

CHAPTER 95 ANIMALS

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§ 95.01 DEFINITIONS

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

Agricultural retail store. A store that primarily sells items for the practice of farming, growing crops, and the rearing of animals to provide food and other products.

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 Animals.*** Those animals commonly accepted as domesticated household pets. Unless otherwise defined, domestic animals shall include dogs, cats, caged birds, gerbils, hamsters, ferrets, guinea pigs, domesticated rabbits, fish, non-poisonous, non-venomous and non-constricting reptiles or amphibians, and other similar animals.

(2) ***Hatchling.*** A recently hatched or young fowl.

(3) ***Farm Animals.*** Those animals commonly associated with a farm or performing work in an agricultural setting. Unless otherwise defined, farm animals shall include but not be limited to members of the equestrian family (horses, mules), bovine family (cows, bulls), sheep, poultry (chickens, turkeys), fowl (ducks, geese, and quail), swine (Vietnamese pot-bellied pigs), goats, bees, pigeons, and other animals associated with a farm, ranch, or stable.

(4) **Wild and Non-Domestic Animals.** 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, non-domestic animals shall include:

(a) Feral cats and any member of the large cat family (family felidae) including lions, tigers, cougars, bobcats, leopards and jaguars.

(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 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 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 section, including but not limited to bears, deer, monkeys and game fish.

At Large. Off the premises of the owner, or property owner who has given consent and not under the custody and control of the owner or other person, either by leash, cord, chain, or otherwise physically restrained or confined.

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.

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

Pigeon. A member of the family Columbidae, and shall include racing pigeons, fancy pigeons, and sporting pigeons as defined herein. Racing Pigeon means a pigeon which, through selective past breeding, has developed the distinctive physical and mental characteristics as to enable it to return to its home after having been released a considerable distance therefrom, and which is accepted as such by the American Racing Pigeon Union, Inc. or the international Federation of Racing Pigeon Fanciers. Also, commonly known as Racing Homer, Homing Pigeon, or Carrier Pigeon. Fancy Pigeon means a

pigeon which, through past breeding, has developed certain distinctive physical and performing characteristics as to be clearly identified and accepted as such by the National Pigeon Association, the American Pigeon Club, or the Rare Breeds Pigeon Club. Examples: Fantails, Pouters, Trumpeters. Sporting Pigeon means a pigeon which, through selective past breeding, has developed the ability to fly in a distinctive manner, such as aerial acrobatics or endurance flying. Examples: Rollers, Tipplers.

Property Owner. The owner or other person or entity with authority to give consent to use of a premises.

Release Permit. A permit issued by the Animal Control Officer or other person in charge of the pound for the release of any animal that has been taken to the pound. A release permit may be obtained upon payment of a fee to the City Clerk-Administrator in accordance with the regular license requirement if the animal is unlicensed, payment of a release fee, and any maintenance costs incurred in capturing and impounding the animal. The release fee shall be as established by Council resolution or ordinance.

Kennel. Any structure or premises on which five or more dogs over four months of age are housed, groomed, bred, boarded, trained, or sold. (for commercial purposes)

Kennel, residential. A facility used to house pets owned by the occupants of the principal structure.

§ 95.02 DOMESTIC ANIMALS

(A) *Running at large prohibited.* It shall be unlawful for the domestic animal of any person, to run at large. A person, who owns, harbors, or keeps a domestic animal which runs at large shall be guilty of a misdemeanor. 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 an area with signs reading "Dogs or Cats Prohibited." Dogs shall not be required to be on a leash in areas designated by the city as a Dog Park. Police dogs while in service, training or other official law enforcement function and under voice control of their handlers shall not be considered to be at large.

(B) *License required.*

(1) All dogs, cats, and ferrets over the age of six months kept, harbored, or maintained by their owners in the city, shall be licensed and registered with the city. Dog, cat, and ferret licenses shall be issued by the City upon payment of the license fee as established by resolution or ordinance of the City Council. The owner shall state, at the time application is made for the license and upon forms provided, his or her name and address and also the name, breed, color, age, and sex of each ferret, dog, or cat owned or kept by him or her. No license shall be granted for a ferret, dog, or cat that has not been vaccinated against distemper (if available for ferrets) and rabies, as evidenced by a certificate by a veterinarian qualified to practice in the state in which the animal is vaccinated. A copy of the vaccination certificate shall be kept on file with the application.

(2) It shall be the duty of each owner subject to this section to pay to the City the license fee.

(3) Upon payment of the license fee, the City shall issue to the owner a license certificate and metallic tag for each animal licensed. The tag shall have stamped on it the year for which it is issued and the number corresponding with the number on the certificate. Every owner shall be required to provide each dog and cat with a collar to which the license tag must be affixed, and shall see that the collar and tag are constantly worn. In case an animal tag is lost or destroyed, a duplicate shall be issued by the City. A charge shall be made for each duplicate tag in an amount established by resolution of the City Council. Tags shall not be transferable from one animal to another and no refunds shall be made on any license fee or tag because of death of an animal or the owner's leaving the city before the expiration of the license period.

(4) The licensing provisions of this division (B) shall not apply to dogs or cats whose owners are non-residents temporarily within the city, nor to dogs or cats brought into the city for the purpose of participating in any dog or cat show, nor shall this provision apply to "seeing eye" dogs properly trained to assist blind persons for the purpose of aiding them in going from place to place.

(5) The funds received by the City from all animal licenses and metallic tags fees shall first be used to defray any costs incidental to the enforcement of this chapter; including, but not restricted to, the costs of licenses, metallic tags, and impounding and maintenance of the dogs and cats.

(C) *Cats.* Cats shall be included as controlled by this division insofar as running-at-large, pickup, impounding, boarding, licensing and proof of anti-rabies vaccine is concerned. All other provisions of this section shall also apply to cats unless otherwise provided.

(D) *Vaccination.*

(1) All dogs and cats kept harbored, maintained, or transported within the city shall be vaccinated at least once every three years by a licensed veterinarian for:

- (a) Rabies - with a live modified vaccine; and
- (b) Distemper (if available for the domestic animal).

(2) A certificate of vaccination must be kept on which is stated the date of vaccination, owner's name and address, the animal's name (if applicable), sex, description and weight, the type of vaccine, and the veterinarian's signature. Upon demand made by the City, the Animal Control Officer or a police officer, the owner shall present for examination the required certificate(s) of vaccination for the animal(s). In cases where certificates are not presented, the owner or keeper of the animal(s) shall have seven days in which to present the certificate(s) to the City Administrator or officer. Failure to do so shall be deemed a violation of this section.

(E) *Limitation on Number of Dogs and Cats.* The combined total of dogs and cats shall not exceed six (6) animals over four months of age per residence within the City. No more than four (4) of the animals may be dogs. Any dogs or cats kept, maintained, or harbored in violation of this limitation are subject to impoundment as provided in § 95.05. This limitation shall not apply to property permitted for use as a kennel pursuant to Chapter 156.

§ 95.03 WILD AND NON-DOMESTIC ANIMALS

It shall be illegal for any person to own, possess, harbor, or offer for sale, any wild or non-domestic animal within the city. Any owner of a wild or non-domestic 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 section. An exception shall be made to this prohibition for animals specifically trained for and actually providing assistance to the handicapped or disabled, and for those animals brought into the city as part of an operating zoo, veterinarian clinic, scientific research laboratory, or a licensed show or exhibition.

§ 95.04 FARM ANIMALS

(A) *Residential.* Farm animals shall only be kept in an agricultural district of the city, or on a residential lot of at least ten acres in size provided that no animal shelter shall be within 300 feet of an adjoining piece of property, except as provided in (A) (1) below. An exception shall also be made to this section for those animals brought into the city as part of an operating zoo, veterinarian clinic, scientific research laboratory, or a licensed show or exhibition.

(1) Keeping of chickens and/or ducks. Chickens and/or ducks may be kept on a residential property through an Interim Use Permit as regulated in §156.038 and §156.067.

(B) *Commercial.* Hatchlings may be sold by agricultural related retail stores in the B-1, B-1A, B-2, and BT Business Districts. The agricultural related retail store that sells the hatchlings must notify potential purchasers that the particular type of hatchling either requires an interim use permit or is not allowed within residential districts of the City of Cambridge. All agricultural related retail stores who sell hatchlings must comply with all Minnesota Administrative Rules Chapter 1721: Animal Health, and with all applicable regulations of the Minnesota Board of Animal Health.

(1) Carcasses must be properly disposed. Contact East Central Sanitation or local landfill/transfer station to properly dispose of any deceased hatchlings.

(2) The hatchlings must not be color dyed.

§ 95.05 IMPOUNDING

(A) *Running at large.* Any animal running at large is hereby declared a public nuisance. Any Animal Control Officer or police officer may impound any dog or other animal found unlicensed or any animal found running at large and shall give notice of the impounding to the owner of the dog or other animal, if known. The Animal Control Officer or police officer shall not enter the property of the owner of an animal found running at large or the owner of an unlicensed animal unless the officer has first obtained the permission of the owner to do so or has obtained a warrant issued by a court of competent jurisdiction to search for and seize the animal. In case the owner is unknown, the officer shall post notice at the city office that if the dog or other animal is not claimed within the time specified in division (C) of this section, it will be sold or otherwise disposed of. Except as otherwise provided in this section, it shall be unlawful to kill, destroy, or otherwise cause injury to any animal, including dogs and cats running at large.

(B) *Biting animals.* Any animal that has not been inoculated by a live modified rabies vaccine and which has bitten any person, wherein the skin has been punctured or the services of a doctor are required, shall be confined in the city pound for a period of not less than ten days, at the expense of the owner. The animal may be released at the end of the time if healthy and free from symptoms of rabies, and by the payment of all costs by the owner. However, if the owner of the animal shall elect immediately upon receipt of notice of need for the confinement by the officer to voluntarily and immediately confine the animal for the required period of time in a veterinary hospital of the owner's choosing, not outside of the county in which this city is located, and provide immediate proof of confinement in the manner as may be required, the owner may do so. If, however, the animal has been inoculated with a live modified rabies vaccine and the owner has proof of the vaccination by a certificate from a licensed veterinarian, the owner may confine the dog or other animal to the owner's property.

(C) *Reclaiming.* All animals conveyed to the pound shall be kept, with humane treatment and sufficient food and water for their comfort, at least five regular business days unless:

(1) The animal is a dangerous animal as defined under § 95.11 in which case it shall be kept for seven regular business days or the times specified in § 95.11,

(2) The animal is a cruelly-treated animal in which case it shall be kept for ten regular business days, unless sooner reclaimed by their owners or keepers as provided by this section, or

(3) A cat is determined to be feral, in which case the feral cat will be immediately destroyed.

(4) Payment of the release fee established by City Council resolution or ordinance and receipt of a release permit.

(5) Payment of maintenance costs, as provided by the pound, per day or any part of day while animal is in the pound; and

(6) If a dog is unlicensed, payment of a regular license fee and valid certificate of vaccination for rabies and distemper shots is required.

(D) *Unclaimed animals.* At the expiration of the times established in division (C) of this section, if the animal has not been reclaimed in accordance with the provisions of this section, the officer appointed to enforce this section may let any person claim the animal by complying with all provisions in this section, or the officer may sell the animal to the University of Minnesota, or cause the animal to be destroyed in a proper and humane manner and shall properly dispose of the remains thereof. Any money collected under this section shall be payable to the City Clerk-Administrator.

§ 95.06 KENNELS

(A) Refer to Chapter 156 Zoning Code for commercial purposes.

(B) A residential kennel must be located no closer than 10' from an adjoining property line, and not within a drainage and utility easement. A kennel may be a structure, like a dog house, that is maintained at all times with finished siding and roofing materials. A kennel may also be a fenced area. The fence must be maintained at all times (i.e. intact, secure, painted, finished). A kennel that uses fence materials must meet the approved materials of a fence in Chapter 156 Zoning Code. If a cover is used for the kennel, it must be kept neat, clean, secure, and completely fitted and tight with the structure (i.e. tarps must not be frayed or able to flap around in the wind). Acceptable materials for coverings include slats (for chain link fencing) and tarps. Tarps and slats shall be earth tone, tan, green, brown, or white.

§ 95.07 NUISANCES

(A) *Habitual barking.* It shall be unlawful for any person to keep or harbor a dog which habitually barks or cries. Habitual barking shall be defined as barking for repeated intervals of at least five minutes with less than one minute of interruption. The barking must also be audible off of the owner's or caretaker's premises.

(B) *Damage to property.* It shall be unlawful for any person's dog or other animal to damage any lawn, garden, or other property, whether or not the owner has knowledge of the damage.

(C) *Cleaning up litter.* The owner of any animal or person having the custody or control of any animal shall be responsible for cleaning up any feces of the animal and disposing of the feces in a sanitary manner whether on their own property, on the property of others or on public property.

(D) *Warrant required.* The Animal Control Officer or police officer shall not enter the property of the owner of an animal described in this section unless the officer has first obtained the permission of the owner to do so or has obtained a warrant issued by a court of competent jurisdiction to search for and seize the animal.

(E) *Other.* Any animals kept contrary to this section are subject to impoundment as provided in § 95.05.

§ 95.08 SEIZURE OF ANIMALS

Any police officer or Animal Control Officer may enter upon private property and seize any animal with the permission of the owner of the property, if that person is also the owner of the animal, provided that the following exist:

(A) There is an identified complainant other than the police officer or Animal Control Officer making a contemporaneous complaint about the animal;

(B) The officer reasonably believes that the animal meets either the barking dog criteria set out in § 95.07(A); the criteria for cruelty set out in § 95.13; or the criteria for an at large animal set out in § 95.02(A);

(C) The officer can demonstrate that there has been at least one previous complaint of a barking

dog; inhumane treatment of the animal; or that the animal was at large at this address on a prior date;

(D) The officer has made a reasonable attempt to contact the owner of the animal and the property to be entered and those attempts have either failed or have been ignored;

(E) The Animal Control Officer or police officer shall not enter the property of the owner of an animal described in this section unless the officer has first obtained the permission of the owner to do so or has obtained a warrant issued by a court of competent jurisdiction to search for and seize the animal. If the officer has the permission of the owner, a property manager, landlord, innkeeper, or other authorized person to enter the property or has obtained a pass key from a property manager, landlord, innkeeper, or other authorized person to have that key shall not be considered unauthorized entry, and a warrant to search for and seize the animal need not be obtained; and

(F) Written notice of the seizure is left in a conspicuous place if personal contact with the owner of the animal is not possible.

§ 95.09 ANIMALS PRESENTING A DANGER TO HEALTH AND SAFETY OF CITY

If, in the reasonable belief of any person or the Animal Control Officer or police officer, an animal presents an immediate danger to the health and safety of any person, or the animal is threatening imminent harm to any person, or the animal is in the process of attacking any person, the person or officer may destroy the animal in a proper and humane manner whether or not the animal is on the property of its owner. Otherwise, the person or officer may apprehend the animal and deliver it to the pound for confinement under § 95.05. If the animal is destroyed, the owner or keeper of the animal destroyed shall be liable to the city for the cost of maintaining and disposing of the animal, plus the costs of any veterinarian examination. If the animal is found not to be a danger to the health and safety of the city, it may be released to the owner or keeper in accordance with § 95.05(C).

§ 95.10 DISEASED ANIMALS

(A) *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 the city, even though the animal be properly licensed under this section, and a warrant to search for and seize the animal is not required.

(B) *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, the Animal Control Officer or a police officer. The officer shall have a qualified veterinarian examine the animal. If the animal is found to be diseased in a manner so as to be a danger to the health and safety of the city, the officer shall cause the 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 to the city for the cost of maintaining and disposing of the animal, plus the costs of any veterinarian examinations.

(C) *Release.* If the animal, upon examination, is not found to be diseased the animal shall be

released to the owner or keeper free of charge.

§ 95.11 DANGEROUS ANIMALS

A) *Attack by an animal.* It shall be unlawful for any person's animal to inflict or attempt to inflict bodily injury to any person or other animal whether or not the owner is present. This section shall not apply if the threat, injury, or damage was sustained by a person:

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

(2) who was provoking, tormenting, abusing, or assaulting the animal or who can be shown to have repeatedly, in the past, provoked, tormented, abused, or assaulted the animal; or

(3) who was committing or attempting to commit a crime.

(B) *Destruction of dangerous animal.* The Animal Control Officer shall have the authority to order the destruction of dangerous animals in accordance with the terms established by this chapter.

(C) *Definitions.* For the purpose of this division, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) ***Dangerous Animal.*** An animal which has:

(a) Caused bodily injury or disfigurement to any person on public or private property;

(b) Engaged in any attack on any person under circumstances which would indicate danger to personal safety;

(c) Exhibited unusually aggressive behavior, such as an attack on another animal;

(d) Bitten one or more persons on two or more occasions; or

(e) Been found to be potentially dangerous and/or the owner has personal knowledge of the same, the animal aggressively bites, attacks, or endangers the safety of humans or domestic animals.

(2) ***Potentially Dangerous Animal.*** An animal which has:

(a) Bitten a human or a domestic animal on public or private property;

(b) When unprovoked, chased or approached a person upon the streets, sidewalks, or any public property in an apparent attitude of attack; or

(c) Has engaged in unprovoked attacks causing injury or otherwise threatening the safety of humans or domestic animals.

(3) ***Proper Enclosure.*** Securely confined indoors or in a securely locked pen or structure suitable to prevent the animal from escaping and to provide protection for the animal from the elements. A proper enclosure does not include a porch, patio, or any part of a house, garage, or other

structure that would allow the animal 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 barriers which prevent the animal from exiting. The enclosure shall not allow the egress of the animal in any manner without human assistance. A pen or kennel shall meet the following minimum specifications:

(a) Have a minimum overall floor size of 32 square feet.

(b) Sidewalls shall have a minimum height of five feet and be constructed of 11-gauge or heavier wire. Openings in the wire shall not exceed two inches, support posts shall be 1¼-inch or larger steel pipe buried in the ground 18 inches or more. When a concrete floor is not provided, the sidewalls shall be buried a minimum of 18 inches in the ground.

(c) A cover over the entire pen or kennel shall be provided. The cover shall be constructed of the same gauge wire or heavier as the sidewalls and shall also have no openings in the wire greater than two inches.

(d) An entrance/exit gate shall be provided and be constructed of the same material as the sidewalls and shall also have no openings in the wire greater than two inches. The gate shall be equipped with a device capable of being locked and shall be locked at all times when the animal is in the pen or kennel.

(4) **Unprovoked.** The condition in which the animal is not purposely excited, stimulated, agitated or disturbed. It shall be a rebuttable presumption that any attack on a child twelve (12) years of age or younger shall be considered to be unprovoked unless the child is engaged in the commission of a crime or illegal activity, including activities classified as “cruelty to animals” as defined in M.S. § 343.

(D) *Designation as potentially dangerous animal.* The Animal Control Officer shall designate any animal as a potentially dangerous animal upon receiving evidence that the potentially dangerous animal has, when unprovoked, then bitten, attacked, or threatened the safety of a person or a domestic animal as stated in division (C)(2). When an animal is declared potentially dangerous, the Animal Control Officer shall cause one owner of the potentially dangerous animal to be notified in writing that the animal is potentially dangerous.

(E) *Evidence justifying designation.* The Animal Control Officer shall have the authority to designate any animal as a dangerous animal upon receiving evidence of the following:

(1) That the animal has, when unprovoked, bitten, attacked, or threatened the safety of a person or domestic animal as stated in division (C)(1).

(2) That the animal has been declared potentially dangerous and the animal has then bitten, attacked, or threatened the safety of a person or domestic animal as stated in division (C)(1).

(F) *Authority to order destruction.* The Animal Control Officer, upon finding that an animal is dangerous hereunder, is authorized to order, as part of the disposition of the case, that the animal be destroyed based on a written order containing one or more of the following findings of fact:

(1) The animal is dangerous as demonstrated by a vicious attack, an unprovoked attack, an attack without warning or multiple attacks; or

(2) The owner of the animal has demonstrated an inability or unwillingness to control the animal in order to prevent injury to persons or other animals.

(G) *Procedure.* The Animal Control Officer, after having determined that an animal is dangerous, may proceed in the following manner: The Animal Control Officer shall cause one owner of the animal to be notified in writing or in person that the animal is dangerous and may order the animal seized or make orders as deemed proper. This owner shall be notified as to dates, times, places and parties bitten, and shall be given 14 days to appeal this order by requesting a hearing before the City Council for a review of this determination.

(1) If no appeal is filed, the Animal Control Officer shall obtain an order or warrant authorizing the seizure and the destruction of the animal from a court of competent jurisdiction, unless the animal is already in custody or the owner consents to the seizure and destruction of the animal.

(2) If an owner requests a hearing for determination as to the dangerous nature of the animal, the hearing shall be held before the City Council, which shall set a date for hearing not more than three weeks after demand for the hearing. The records of the Animal Control or City Clerk-Administrator's office shall be admissible for consideration by the Animal Control Officer without further foundation. After considering all evidence pertaining to the temperament of the animal, the City Council shall make an order as it deems proper. The City Council may order that the Animal Control Officer take the animal into custody for destruction, if the animal is not currently in custody. If the animal is ordered into custody for destruction, the owner shall immediately make the animal available to the Animal Control Officer. If the owner does not immediately make the animal available, the Animal Control Officer shall obtain an order or warrant authorizing the seizure and the destruction of the animal from a court of competent jurisdiction.

(3) No person shall harbor an animal after it has been found by to be dangerous and ordered into custody for destruction.

(H) *Stopping an attack.* If any police officer or Animal Control Officer is witness to an attack by an animal upon a person or another animal, the officer may take whatever means the officer deems appropriate to bring the attack to an end and prevent further injury to the victim.

(I) *Notification of new address.* The owner of an animal which has been identified as dangerous or potentially dangerous shall notify the Animal Control Officer in writing if the animal is to be relocated from its current address or given or sold to another person. The notification shall be given in writing at least 14 days prior to the relocation or transfer of ownership. The notification shall include the current owner's name and address, the relocation address, and the name of the new owner, if any.

§ 95.12 DANGEROUS ANIMAL REQUIREMENTS

(A) *Requirements.* If the City Council does not order the destruction of an animal that has been declared dangerous, the City Council may, as an alternative, order any or all of the following:

- (1) That the owner provide and maintain a proper enclosure for the dangerous animal as specified in § 95.11(C)(3);
- (2) Post the front and the rear of the premises with clearly visible warning signs, including a warning symbol to inform children, that there is a dangerous animal on the property as specified in M.S. § 347.51 as may be amended from time to time;
- (3) Provide and show proof annually of public liability insurance in the minimum amount of \$300,000;
- (4) If the animal is a dog the city will enforce Minn. Stat. §347/50 to 347.56 as required by Minn. Stat. §347.565.
- (5) All animals deemed dangerous by the Animal Control Officer shall be registered with the county in which this city is located within 14 days after the date the animal was so deemed and provide satisfactory proof thereof to the Animal Control Officer.
- (6) If the animal is a dog, the dog must be licensed and up to date on rabies vaccination. If the animal is a cat or ferret, it must be up to date with rabies vaccination.

(B) *Seizure.* As authorized by M.S. § 347.54, as it may be amended from time to time, the Animal Control Officer shall immediately seize any dangerous animal if the owner does not meet each of the above requirements within 14 days after the date notice is sent to the owner that the animal is dangerous. Seizure may be appealed to district court by serving a summons and petition upon the city and filing it with the district court.

(C) *Reclaiming animals.* A dangerous animal seized under § 95.12(B), may be reclaimed by the owner of the animal upon payment of impounding and boarding fees and presenting proof to animal control that each of the requirements under § 95.12(B), is fulfilled. An animal not reclaimed under this section within 14 days may be disposed of as provided under § 95.11(F), and the owner is liable to the city for costs incurred in confining and impounding the animal.

(D) *Subsequent offenses.* If an owner of an animal has subsequently violated the provisions under § 95.11 with the same animal, the animal must be seized by animal control. The owner may request a hearing as defined in § 95.11(F). If the owner is found to have violated the provisions for which the animal was seized, the Animal Control Officer shall order the animal destroyed in a proper and humane manner and the owner shall pay the costs of confining the animal. If the person is found not to have violated the provisions for which the animal was seized, the owner may reclaim the animal under the provisions of § 95.12(C). If the animal is not yet reclaimed by the owner within 14 days after the date the owner is notified that the animal may be reclaimed, the animal may be disposed of as provided under § 95.11(F) and the owner is liable to the animal control for the costs incurred in

confining, impounding and disposing of the animal.

§ 95.13 BASIC CARE

All animals shall receive from their owners or keepers' kind treatment, housing in the winter, and sufficient food and water for their comfort. Any person not treating their pet in a humane manner will be subject to the penalties provided in this section.

§ 95.14 BREEDING MORATORIUM

Every female dog or female cat in heat shall be confined in a building or other enclosure in a manner that it cannot come in contact with another dog or cat except for planned breeding. Upon capture and failure to reclaim the animal, every dog or cat shall be neutered or spayed prior to being transferred to a new owner.

§ 95.15 ENFORCING OFFICER

The Council is hereby authorized to appoint an animal control officer(s) to enforce the provisions of this section. In the officer's duty of enforcing the provisions of this section, he or she may from time to time, with the consent of the City Council, designate assistants.

§ 95.16 POUND

Every year the Council shall designate an official pound to which animals found in violation of this chapter shall be taken for safe treatment, and if necessary, for destruction.

§ 95.17 INTERFERENCE WITH OFFICERS

No person shall in any manner molest, hinder, or interfere with any person authorized by the City Council to capture dogs, cats or other animals and convey them to the pound while engaged in that operation. Nor shall any unauthorized person break open the pound, or attempt to do so, or take or 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 the officer in the discharge of his or her duties under this chapter.

§ 95.18 TRAPPING

(A) *Purpose.* This section is intended to protect the citizens from injury from hazardous devices and to protect domesticated animals and pets from damage and destruction that may result from unregulated trapping.

(B) *Definitions.* For the purposes of this section, the following definitions apply unless the context clearly indicates or requires a different meaning.

Leg Hold. A device made of steel, metal, or other rigid material, consisting of two jaws that lie horizontally to form a circle or circular shape when the trap is set, or trap that is similar to the above

in design and that is intended to catch and secure an animal by the leg.

Live Trap. A trap designed to capture animals alive without causing injury to the animal.

Trap. A device used for the purpose of catching, capturing, snaring, holding, or killing animals.

Trapping. The placing or setting of traps with the intent to catch, capture, snare, hold or kill animals.

(C) *Trapping prohibited.* It shall be unlawful to engage in trapping within the city except as provided in division (D).

(D) *Exceptions.* The provisions of this section do not apply to:

(1) Live trapping for the purpose of releasing the animal into the wild. Live traps must be tended at least once every 24 hours.

(2) The trapping of harmful rodents or pests such as rats, mice, gophers, moles and squirrels on private property or within one's own private building or on public property by employees or agents of the governmental unit that owns the property. Any effective trap except leg-hold traps may be used so long as the traps are set and tended in a way that does not constitute a danger to persons or to domestic or wild animals that are not pests or nuisances.

(3) Employees or agents of governmental units or agencies who, using live traps in the course of their duties, are required to trap animals or birds for humane or other authorized purposes.

(4) Scientists in their work of identifying and studying wildlife, animals and birds so long as the animals and birds are returned to their natural environment without harm.

§ 95.99 PENALTY

(A) *Separate offenses.* Each day a violation of this chapter is committed or permitted to continue shall constitute a separate offense and shall be punishable under this section.

(B) *Misdemeanor.* Unless otherwise provided, violation of this chapter shall constitute a misdemeanor punishable as provided in § 10.99.

(C) *Petty misdemeanor.* Violations of §§ 95.02, 95.07, 95.13 and 95.14 are petty misdemeanors punishable as provided in § 10.99.