

Chapter 14.01

Animals

Section 1. 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. **ANIMALS** shall be classified as follows:

(1) **DOMESTIC.** Those animals commonly accepted as domesticated household pets. Unless otherwise defined, such animals shall include dogs, cats, caged birds (not including pigeons, chickens, geese, turkeys or other domestic fowl), gerbils, hamsters, guinea pigs, domesticated rabbits, tropical fish, non-poisonous, non-venomous and non-constricting reptiles or amphibians (contained within a terrarium).

(2) **NON-DOMESTIC.** 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:

(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 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 any skunk (whether or not de-scented), raccoon, 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 or 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.

(3) **FARM.** 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 stables. This also includes Cervidae, Ratitae and Llama animal groups as defined by Minnesota state statute. (These animals include, but are not limited to elks, ostriches, emus, rheas and llamas and under state law all are considered to be livestock and raised for agricultural pursuits).

AT LARGE. 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. An unattended dog on the property of another without the consent of such property owner is at large and not under restraint even though it is on a leash.

CAT. Both the male and female of the felidae species commonly accepted as domesticated household pets.

DOG. Both the male and female of the canine species commonly accepted as domesticated household pets, and other domesticated animals of a dog kind.

KENNEL. Any place where more than three dogs and/or cats over six months of age are kept and/or where the business of raising, selling, boarding, breeding, showing, or grooming of dogs or other animals is conducted.

OWNER. Any person or persons, firm, association or corporation owning, keeping, or harboring an animal.

UNDER RESTRAINT. Any dog that is controlled by a leash not exceeding six feet in length, or at heel beside a competent person having custody of it and obedient to their commands, or within a vehicle being driven or parked on a public street within the property limits of its owner's premises.

VACCINATION CERTIFICATE. A document dated and signed by a licensed veterinarian stating the brand of vaccine used, manufacturer's serial number of the vaccine used and describing the animal, age and breed, owner and vaccination tag number indicating that the animal has been immunized against rabies.

VETERINARY CLINIC. Any establishment maintained and operated by a Minnesota licensed veterinarian for surgery, diagnosis and treatment of diseases and injuries of animals.

Section 2. Running at Large Prohibited. The running at large of all dogs, cats, and other animals within the City of Howard Lake is hereby declared to be a nuisance and hereby prohibited, and no person owning or harboring a dog, cat, or other animal shall permit the same to run at large in the city, contrary to the provisions hereof. Dogs or cats on a leash and accompanied by a responsible person, shall be permitted in streets or on public land unless the city has posted a signage in an area prohibiting such animals. All dogs in public places shall remain under restraint at all times.

Section 3. Animal Nuisances. The owner or custodian of any dog, cat, or other animal shall prevent the animal from committing in the city any act which constitutes a nuisance. Failure of the owner or custodian of a dog to prevent the dog from committing such a nuisance is a violation of this ordinance.

A. Animal Noise. It is a nuisance for an animal to make noise in violation of Chapter 6.02, Section 3 of the Howard Lake City Code.

B. Damage to Property. It shall be unlawful for any owner to permit the owner's dog or other animal to damage, defile, or destroy public or private property. Failure of the owner or custodian of the animal to prevent the animal from committing such a nuisance is a violation of this ordinance.

- C. **Animal Waste.** It is unlawful for any person who owns or has custody of a dog, cat, or other animal to cause or permit such animal to defecate on any private property without the consent of the property owner or on any public property, unless such person immediately removes the excrement and places it in a proper receptacle. The owner of any dog or any person having the custody or control of any dog shall be responsible for cleaning up any feces of the animal and disposing of such feces in a sanitary manner.
- D. **Other Nuisances.** It is unlawful to allow for any dog, cat, or other animal to chase vehicles or to molest or annoy any person away from the property.
- E. **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 person, even though the animal be properly licensed under this chapter.
 - 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 officer. The officer shall have a licensed 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 a time to cover the cost of disposing of the animal, and a per day maintenance charge and the costs of any veterinarian examinations. The amount of the fine and charges shall be as set by City in the Fee Schedule.
 - 3. **Release.** If the animal, upon examination, is not found to be diseased and is required to be currently licensed with the City, the animal shall be released to the owner or keeper. If the animal is a dog and is unlicensed, payment of a regular license fee and a valid certificate of rabies vaccination are required. If the owner is unable to obtain a license from the city due to the dog needing a current rabies vaccination, the owner shall agree in writing to vaccinate and license the dog with the city within a two-week period of the date the dog was reclaimed from the pound.

Section 4. Dog & Cat Licenses

- A. **License Required.** No owner shall keep or harbor any dog or cat within the city limits of Howard Lake, Minnesota, after that dog or cat has reached six months of age, unless a license therefore has been secured. Licenses shall be issued by the City Clerk in the amount established by the City's Fee Schedule. Licenses shall be issued on an annual basis, expiring on December 31 following the first effective day of the license.
- B. **Date of Payment.** It shall be the duty of each owner of a dog to pay the license fee to the City Clerk on or before the last day of December in each year for the following year, or upon

acquiring ownership or possession of any unlicensed dog or cat or upon establishing residence in the City.

- C. Receipts and Tags. Upon payment of the license fee, the clerk shall execute a receipt in duplicate. He shall deliver the original receipt to the person who pays the fee, retaining the duplicate. The clerk shall also procure a sufficient number of suitable tags and shall deliver one appropriate tag to the owner when the fee is paid.
- D. Affixing Tags. The owner shall cause said tag to be affixed by a permanent metal fastening to the collar of the dog or cat so licensed in such a manner that the tag may easily be seen by the officers of the city. The owner shall see that the tag is constantly worn by such dog.
- E. Diseased or Vicious Animals. No person shall keep or suffer to be kept on his premises or on premises occupied by him or permit or suffer to run at large within the city, any diseased dog or cat or any dog of a known ferocious or vicious character, habit or disposition. It shall be lawful for the dog catcher or any police officer to kill or destroy any such animal if found at large within the city. No licenses shall be issued for such dogs or cats.
- F. Vaccination. It is unlawful for any person to keep, harbor or maintain any dog over the age of six months unless that dog has a current rabies vaccination. Each dog license application must be accompanied by a rabies vaccination certificate from a licensed veterinarian. The dog must maintain a current rabies vaccination for the duration of the license.

Section 5. Kennel License. No person may operate a kennel in the city without first obtaining a kennel license as provided in this section. Application for the license shall be made to the City Clerk and shall expire on December 31, of each year. The City Council may impose conditions upon the granting of any kennel license.

- A. License Required. No person shall operate a kennel in the City without first obtaining a license and demonstrating compliance with the City's Zoning Ordinance.
- B. Application For License; Fee. Application for such license shall be made to the City Clerk and shall be accompanied by the fee as established in the City's Fee Schedule.
- C. Annual Licenses; Expiration; Fee. Kennel licenses shall be issued on an annual basis, expiring on December 31 following the first effective day of the kennel license. The kennel license fee shall be the amount per year as established in the City's Fee Schedule.
- D. Number Of Animals. No person shall own, harbor, or keep upon his premises more than three (3) dogs and/or cats and up to six total domestic animals (not including tropical fish) total over the age of six (6) months unless in a kennel duly licensed under this section. The maximum number of dogs permitted in a kennel shall be reflective of the ability to function adequately and provide a safe and clean environment. In no case, shall a site be allowed to have more than thirty (30) dogs.
- E. Kennel License. Any kennel license shall specify any restrictions, limitations, conditions or

prohibitions which the City deems reasonably necessary to protect any person or neighboring use from unsanitary conditions, unreasonable noise or odors, or annoyance, or to protect the public health or safety, including the health and safety of the animals to be housed in the kennel. Such a license may be modified from time to time or revoked by the animal control authority or the City Council for failure to conform to such restrictions, limitations, conditions, or prohibitions. Such modification or revocation shall be effective after ten (10) days following the mailing of written notice thereof by first class mail to the person or persons keeping or maintaining such dogs.

F. Sanitary Premises. Kennels shall be kept in a clean and healthful condition at all times and shall be open for inspection by duly authorized City authorities at any reasonable time. A commercial kennel license may be revoked by the City Council by reason of the violation of this chapter or any health or nuisance order, laws, or regulations.

G. Zoning Regulations. Kennel licenses may only be granted for properties where kennels are permitted by Zoning pursuant to Chapter 22 of the City Zoning Ordinance.

Section 6. Non-Domestic Animals. It shall be illegal for any person or business 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 30 days in which to remove the animal from the city after which time the city may impound the animal as provided for in this chapter.

Section 7. Farm Animals.

A. Farm animals are prohibited in the City except as may be allowed by the City's Zoning Ordinance Chapter 22.

B. Chicken License. Any person keeping chickens as an accessory use to a single family residence pursuant to Section 22-6-D of the Zoning Ordinance shall receive a license from the City.

1. License Required. No owner shall keep chickens on any property in the City without first receiving a license and demonstrating compliance with Section 22-6-D of the Zoning Ordinance. Licenses shall be issued by the City Clerk in the amount established by the City's Fee Schedule. Licenses shall be issued on an annual basis, expiring on December 31 following the first effective day of the license.
2. Date of Payment. It shall be the duty of each owner keeping chickens to pay the license fee to the City Clerk on or before the last day of December in each year for the following year, or upon acquiring chickens and/or upon establishing residence in the City with chickens.
3. Termination of License. Any property owner who has had three notice of violations of any ordinance related to the keeping of chickens shall have their license terminated and be ineligible for any future license for the keeping of chickens in the City.
4. Number of Chickens. For the purposes of 14.01-5-D, the number of chickens of any

age kept on the property shall count towards the total number of domestic animals permitted, with each chicken counting as one-half animal.

Section 8. Dangerous Animals. Adoption by reference. M.S. §§ 343.40, 346.57, 347.50, 347.51, 347.52, 347.53, 347.54, 347.55, 347.56 and 347.515, as they may be amended from time to time, as they pertain to domestic animals, are adopted by reference and are as much part of this code as if fully set forth herein. Any violation of the statutes herein adopted by reference is a violation of this code. If an animal is diseased, vicious, dangerous, rabid or exposed to rabies and the animal cannot be impounded after a reasonable effort or cannot be impounded without serious risk to persons attempting to impound it, or if an animal has made more than one attack on a person or persons, the animal may be immediately killed by or under direction of an officer authorized to enforce the provisions of this section.

Section 9. Impounding.

- A. Running at large. Any designee of the it's law enforcement agency, representative, or contractor of the City may impound any dog found unlicensed or any dog or other animal found running at large and the City shall give notice of the impounding to the owner of such dog or other animal, if known. In case the owner is unknown, the impounding person shall post a notice at the City Hall that if the dog or other animal is not claimed within five regular business days of the posting of the notice, it will be sold or otherwise disposed of according to State Statute §35.71.
- B. Animal bites and quarantine. Whenever any animal shall have bitten a person or there is a good reason to believe that such animal has bitten a person, this incident should be reported within 24 hours to the city's law enforcement agency and thereafter the owner of such animal shall comply with the instructions of the department concerning the animal. An animal which bites a person shall be quarantined for ten days, if ordered by the law enforcing agent or health authority. During such quarantine, the animal shall be securely confined and kept from contact with any other animal. The quarantine may be on the premises of the owner if approved by the enforcing agent. If the enforcing agent requires other confinement, the owner shall place the animal in a veterinary hospital at the owner's expense.
- C. Reclaiming. A known owner will be notified and shall have six (6) days to claim the dog. An unknown owner will also have six (6) days to claim their dog. If the dog is unclaimed after six days, the dog shall be disposed of. 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:
 - 1. Payment of the impound fee in the amount determined by the City's Fee Schedule. Impound fees shall be payable at the Howard Lake City Hall. The receipt for payment of all fees will be required to be presented before the dog will be released.;
 - 2. Payment of maintenance costs, as provided by the pound, per day or any part of day while animal is in the pound; and
 - 3. If a dog is unlicensed, payment of a regular license fee and a valid certificate of vaccination for rabies is required. If the owner is unable to obtain a license from the city due to the dog needing a current rabies vaccination, the owner shall agree in writing to vaccinate and license the dog with the city within a two-week period of the date the dog was reclaimed from the pound.
- D. Unclaimed animals. At the expiration of five regular business days from the time any animal

is impounded, if the animal has not been reclaimed in accordance with the provisions of this section, the representative appointed to enforce this chapter may let any person claim the animal by complying with all provisions set forth in this section.

- E. Abandonment. Any animal left at the pound or animal shelter by the owner, keeper, or caretaker beyond five working days after being notified as required by §90.15 (A), shall be deemed abandoned and may be disposed of according to §90.15 (D). If known, the owner shall be liable for payment of all fees and expenses incurred by the city for the care and/or disposal of the animal.

Section 10. Interference with Officers. No person shall in any manner molest, hinder, or interfere with any person authorized by the City Council to capture dogs or other animals and convey them to the pound while such person is performing his or her official duties. Nor shall any unauthorized person attempt to take from any agent any animal taken up by him or her in compliance with this Chapter, or in any other manner to interfere with or hinder such officer in the discharge of his duties under this Chapter.

Section 11. Penalties. Any person convicted of violating any provision of this ordinance shall be guilty of a misdemeanor.