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Chapter 6

Animals

Section 600 - Dogs and Cats

600.01. License Required.

Subd. 1. General. No person shall keep any dog or cat over the age of six (6) months within the City without first securing a license therefore from the Administrator. The Administrator shall keep a record of all licenses issued, and shall issue an appropriate tag for each license. The license shall be placed on the dog or cat's collar by the owner. The license tags and licenses shall not be transferrable and no refunds shall be made on any such license fee because of the owner leaving the City or death of the dog or cat before expiration of the license period.

Subd. 2. Rabies. No dog or cat license shall be issued unless the applicant presents a certificate of rabies vaccination from a licensed veterinarian certifying that the dog or cat to be licensed has a currently effective vaccination or booster shot within the preceding one (1) year, or unless the veterinarian certifies that the dog or cat cannot be vaccinated for health reasons.

Subd. 3. Number of Animals allowed. Not more than four (4) dogs or four (4) cats, or any combination of the two not to exceed four (4) total animals, may be kept in any residence or residential area (zoned R1 or R2) except in an authorized dog pound. Litters of more than four (4) dogs or four (4) cats may not be kept in a residence or residential area for more than six (6) months after birth.

600.02. License and Impoundment Fees. The annual dog or cat license fee and fee for impoundment and care of any impounded dog or cat shall be as established by resolution of the Council. The resolution when adopted shall be incorporated in this Chapter.

600.03. Definitions.

Subd. 1. Animals and Fowl. “Animals” and “Fowl” are defined as horses, sheep, cattle, goats, pigs, rabbits, mink, chickens, ducks, geese, peacocks, poultry, fowl or other farm animals, wild animals or reptiles.

Subd. 2. At Large or Running at Large. An animal that is not in a proper enclosure or on a leash under the control of the owner or keeper of the animal. Animals off the property of the owner or keeper shall be on a leash of such length or electronic animal control device that the

animal may be properly controlled so as not to cause fear or apprehension of harm to the public.

Subd. 3. Dangerous Dog. Any dog that has:

- A. Without provocation, inflicted substantial bodily harm on a human being on public or private property; or,
- B. Without provocation, killed any domestic animal while off the premises of the owner or keeper's property; or,
- C. Been found to be potentially dangerous, and after the owner or keeper has notice that the dog is potentially dangerous, the dog aggressively bites, attacks, or endangers the safety of humans or domestic animals.

Subd. 4. Domestic Pets. Any animals, birds or fish typically found in a residential setting such as dogs, cats, gerbils, hamsters, canaries and similar small song birds, parrots and similar birds of the psittaci species, gold fish or other small aquatic life kept in a bowl or aquarium, excluding animals and fowl as defined herein.

Subd. 5. Owner. Any person harboring, keeping, having an interest in, or having care, custody, or control of a dog or cat.

Subd. 6. Potentially Dangerous Dog. Any dog that:

- A. When unprovoked, inflicts bites on a human or domestic animal on public or private property;
- B. 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
- C. When unprovoked, has a known propensity, tendency, or disposition to attack, causing injury or otherwise threatening the safety of humans or domestic animals.

Subd. 7. Proper Enclosure. "Proper Enclosure" means securely confined indoors or in a securely enclosed and locked pen or structure to prevent the animal from escaping and providing protection from the elements for the dog. On unfenced private property, all animals shall be restrained on a leash to not infringe any closer than 5 feet from all property lines. 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 which door or window screens are the only obstacles that prevent a dog from exiting.

Subd. 8. Substantial Bodily Harm. "Substantial Bodily Harm" has the meaning given it

under section 609.02, subdivision 8.

Subd. 9. Provocation. “Provocation” means an act that an adult could reasonably expect may cause a dog to attack or bite.

600.04. Running at Large. The owner of any dog or cat shall not permit the dog or cat to run at large within the City.

600.05. Nuisance. No person shall keep any dog or cat that creates or causes a disturbing noise or nuisance by persistent barking, howling or odor, or exhibits vicious or dangerous propensities likely to cause injury or fear of injury in any person.

600.06. Registration of Dangerous Dogs. No person may own or keep a dangerous dog unless it is registered as provided in Minn. Stat. § 347.51. Copies of any registration documents required by the statute shall be filed with the Administrator.

600.07. Keeping of Dangerous Dogs. The owner of a dangerous dog must comply in all respects with the requirements of Minn. Stat. Sec. 347.52. In addition, the owner of a dangerous dog shall keep the dog in a proper enclosure while on the owner's property. Electronic control devices are not allowed for dogs designated as Dangerous Dogs. If the dog is outside the proper enclosure, the dog shall be muzzled and restrained by a substantial chain or leash and under the physical restraint and control of the owner.

600.08. Disposition of Seized Animals. The owner of any dog declared dangerous has the right to a hearing by an impartial hearing officer pursuant to Minn. Stat. Sec. 347.541.

600.09. Destruction of Dog in Certain Circumstances. A dog may be destroyed by the City or animal control authority having custody of a dog pursuant to Minn. Stat. Sec. 347.56.

600.10. Keeping of Potentially Dangerous Dogs. The owner of a potentially dangerous dog shall keep the dog in a proper enclosure or restrained by a substantial chain or leash while on the owner's property. Electronic control devices are not allowed for dogs designated as Potentially Dangerous Dogs. If the dog is outside of a proper enclosure on a chain or leash, protection from the elements shall be provided that is readily accessible to the dog.

600.11. Microchip Identification. The owner of a dangerous or potentially dangerous dog must have a microchip implanted in the dog for identification pursuant to Minn. Stat. Sec. 347.515.

600.12. Notice. Except as otherwise provided in this section, the Chief of Police or any person

designated by the Council shall notify the owner or custodian of any dog or cat that is unlicensed, running at large or otherwise in violation of this Chapter. The dog or cat may be impounded and kept during the notice period. After five (5) regular business days' written notice to the owner, or five (5) regular business days posted notice if the owner be unknown, if there is no response, the designated city official may dispose of any animal found in violation to this Chapter.

600.13. Impoundment.

Subd. 1. Animal Pound. The Council may by resolution establish an animal pound and provide for care and maintenance of impounded animals or the City may use the Lake County Humane Society impound service.

Subd. 2. Reclamation. Except for dangerous dogs, the owner may reclaim any animal within the time specified by paying the impoundment and care fee established in the City Fee Schedule and all impound fees charged by the Lake County Humane Society.

Subd. 3. Disposal of Unclaimed Animals. After expiration of the notice period the designated official may kill or otherwise dispose of the animal by sale or gift.

600.14. Confiscation of Dangerous Dogs. The Police Department or designated animal control officer may seize any dangerous dog kept in violation of this Chapter, subject to the provisions of Minn. Stat. § 347.54, which statute is adopted herein and incorporated by reference.

600.15. Summary Disposal. Any police officer or the animal control officer shall be authorized and empowered to kill any dog or cat found in violation of this Chapter whenever the animal cannot be safely taken up and impounded or where immediate action shall be necessary to protect the health and welfare of the public.

600.16. Interference with Officials. It shall be unlawful for any unauthorized person to attempt or break open the pound or to release any animals therefrom or to interfere with any official in enforcing the provisions of this Chapter.

600.17. Cleaning up Litter. The owner of any dog or cat, or any person having the custody or control of any dog or cat shall be responsible for cleaning up any feces of the animal and disposing of the feces in a sanitary manner.

600.18. Dog and Cat Excrement. It shall be unlawful for any person who owns or has custody or control of a dog or cat to cause or permit the animal to defecate on any private property without consent of the property owner or on any public property, unless the person immediately removes the excrement and places it in a proper receptacle. It shall be the duty of each person having the

custody or control of a dog or cat, when the dog or cat shall be upon any of the places or areas described in the immediate preceding sentences, to have in his or her immediate possession a device or equipment for the picking up and removal of feces. For the purposes of this Section, "public area" shall include any property open for public use or travel even though it is privately owned. The provisions of this section shall not apply to seeing eye dogs under the control of a blind person or dogs while being used in City Police Department activity. A violation of this subsection shall be a petty misdemeanor.

600.19. Property Damage. No person having the custody or control of a dog or cat shall permit the dog or cat to damage any lawn, garden or other property, public or private. This Section shall not be construed by implication or otherwise to allow dogs or cats to be where they are otherwise prohibited by the ordinances of the City.

600.20. Owner's Liability. The owner of any dog that kills, wounds or threatens any domestic animal, or damages any property, shall be liable in damages to the owner of the domestic animal or property.

Section 610 - Animals and Fowl

610.01. Permit Required. No person shall keep, feed or raise in the City any Animals or Fowl as defined in Section 600.03, Subd. 1 herein without first having obtained a permit from the Council. The singular term as used herein shall also include the plural.

610.02. Restrictions. Animals and fowl described in Section 600.03 Subd. 1 shall be prohibited in R1 and R2 zoning districts and strictly regulated and controlled in FR zoning districts. It is the intent of this Section that the animals and fowl shall be raised or kept only in areas zoned as FR and suitable for that purpose such as farm or open areas that will not impact on the peace and tranquility of residential areas. Animals and fowl shall only be kept or securely confined in a proper enclosure.

610.03. Proper enclosures. A "proper enclosure" means a securely confined indoor enclosure or a securely enclosed and locked pen or structure to prevent the animal or fowl from escaping. The enclosure shall provide proper protection from the elements.

610.04. Permit Fee. A permit fee as established by resolution of the Council for each species of animal or fowl shall be paid by the person applying therefor before issuance of the permit.

610.05. Running at Large. The owner or keeper of any animal or fowl shall not permit the animal or fowl to run at large within the City. "At large" means off the premises of the owner and

not under the direct supervision and control of the owner or keeper of the animal.

610.06. Nuisance. No person shall keep any animal or fowl that creates a nuisance by disturbing noise, creating odor, or otherwise exhibiting vicious or dangerous propensities, causing or likely to cause injury or fear of injury in any person.

610.07. Dangerous and Potentially Dangerous Animals and Fowl. No person shall keep any dangerous or potentially dangerous animal or fowl unless the animal or fowl is kept in a proper enclosure and under the direct control or restraint of the owner or custodian. “Dangerous” and “Potentially Dangerous” shall have the same meaning as defined in Section 600.03.

610.08. Notice. The Chief of Police, animal control officer or any person designated by the Council shall notify the owners of any animal or fowl that is unlicensed, running at large or otherwise in violation of this Chapter. The animal or fowl may be impounded and kept during the notice period. After five (5) regular business days after written notice to the owner, or five (5) regular business days posted notice if the owner be unknown, if there is no response, the designated city official may dispose of any animal or fowl found in violation to this Chapter.

610.09. Summary Disposal. Any police officer or the animal control officer shall be authorized and empowered to kill any animal or fowl in violation of this Chapter whenever the animal or fowl cannot be safely taken up and impounded or where immediate action shall be necessary to protect the health and welfare of the public.

610.10. Interference with Officials. It shall be unlawful for any unauthorized person to attempt or break open the animal pound or to release any animals or fowls therefrom or to interfere with any official in enforcing the provisions of this Chapter.

610.11. Cleaning up Litter. The owner of any animal or fowl, or any person having the custody or control of any animal or fowl, shall be responsible for cleaning up any litter or feces of the animal or fowl and disposing of the litter and feces in a sanitary manner.

610.12. Animal or Fowl Excrement. It shall be unlawful for any person who owns or has custody or control of any animal or fowl to cause or permit the animal or fowl to defecate on any private property without consent of the property owner or on any public street, sidewalk, park or other public property, unless the person immediately removes the excrement and places it in a proper receptacle. It shall be the duty of each person having the custody or control of any animal or fowl, when they shall be upon any of the places or areas described in the immediate preceding sentences, to have in his or her immediate possession a device or equipment for the picking up and removal

of feces. For the purposes of this Section, "public area" shall include any property open for public use or travel even though it is privately owned.

610.13. Damage to Person or Property. No person having the custody or control of any animal or fowl shall permit the animal or fowl to harm or injury to any person or damage any lawn, garden or other property, public or private. The owner of any animal or fowl shall be liable in damages to any person injured or to the owner of any property for all damages done by the animal or fowl. This Section shall not be construed by implication or otherwise to allow animal or fowl to be where they are otherwise prohibited by the Code or other regulations of the City.

610.14. Health Inspection. The Administrator or animal control officer may require a health inspection of any animal or fowl by a licensed veterinarian before issuance of a permit. The applicant shall pay the cost of the health inspection.

Section 620 - Domestic Pets

620.01. Domestic Pets.

Subd. 1. Exemption. Except for dogs and cats, persons keeping "domestic pets," defined herein, shall not be required to obtain a permit. Except for dogs and cats, domestic pets are exempt from the permit or licensing requirements of this Chapter.

Subd. 2. Permits. The Council may require a permit or license for certain domestic pets that may cause a health hazard or may endanger or cause apprehension of danger or fear on the part of the public.

Section 630 – Compliance with Silver Bay Zoning Code

630.01. Compliance with Zoning Ordinances. No person shall possess any animal contemplated by this Chapter when the provisions of the Silver Bay Zoning Code prohibit said animal from the property where they are possessed.