kittens may be kept for a period of three months before such keeping shall be deemed to be a “kennel.”
- Subd. 2. Kennel as a Nuisance. Because the keeping of more than three dogs or four cats on the same premises is subject to great abuse, causing discomfort to persons in the area by way of smell, noise, hazard, and general aesthetic depreciation, the keeping of more than three dogs or four cats on the premises is hereby declared to be a nuisance and no person shall keep or maintain a kennel within the City unless a special permit is first obtained from the City.
- Subd. 3. Permits for kennels shall only be issued where allowed as specified in Section 305 of City Code (Zoning Ordinance).

#### 705.07 Nuisances.

- Subd. 1. Habitual Barking. It shall be unlawful for any person to keep or harbor a dog which habitually barks or cries. Habitual barking shall be defined as barking for repeated intervals of at least three minutes with less than one minute of interruption. Such barking must also be audible off of the owner's or caretaker's premises.
- Subd. 2. Damage to Property. It shall be unlawful for any person's dog or other animal to damage any lawn, garden, or other property, whether or not the owner has knowledge of the damage. Any animal covered by this subdivision may be impounded as provided in this Section or a complaint may be issued by anyone aggrieved by an animal under this Section, against the owner of the animal for prosecution under this Section.
- Subd. 3. Cleaning up litter. The owner of any animal or person having the custody or control of any animal shall be responsible for cleaning up any feces of the animal and disposing of such feces in a sanitary manner whether on their own property, on the property of others or on public property. Any person violating this section shall be punishable by a fine of ten dollars (\$10.00) or five (5) hours of public lands fecal clean-up. Any person who is found guilty of subsequent violations of this section shall be punished by a fine of at least twenty-five dollars (\$25.00) but not more than fifty dollars (\$50.00).
- Subd. 4. Other. Any animals kept contrary to this Section are subject to impoundment as provided in § 705.05

#### 705.08 Seizure of Animals.

Any police officer or animal control officer may enter upon private property and seize any animal provided that following exist:

- A. There is an identified complainant other than the police officer or animal control officer making a contemporaneous complaint about the animal;
- B. The officer reasonably believes that the animal meets either the barking dog criteria set out in 705.07, subd. 1; the criteria for cruelty set out in 705.11; or the criteria for an at large animal set out in 705.01 subd. 5;
- C. the officer can demonstrate that there has been at least one previous complaint of a barking dog; inhumane treatment of the animal; or that the animal was at large at this address on a prior date;
- D. The officer has made a reasonable attempt to contact the owner of the property and those attempts have either failed or have been ignored;

- E. The seizure will not involve the forced entry into a private residence. Use of a pass key obtained from a property manager, landlord, innkeeper, or other authorized person to have such key shall not be considered unauthorized entry; and
- F. Written notice of the seizure is left in a conspicuous place if personal contact with the owner of the dog is not possible.

#### 705.09 Animals Presenting a Danger to Health and Safety of City.

If, in the reasonable belief of any person or police officer, an animal presents an immediate danger to the health and safety of any person, or the animal is threatening imminent harm to any person, or the animal is in the process of attacking any person, the officer may destroy the animal in a proper and humane manner. Otherwise the person or officer may apprehend the animal and deliver it to the pound for confinement under § 705.05. If the animal is destroyed, a charge of seventy-five dollars (\$75.00) to dispose of the animal is payable by the owner of the animal. If the animal is found not to be a danger to the health and safety of the City, it may be released to the owner or keeper in accordance with § 705.05, Subd. 3.

#### 705.10 Diseased Animals.

- Subd. 1. Running at Large. No person shall keep or allow to be kept on his or her premises, or on premises occupied by them, nor permit to run at large in the City, any animal which is diseased so as to be a danger to the health and safety of the City, even though the animal be properly licensed under this Section.
- Subd. 2. Confinement. Any animal reasonably suspected of being diseased and presenting a threat to the health and safety of the public, may be apprehended and confined in the pound by any person or police officer. The police officer shall have a qualified veterinarian examine the animal. If the animal is found to be diseased in such a manner so as to be a danger to the health and safety of the City, the officer shall cause such animal to be painlessly killed and shall properly dispose of the remains. The owner or keeper of the animal killed under this Section shall be liable for at least seventy-five dollars (\$75.00) to cover the cost of maintaining and disposing of the animal, plus the costs of any veterinarian examinations.
- Subd. 3. Release. If the animal, upon examination, is not found to be diseased within the meaning of this Section, the animal shall be released to the owner or keeper free of charge.

#### 705.11 Dangerous Animals.

- Subd. 1. Attack by an animal. It shall be unlawful for any person's animal to inflict or attempt to inflict bodily injury to any person or other animal whether or not the owner is present. This section shall not apply to an attack by a dog under the control of an on-duty law enforcement officer or to an attack upon an uninvited intruder who has entered the owner's home with criminal intent.
- Subd. 2. Destruction of dangerous animal. The animal control officer shall have the authority to order the destruction of dangerous animals in accordance with the terms established by this ordinance.
- Subd. 3. Designation as potentially dangerous animal. The animal control officer shall designate any animal as a potentially dangerous animal upon receiving such evidence that such potentially dangerous animal has, when unprovoked, then bitten, attacked, or threatened the safety of a person or a domestic animal. When an animal is declared potentially dangerous, the animal control officer shall cause one (1) owner of the potentially dangerous animal to be notified in writing that such animal is potentially dangerous.
- Subd. 4. Evidence justifying designation. The animal control officer shall have the authority to designate any animal as a dangerous animal upon receiving evidence of the following:
- A. That the animal has, when unprovoked, bitten, attacked, or threatened the safety of a person or domestic animal.
  - B. That the animal has been declared potentially dangerous and such animal has then bitten, attacked, or threatened the safety of a person or domestic animal.
- Subd. 5. Authority to order destruction. The animal control officer, upon finding that an animal is dangerous hereunder, is authorized to order, as part of the disposition of the case, that the animal be destroyed based on a written order containing one (1) or more of the following findings of fact:
- A. The animal is dangerous as demonstrated by a vicious attack, an unprovoked attack, an attack without warning or multiple attacks; or
  - B. The owner of the animal has demonstrated an inability or unwillingness to control the animal in order to prevent injury to persons or other animals.

Subd. 6. Procedure. The animal control officer, after having determined that an animal is dangerous, may proceed in the following manner:

- A. The animal control officer shall cause one (1) owner of the animal to be notified in writing or in person that the animal is dangerous and may order the animal seized or make such orders as deemed proper. This owner shall be notified as to dates, times, places and parties bitten, and shall be given fourteen (14) days to appeal this order by requesting a hearing before the city council for a review of this determination.
  1. If no appeal is filed, the orders issued will stand or the animal control officer may order the animal destroyed.
  2. If an owner requests a hearing for determination as to the dangerous nature of the animal, the hearing shall be held before the city council, which shall set a date for hearing not more than three (3) weeks after demand for the hearing. The records of the animal control or city clerk's office shall be admissible for consideration by the animal control officer without further foundation. After considering all evidence pertaining to the temperament of the animal, the city council shall make an order as it deems proper. The city council may order that the animal control officer take the animal into custody for destruction, if such animal is not currently in custody. If the animal is ordered into custody for destruction, the owner shall immediately make the animal available to the animal control officer.
  3. No person shall harbor an animal after it has been found by to be dangerous and ordered into custody for destruction.

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

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

705.12 Basic Care.

All animals shall receive from their owners or keepers kind treatment, housing in the winter, and sufficient food and water for their comfort. Any person not treating their pet in such a humane manner will be subject to the penalties provided in this Section.

705.13 Breeding Moratorium.

Every female dog or female cat in heat shall be confined in a building or other enclosure in such manner that it cannot come in contact with another dog or cat except for planned breeding. Upon capture and failure to reclaim the animal, every dog or cat shall be neutered or spayed prior to being transferred to a new owner.

705.14 Enforcing Officer.

The Chief of Police is hereby designated as the City's Animal Control Officer appointed to enforce the provisions of this Section. In the officer's duty of enforcing the provisions of this Section, he or she may from time to time, designate assistants.

705.15 Interference with Officers.

No person shall in any manner molest, hinder, or interfere with any person authorized by the Council to capture dogs, cats or other animals and convey them to the pound while engaged in such operation. Nor shall any unauthorized person break open the pound, or attempt to do so, or take or attempt to take from any agent any animal taken up by him or her in compliance with this Section, or in any other manner to interfere with or hinder such officer in the discharge of his or her duties under this Section.

705.16 Violations and Penalties.

- Subd. 1. Separate Offenses. Each day a violation of this Chapter is committed or permitted to continue shall constitute a separate offense and shall be punishable as such under this Section.
- Subd. 2. Misdemeanor. Unless otherwise provided, violation of this Chapter shall constitute a misdemeanor punishable by a fine of up to \$700 or imprisonment for up to 90 days.
- Subd. 3. Petty Misdemeanor. Violations of §§ 705.02, 705.08, 705.14 and 705.15 are petty misdemeanors punishable by a fine up to \$200.