

CHAPTER VI

ANIMALS

(Repealed, Ord. 2010-03)

Added, Ord. 2010-03)

Section 600. PURPOSE. It is the intent of this chapter to establish regulations which will allow the keeping of animals within the city in a safe, clean, and healthy manner. The city recognizes that certain types of animals require regulations and standards to ensure that the health, safety, and welfare of the public is protected and to promote the compatibility of land uses as it relates to the keeping of animals.

Section 600:05. DEFINITIONS. The following words, terms, and phrases, when used in this chapter, shall be the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animals, domestic means animals commonly kept as domesticated pets.

Animals, nondomestic means any animal, mammal, amphibian, or reptile, which is of a species which is wild by nature or of a species which due to size, vicious nature or other characteristics is inherently dangerous to human beings.

At large means the domestic or nondomestic animal is off the property of the person owning, harboring, or keeping such animal, and the animal is not under restraint of such person, or some other person designated by them.

Authorized city personnel means the chief of police, their designees, animal control officer, and other personnel assisting in the enforcement of this chapter.

Chicken means a domestic fowl (*Gallus domesticus*).

Dangerous animal means an animal that constitutes a physical threat to human beings or domestic animals.

Dog means all dogs over six months of age.

License year means the period from January 1 until the following December 31.

Owner means any person owning, keeping, harboring, possessing, having an interest in, or acting as custodian or caretaker of a domesticated or non-domesticated animal, or the parents or guardians of a person under 18 years of age who owns, harbors, or has custody of a domestic or nondomestic animal.

Premises means a building, structure, shelter, or land where a dog or other domesticated or non-domesticated animal is kept or confined, and specifically excludes all public rights-of-way, sidewalks and streets.

Under restraint means, in regard to an animal that the animal is:

- (1) On the premises of the person owning, keeping, harboring, or maintaining the animal;
- (2) Is within a private motor vehicle of a person owning, harboring or keeping the animal; or
- (3) Is controlled by a leash not exceeding six feet in length.

Section 600:10. ENFORCEMENT. The provisions of this chapter will be enforced by authorized city personnel, with the assistance of other personnel when appropriate.

Section 600:15. RIGHT OF ENTRY. Authorized city personnel have the right to enter upon a premise at reasonable times for the purpose of discharging their duties imposed by this chapter when there is reasonable belief that a violation of this chapter has been committed.

Section 600:20. PENALTY. A violation of this chapter is considered a misdemeanor. *(Amended, Ord. 2018-04)*

Subd. 1. Leash. All dogs, when appearing on streets or public sidewalks, shall be leashed and under restraint.

Subd. 2. Identification. All dogs shall wear a collar or harness, to which shall be affixed an identification tag bearing the name and address of the owner or the identifying phone number. A rabies vaccination tag shall be affixed to the collar or harness of every dog for which rabies vaccination is required.

Subd. 3. Vaccination. Every dog over the age of six months is required to have a vaccination against rabies, which vaccination shall be renewed not less frequently than every two years. All rabies vaccinations shall be of the modified live vaccine type.

Subd. 4. Running at Large. No owner will permit any animal regulated under this chapter to run at large within the city.

Subd. 5. Waste. No owner shall allow a dog to leave deposits of bodily wastes on public property or property of others.

Subd. 6. Nuisance. No person, shall own, keep or harbor any dog which by loud, frequent or persistent barking, yowling or yelping unreasonably disturbs or annoys any person.

Subd. 7. Confinement. All unsprayed female dogs shall be confined indoors when in season (heat).

Subd. 8. Abandonment. It shall be unlawful for any person, firm or corporation to abandon any dog within the city.

Section 600:30. DOG IMPOUND AND DISPOSITION.

Subd. 1. Dog Pound and Impoundment. The city may designate a pound for the confinement of dogs within or without the city limits, and may designate a poundmaster and prescribe his duties. The police officers of the city, or other authorized city personnel, may take up and impound any dog found to be in violation of any provision of sections 600:25 – 600:35. The impounding officer shall notify the owner that the dog has been impounded, provided identification is possible.

The pound keeper shall keep an accurate account of all dogs impounded and of all dogs released or disposed. Any dog impounded shall be kept at the pound for at least five days unless reclaimed sooner by the owner. The owner may reclaim a dog by paying an impounding fee to the police department.

Subd. 2. Disposition of Unclaimed Dogs. Any dog which is not redeemed by the owner may be put up for adoption. The money shall be paid to the police department. If not adopted, the dog will be euthanized. The pound keeper will notify the police department of any dog being euthanized.

Any dog which is not claimed by the owner, or adopted, may be euthanized and may be disposed of in a sanitary manner by the pound master after the impounding period of five days.

Subd. 3. Summary Disposition of Dogs with Rabies. Upon a finding by a police officer or other authorized city personnel of probable cause to believe that a dog has rabies, such dog may be taken upon the premises of the owner, or elsewhere, and be confined for a period of at least ten days, at the expense of the city if the dog does not have rabies, otherwise at the expense of the owner. Any dog that has bitten any person may be taken up on the premises of the owner, or elsewhere, and be confined for a period of at least ten days at the expense of the owner; and such dog may be released at the end of the ten day period if healthy and free from symptoms of rabies, and by the payment of costs by the owner. It shall be the responsibility of any person bitten by a dog to report such incident to the police department.

Subd. 4. Interference with Authorized City Personnel. It shall be unlawful for any unauthorized person to break open the pound, or attempt to do so, or to take or let out any dogs therefrom, or to take, or attempt to take, from any authorized person any dog taken up by him in compliance with this section, or in any matter to interfere with or hinder any such authorized person in the discharge of his duties under this section.

Section 600:35. DANGEROUS AND POTENTIALLY DANGEROUS DOGS.

Subd. 1. Incorporation of State Statute. The provisions of Minnesota Statutes, sections 347.50 to 347.54 are incorporated herein by reference.

Subd. 2. Determination of Potentially Dangerous Dog. The authorized city personnel shall determine that a dog is potentially dangerous if they believe, based upon professional judgment, that a dog:

- (a) has, when unprovoked, inflicted bites on a human or a domestic animal on public or private property;
- (b) has, when unprovoked, chased or approached 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
- (c) has a known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.

Subd. 3. Notice of Potentially Dangerous Dog; Right to Appeal. Upon a determination by the authorized city personnel that a dog is potentially dangerous, the police department shall provide the owner with notice of the determination by personally serving the owner or a person of suitable age at the residence of such owner. The notice shall describe the dog deemed to be potentially dangerous, shall identify the authorized city personnel making the determination, shall inform the owner of the owner's right to appeal, and shall inform the owner of the obligations imposed by subdivision 4 of this subsection.

Subd. 4. Regulation of Potentially Dangerous Dogs. The owner of a potentially dangerous dog shall confine the dog in a proper enclosure while on the owner's property. If the dog is outside the proper enclosure, the dog must be muzzled and restrained by a leash no longer than four feet in length and under the physical restraint of a responsible person. In addition, the owner of a potentially dangerous dog must post on the owner's property and on the dog's kennel and proper enclosure a sign warning persons of the presence of a potentially dangerous dog. The sign shall be no smaller than 12 inches by 14 inches and shall read: "Beware of Dangerous Dog" in letters at least two inches in height. The owner has the right to appeal the decision to the city council.

Subd. 5. Determination of Dangerous Dog. The authorized city personnel shall determine that a dog is a dangerous dog if they believe, based upon professional judgment that a dog:

- (a) has, without provocation, inflicted substantial bodily harm on a human being on public or private property;
- (b) has killed a domestic animal without provocation while off the owner's property; or
- (c) has 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.

Subd. 6. Exemption. Dogs may not be declared dangerous if the threat, injury, or damage was sustained by a person:

- (a) who was committing, at the time, a willful trespass or other tort upon the premises occupied by the owner of the dog;

- (b) who was provoking, tormenting, abusing, or assaulting the dog or who can be shown to have repeatedly, in the past, provoked, tormented, abused, or assaulted the dog; or
- (c) who was committing or attempting to commit a crime.

Subd. 7. Notice of Dangerous Dog. Upon a determination by the authorized city personnel that a dog is dangerous, the police department shall provide a notice to the owner of the dog by personally serving the owner or a person of suitable age at the residence of such owner. The notice shall describe the dog deemed to be dangerous, shall identify the officer making the determination, shall inform the owner of the owner's right to appeal within ten days after receipt of the notice, and shall inform the owner of the obligations imposed by Minnesota Statutes, section 347.50 to 347.54 and by this subsection. Immediately upon receipt of the notice the owner shall comply with all requirements imposed under subdivision 4 of this section.

Subd. 8. Appeal of Determination. An owner may appeal a determination that a dog is potentially dangerous or dangerous by filing a written request for a hearing to the city clerk within ten days of the owner's receipt of the notice. If no timely appeal is filed, the owner of a potentially dangerous dog shall comply with the requirements of subdivision 4 of this subsection, and the owner of a dangerous dog shall comply with the requirements set forth in Minnesota Statutes, sections 347.50 to 347.54, including but not limited to the registration of the dangerous dog with the county auditor. If an owner files a timely appeal, a hearing shall be held within 30 days after the city's receipt of the appeal. Pending the appeal, the owner shall comply with all of the requirements of subdivision 4 of this subsection. The city council may hear the appeal or may refer the appeal to a hearing examiner. After considering all of the evidence submitted, the city council or hearing examiner shall make written findings of fact and reach a conclusion whether the dog is a potentially dangerous or dangerous dog. The findings and conclusions shall be made within ten working days after the hearing and shall be thereafter personally served upon the owner or a person of suitable age at the residence of such owner. The decision of the city council or hearing examiner shall be the final decision of the city.

Subd. 9. Emergency. Any dog which is diseased, vicious, dangerous, rabid, or exposed to rabies and which cannot be taken up and impounded without serious risk to the person or persons attempting to take up the dog, may be killed upon order of the chief of police.

Section 600:40. LICENSING REQUIRED.

Subd. 1. Fees. Licensing is administered by the city clerk, who shall keep a record of all licenses issued. An annual licensing fee must accompany each license. Animal and chicken owners requiring licenses shall apply annually and the license will expire each December 31st following the license issuance. The fee for an animal license is \$25.00, plus expenses, or as hereafter established from time to time by city council resolution.

Subd. 2. Kennel License.

- (a) **Kennel License Procedure.** Any person owning more than three domestic animals over the age of six months on any lot or premises in the city shall obtain a kennel license as provided in this section.
- (1) **Notification.** The city clerk shall notify the occupants of each abutting property that a kennel license application has been received.
 - (2) **City Council Review and Approval.** Application for a kennel license may be granted by city council, if it finds that the use of the applicants' premises as a kennel does not have any adverse effects upon adjacent properties and does not constitute a nuisance to the neighborhood. The city council may impose conditions on the granting of a license in order to mitigate possible adverse impacts.
 - (3) **Revocation.** The city council may revoke a kennel license for any violation of this chapter or any other law relating to the keeping of animals, after a hearing as provided in this subdivision. The city clerk shall give the licensee five days written notice of the meeting at which the revocation will be considered, by mailing the notice to the licensee at the address in the application. The city council must give the licensee an opportunity to be heard at the meeting.
 - (4) **Exemption.** Animal humane societies, veterinarian offices, and retail pet stores are exempt from the provisions of this section.

Section 600:45. CHICKENS.

Subd. 1. License Requirements. Any person owning chickens defined by this chapter within the city must obtain a license as provided in this section. Each owner holding a license to keep chickens within the city shall comply with the following:

- (a) The principle use of the property where the chickens are to be kept is a single family dwelling defined as a detached single-family dwelling designed or intended for occupancy by one person or by one family;
- (b) No person shall keep more than six chickens;
- (c) No person shall keep a rooster;
- (d) No person shall keep any chickens inside the single family dwelling;
- (e) No person shall slaughter any chickens within the city;
- (f) All chickens shall be provided a secure and well ventilated roofed structure in compliance with the current zoning and building codes, and the following:

- (1) The roofed structure shall be fully enclosed, wind proof, have one square foot window to 15 square feet of floor space and have a heat source to maintain an adequate indoor temperature during extreme cold conditions.
- (2) The floors and walls of the roofed structure shall be kept in a clean, sanitary and healthy condition with all droppings and body excretions collected on a daily basis and placed in a fire-proofed covered container until applied as fertilizer, composted or transported off the premises;
- (3) Chickens shall be kept in the roofed structure or any attached fenced yard enclosure at all times:
 - (i) The fence around the yard enclosure shall be securely constructed with a mesh type material and shall have protective overhead netting to keep the chickens separated from other animals;
 - (ii) The fenced enclosure shall be well drained so there is no accumulation of moisture;
 - (iii) The ground or floor of the fenced yard enclosure must be covered with vegetation, concrete or other surface approved by the authorized city personnel, so that it can be, and is, sufficiently maintained to adequately dissipate offensive odors;
 - (iv) The floor area or combination of the floor and fenced area for keeping chickens shall not be less than ten square feet of floor area per animal;
 - (v) No roofed structure or fenced yard enclosure shall be located closer than five feet to any principal building and ten feet to any side yard and/or rear yard property line;
 - (vi) The roofed structure and fenced yard enclosure is prohibited in the front yard.
- (g) Food materials that are stored outside shall be in closed containers with lids;
- (h) Chickens shall not be raised or kept for fighting. Cockfighting is prohibited;
- (i) All licensees must pass a mandatory inspection, within 30 days of obtaining chickens, by authorized city personnel, who may refuse to grant or revoke a license;

- (1) If the chickens become a nuisance, as evidenced by a third admitted or judicially determined violation of the Loretto city code within 12 months of the first of the three admitted or judicially-determined violations;
 - (2) To a person convicted of cruelty to animals under a code, ordinance or statute from this state, or a code, ordinance or statute from another state.
- (j) Each chicken license application shall be accompanied with a scaled site plan of the proposed building and fenced yard enclosure showing compliance with all applicable ordinance requirements, subject to the review and approval by the city.