

# ORDINANCE NO. 54

## ANIMALS

AN ORDINANCE REPEALING NO. 2 (An Ordinance Licensing and Regulating the Keeping of Dogs)

### GENERAL PROVISIONS

Definitions.

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

**Animal:** Any mammal, reptile, amphibian, fish, bird (including all fowl and poultry) or other member commonly accepted as a part of the animal kingdom, except homo sapiens. **Animals** shall be classified as follows:

1. **Domestic Animals:** means those animals commonly accepted as a domesticated household pet. 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.
2. **Non-Domestic Animals** or **Wild Animals:** means those animals commonly considered to be naturally wild and not trained or domesticated, or which are commonly considered due to size, wild nature or other characteristics to be inherently dangerous to the health, safety, and welfare of people. Unless otherwise defined, such animals shall include:
  - a. Any member of the large cat family (family Felidae) including but not limited to 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 but not limited to wolves, foxes, coyotes, dingoes, and jackals, but excluding commonly accepted domesticated dogs.
  - c. Any crossbreeds such as the crossbreed between a wolf and a dog, unless the crossbreed is commonly accepted as a domesticated house pet.
  - d. Any member or relative of the rodent family including but not limited to any skunk (whether or not de-scented) raccoon, squirrel, or ferret, but excluding those members otherwise defined or commonly accepted as domesticated pets.
  - e. Any poisonous, venomous, constricting, or inherently dangerous member of the reptile or amphibian families including but not limited to rattlesnakes, boa constrictors, pit vipers, crocodiles and alligators.
  - f. Any animal the keeping of which is licensed or prohibited by state or federal law.
  - g. Any other animal which is not explicitly listed above but which can be reasonably defined by the terms of this section, including, but not limited to bears, deer, weasels, badgers, monkeys, apes, bison and game fish.
3. **Other Animals:** means those animals commonly associated with a farm or performing work in an agricultural setting. Unless otherwise defined, such animals include, but are not limited to, members of the equestrian family (horses, mules, llamas, alpacas), bovine family (cows, bulls), sheep, poultry (chickens, turkeys), fowl (ducks, geese, turkeys, ostriches, emus), swine (including Vietnamese potbellied pigs), goats, and other animals associated with a farm, ranch, or stable.

**General Prohibition:** It shall be unlawful for any person to keep or harbor any cattle, sheep, goats, swine, members of the equestrian family (horses, ponies, etc.) or poultry within the city limits, except as may be permitted according to the following requirements:

1. A one-time permit may be issued to occupants which allow domestic poultry keeping on single residential dwelling properties.
2. The permit shall run with the applicant for a specified property and shall expire upon discontinuance of the use. Changes in permit applicant on the same property, or the same applicant on a different property, shall require the issuance of a new permit.
3. All animals and confinement areas(s) shall be maintained in a healthy and sanitary condition.
4. The confinement area define shall contain no greater than 10 poultry.
5. The confinement area is required to meet twice the required side and rear yard zoning setback requirements for accessory structures as described in the Zoning Ordinance #36.
6. Poultry shall be confined in an appropriate structure and fenced run area.
7. The confinement structure and fenced run area shall not be located between a principal structure and any residential street, with the exception of a platted alley.
8. The confinement structure shall contain a roof and finished exterior walls consisting of year-round weather materials.
9. The confinement area shall not consist of any type of vehicle or equipment, whether or not operative.
10. The poultry owner shall prevent animal noise coming from occurring on the property which is audible from adjacent or nearby properties. **Roosters are hereby prohibited.**
11. Poultry odors shall not be detectible on adjacent or nearby properties.
12. The poultry owner shall prevent conditions which constitute a public nuisance.

**Animals at Large:** No person shall permit any horse, mule, donkey, or pony of which he or she is the owner, caretaker, or custodian to be at large when it is off the premises owned or rented by the owner and not under his or her individual restraint.

**Non-Domestic or Exotic Animals:** It is unlawful for any person to keep, maintain or harbor animals as theretofore described.

**Animal Control Authority:** An agency of the state, county, municipality, or other governmental subdivision of the state which is responsible for animal control operations within its jurisdiction. The Hubbard County Sheriff's Department shall be designated as the animal control authority for the City of Nevis.

**At Large:** Off the premises of the owner and not under the control of the owner or a member of his or her immediate family, either by leash or otherwise.

**Cat:** All cats over 4 months of age. **Cat** means any male or females of the feline species, commonly accepted as domesticated household pets.

**Feral Cat:** A feral cat is a descendant of a domesticated cat that has returned to the wild a stray cat which is a pet that has been abandoned or lost and is free roaming.

**Dangerous Dog:** Shall have the meaning given it in M.S. 347.50 Subd. 2 and 3.

"Dangerous dog" means any dog that has:

Subd. 2 **Dangerous Dog.**

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.

"Potentially dangerous dog" means any dog that:

**Subd. 3. Potentially dangerous dog.**

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 of humans or domestic animals.

**Dog:** All dogs over 4 months of age. **Dog** means any male or female of the canine species, commonly accepted as domesticated household pets.

**Great Bodily Harm:** Shall have the meaning given it in M.S. 609.02, Subd. 8. "Great bodily harm" means bodily injury which creates a high probability of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily harm.

**Non-Domestic or Exotic Animal:** Any wild animal, reptile, or fowl which is not naturally tame or gentle but is of a wild disposition or which, because of its size, vicious nature or other characteristics would constitute a danger to human health, safety or property.

**Owner:** Any person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having care, custody, or control of a dog or cat.

**Person:** Any individual, partnership, corporation, firm, organization, department or group, however organized.

**Proper Enclosure:** Shall have the meaning given it in M.S. 347.50, Subd. 4. Proper enclosure.

"Proper enclosure" means securely confined indoors or in a securely enclosed and locked pen or structure suitable to prevent the animal 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.

**Restrain:** The animal is on the premises of the person harboring or keeping the animal or that the animal is effectively restrained by a leash, chain, or electronic control device is within 10 feet of the person having custody of it and is obedient to the command of that person.

**Substantial Bodily Harm:** Shall have the meaning given it in M.S. 609.02, Subd. 7(a). "Substantial bodily harm" means bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily member or organ, or which causes a fracture of any bodily member.

## **DOGS AND CATS**

**Registration and Licensing Requirements:** Every person who owns a dog or cat shall cause the animal to be registered and licensed as hereafter provided.

**License Tag and Fees:** All dogs and cats kept in this city shall be registered in the office of the City Clerk. The owner shall obtain a license and a tag for each animal and pay for a fee as the City Council may, by ordinance, adopt. The tag should be attached to the collar of the animal. If the tag is lost or stolen, the owner shall receive a duplicate license and tag upon payment to the City Clerk, a fee, as provided. The animal tags are not transferable and no refunds shall be made on any license because of leaving the city before expiration of the license period.

**Rabies and Distemper Inoculation:** No license shall be issued for a dog or a cat unless the owner shall show written evidence that the animal has been inoculated for the prevention of rabies and distemper within the past 2 years.

**Terms of License:** The license period shall be for the whole or unexpired portion of the year ending on the ensuing March 31.

**New Residents in the City:** Any person who moves into and becomes a resident of the city and who owns a dog or cat within the city shall cause the same to be registered and licensed as provided herein within a period of not more than 30 days after becoming a resident of the city.

**Running at Large:**

1. Dogs and cats which run at large will be trapped and transported by the animal control authority.

**Dog and Cat Nuisances:**

1. It shall be unlawful for any owner to fail to exercise proper care and control of his or her animal to prevent them from becoming a public nuisance.
2. It shall be considered a nuisance for any animal to bark or cry excessively; to molest, annoy, or bite any person if the person is not on the property of the owner or custodian of the animal; or to damage, defile, or destroy public or private property.
3. Failure of the owner or custodian of a dog or cat to prevent the animal from committing a nuisance is a violation of the chapter.

**Confinement of Certain Animals:** Every dog or cat in heat shall be confined in a building or other secure enclosure, in a manner that it cannot come into contact with another dog or cat except for planned breeding.

**Impoundment and Redemption Procedures:** The city will abide by rules and regulations set up by the animal control authority.

**HUMANE TREATMENT**

**Improper Care:** It shall be unlawful for any owner to fail to provide animals with sufficient good and wholesome food and water, proper shelter and protection from weather, veterinary care when needed to prevent suffering, and with humane care and treatment.

**Cruelty To Animals:** It shall be unlawful for any owner to beat, cruelly ill-treat, torment, or otherwise abuse any animal.

**Diseased Animals:**

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 any persons in the city.
2. Confinement: Any animal reasonably suspected of being diseased and presenting a threat to the health and safety of the public, may be apprehended, seized, and confined in an impound facility by the animal control authority. The animal control authority 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 public, the animal control authority shall cause such animal to be killed and shall properly dispose of the remains. The owner of the animal killed under this section shall be liable to the city for the cost of maintaining, destroying and disposing of the animal, plus the costs of any veterinarian examinations and those from any impound facility, as applicable.
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 as provided in this chapter.

**Declaration/Designation of Dangerous or Potentially Dangerous Dog:** The provisions of M.S. 347.50 through 347.565 (commonly referred to as the "Dangerous Dog Regulations") are hereby adopted and incorporated herein by reference, as the same may be amended from time to time, and must be adhered to in all respects, except as otherwise explicitly provided in this section. The animal control authority may declare a dog to be dangerous or potentially dangerous when the animal control authority has probable cause to believe that a dog is dangerous or potentially dangerous as those terms

are defined in this chapter. In addition to those factors defining dangerous or potentially dangerous dog, the following factors may be considered in determining whether to designate a dangerous or potentially dangerous dog.

1. This declaration will be enforced through the Law Enforcement authority.

**Enforcement:** The animal control authority shall enforce the provisions of this chapter and any other applicable laws, statutes, or rules, pertaining to the protection of animals and persons. It shall also constitute a violation of this chapter for any person, within the city, to violate a statute or rule of the State of Minnesota dealing with the care, keeping, or treatment of animals. Any police officer or such other animal control authority as designated by the City Council, having reasonable cause to believe that a person has or is violating a provision of this chapter or the conditions, limitations, restrictions or prohibitions of any permit or license the city issues under this chapter, may apply to the appropriate authority as prescribed by law for a warrant empowering the police officer or animal control officer to enter the dwelling or residence of the owner or keeper of any animal for the purpose of investigating the same and to demand the owner's or keeper's presentation of the animal to the police officer or animal control authority.

**Interference with Animal Control Authority Prohibited:**

1. No person shall in any manner molest, hinder, or interfere with any person authorized by the City Council or animal control authority to capture and seize dogs, cats, or other animals and convey them to an impound facility while such person is engaged in their official capacity of animal care and control duties, operation, and functions on behalf of the city. Nor shall any unauthorized person break open an impound facility, or attempt to do so, or take or attempt to take from any agent thereof any animal taken up by him or her in compliance with this chapter, or in any other manner interfere with or hinder such person or animal control authority in the discharge of his or her duties under this chapter.
2. A violation of any section of this city ordinance is a misdemeanor. 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.

**Penalty:**

1. Any person violating any provisions of this chapter or the provisions of M.S. 374.51, 347.515, or 347.52 shall be guilty of a misdemeanor.
2. It is a misdemeanor to remove a microchip from a dangerous or potentially dangerous dog, to fail to renew the registration of a dangerous dog, to fail to account for a sign a false affidavit with respect to a dangerous dog's death or removal from the jurisdiction, or to fail to disclose ownership of a dangerous dog to a property owner from whom the person rents property.
3. 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. A person who is convicted of a second or subsequent violation of division (1) or (2) above is guilty of a gross misdemeanor.

Ordinance NO. 54 has been voted on and approved this 12<sup>th</sup> day of August, 2021 by the Nevis City Council.

Yes: Jeanne Thompson, Teresa Leshovsky, Katie Rittgers

No:

Absent: Sue Gray

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Mayor, Jeanne Thompson

ATTEST:

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Dawn Veit, City Administrator

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