

CHAPTER 90. ANIMALS

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§ 90.005 DEFINITIONS. For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ANIMAL means any mammal, reptile, amphibian, fish, bird (including all fowl and poultry) or other member commonly accepted as a part of the animal kingdom.

DOG shall be intended to mean both the male and female of the canine species, commonly accepted as domesticated household pets.

DANGEROUS DOG shall mean any dog that has:

- (A) Without provocation, inflicted substantial bodily harm on a human being on public or private property;
- (B) Killed a domestic animal without provocation while off the owners property in an apparent attitude of attack; or
- (C) Has a known propensity, tendency or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.

DOMESTIC 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, ferrets, domesticated rabbits, fish, non-poisonous, non-venomous and non-constricting reptiles or amphibians, and other similar animals.

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 (chicken, turkeys), fowl (ducks, geese), swine (including Vietnamese potbellied pigs), goats, bees, and other animals associated with a farm, ranch, or stable.

NON-DOMESTIC 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 to include:

- (A) Any member of the large cat family (family felidae) including lions, tigers, cougars, bobcats, leopards and jaguars, but excluding commonly accepted domesticated house cats.

- (B) Any naturally wild member of the canine family (family canidae) including wolves, foxes, coyotes, dingoes, and jackals, but excluding commonly accepted domesticated dogs.
- (C) Any crossbreeds
- (D) Any member or relative, of the rodent family including any skunk (whether or not descended), raccoon, or squirrel, but excluding those members otherwise defined or commonly accepted as domesticated pets.
- (E) Any poisonous, venomous, constricting, or inherently dangerous member of the reptile and amphibian families including rattlesnakes, boa constrictors, pit vipers, crocodiles and alligators.
- (F) 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.

NON-TRADITIONAL FARM ANIMAL shall mean those animals recently associated with farm or performing work in an agricultural setting. Such animals shall include buffalo, bison, elk, llamas, wild boar, ostrich, quail, pheasant, or similar animal used for commercial agricultural purposes.

OWNER means any person owning, keeping, harboring or having custody of a dog or other animal within the City.

POTENTIALLY DANGEROUS DOG:

- (A) When unprovoked, inflicts bites on a human or domestic animal on public or private property;
- (B) When unprovoked, chases or approaches a person upon the streets, sidewalks, or any public property in an apparent attitude of attack; or
- (C) Has a known propensity, tendency or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.

PUBLIC NUISANCE ANIMAL means any animal to which any of the following conditions apply:

- (A) Animals that are dangerous animals;
- (B) Animals that cause unsanitary conditions of enclosures or surroundings;
- (C) Dogs that bark excessively or make prolonged and disturbing noises interfering with the peace and quietude of the neighboring property. This excessive barking or prolonged and disturbing noise must be audible off of the owner or caretaker's premises;
- (D) Animals that have been determine to be strays;

STRAY (used as a noun) means any unidentified and unattended animal which appears to not have an owner.

(Prior Code, § 310.06; Ord. 2014-10, 10/7/14; Ord. 2015-03, 5/29/15)

§ 90.01 PROHIBITION AGAINST DOGS RUNNING AT LARGE.

It shall be unlawful for the dog of any person who owns, harbors, or keeps a dog, to run at large. A person, who owns, harbors, or keeps a dog which runs at large shall be guilty of a misdemeanor. Dogs 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 Prohibited."

(Ord. 2015-03, 5/29/15)

§ 90.02 NUISANCE PROHIBITED.

- (A) It shall be unlawful for an owner of any animal to allow any actions by such animal as noted under the definition of Public Nuisance Animal.
- (B) No owner shall permit his or her animal to damage or foul any lawn, garden or other groomed and maintained property. An owner shall have the responsibility of cleaning up any feces of the animal from the aforementioned areas and to dispose of such feces in a sanitary manner.
- (C) The City's designated law enforcement agency shall make every reasonable effort to notify the owner or caretaker before taking and impounding any animal which is not being kept, confined, restrained, or meets the definition of Public Nuisance Animal.

(Ord. 2014-10, 10/7/14; Ord. 2015-03, 5/29/15)

§ 90.03 CONFINEMENT.

Any dog suspected of rabies may be seized on the premises of the owner or elsewhere and be confined in a veterinary hospital for a period of at least 10 days at the expense of the owner and at the direction of the law enforcement agent; and any dog that has bitten any person may be seized on the premises of the owner, or elsewhere and be confined in a veterinary hospital for a period of at least 10 days at the expense of the owner and at the discretion of the law enforcement agent; any dog may be released at the end of the 10-day period if healthy and free from symptoms of rabies and by the payment of costs by the owner. If the owner of the dog applies in writing, he or she may, under circumstances where proper facilities are available, obtain permission from the city to impound the dog at his or her home. It shall be the responsibility of any person or persons bitten by a dog, wherein the bite requires the services of a physician, to report the incident to the city.

(Prior Code, § 310.03; Ord. 2015-03, 5/29/15)

§ 90.04 AUTHORITY TO IMPOUND.

- (A) Any dog found in violation of this chapter may be taken up by a law enforcement officer and impounded in an animal shelter and there confined in a humane manner for a period of not less than 5 regular business days exclusive of Saturdays, Sundays and holidays if not claimed thereto by its owner, may be disposed of in a manner or placed in the custody of some other suitable person, or disposed of in accordance with M.S. § 35.71, as it may be amended from time to time.

(B) Immediately upon the impounding of an animal, the police shall make every reasonable effort to notify the owner or harbinger of such impoundment, and of the conditions whereby the owner or harbinger may regain custody of the animal. The police shall immediately confirm verbal notice in writing.

(Prior Code, § 310.04; Ord. 2015-03, 5/29/15)

§ 90.05 WILD OR EXOTIC ANIMALS.

No person shall stable, keep or permit any wild, undomesticated or exotic animal to remain within the city limits.

(Prior Code, § 310.05)

§ 90.07 DISEASED OR VICIOUS ANIMALS.

No person shall bring into the city or have in his or her possession for sale or otherwise, any animal which is vicious, or wild by nature, or is diseased and is not under the care or treatment of a licensed veterinarian. A *DISEASED ANIMAL* is any animal which has or is suspected of having rabies, distemper, pan leucopenia, glanders, farci, tuberculosis, sleeping sickness or any other disease that is dangerous or communicable to humans or animals.

(Prior Code, § 310.07)

§ 90.10 EXCEPTIONS.

This section shall not apply to animals which are temporarily brought into the city for the purposes of participating in any circus or show; nor does it apply to any public zoo, or persons keeping animals for a public zoo as volunteers; nor to any bona fide research institution or veterinary hospital; nor to any animal humane society or animal shelter; nor to any public or private school or university; providing protective devices adequate to prevent the animals from escaping or injuring the public shall be provided.

(Prior Code, § 310.08)

(Ord. 2015-03, 5/29/15)

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