

SUB-ANALYSIS

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(11-01-2010)

## CHAPTER 14

### ANIMAL REGULATIONS

**SECTION 14.01. Definitions.** As used in this Ordinance, the following words shall have the following meanings:

**Subd. 1. Animals – Domestic.** Animals commonly kept for house pets such as dogs, cats and similar animals.

**Subd. 2. Animals – Non-Domestic.** Livestock and poultry commonly kept for productive purposes on a farm, such as cattle, swine, horses, sheep, goats, chickens and other similar animals.

**Subd. 3. Animals – Exotic.** Any animal or species prohibited by Minnesota or Federal Law, any animal or species including but not limited to:

- A. Any skunk.
- B. Any large cat of the family Felidae, such as lions, tigers, jaguars, leopards, cougars and ocelots, except domestic house cats.
- C. Any member of the Canidae, such as wolves, foxes, coyotes, dingoes and jackals, except commonly accepted domestic dogs.
- D. Any crossbreed, such as the crossbreeds between dogs and coyotes and coyotes or dogs and wolves, not including crossbred domesticated animal.
- E. Any poisonous pit viper, such as a rattlesnake, coral snake, water moccasin or cobra.
- F. Any raccoon.
- G. Any other animal not listed above but which is not naturally tame or gentle but is of a wild nature or disposition and which, because of its size, vicious nature or other characteristics would constitute a danger to human life or property.

**Subd. 4. Animal Kennel.** Any place where four (4) or more of any single type of domestic animal over six months of age are owned, boarded, bred or offered for sale.

**Subd. 5. Animal Shelter.** Any premises designated by the City Council for the purpose of impounding and caring for animals held under the authority of this Ordinance.

**Subd. 6. Animal Control Officer.** Any person/firm designated by the City to assist in the enforcement of this Ordinance.

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**Subd. 7. At Large.** A domestic animal that is off the premises of the owner.

A domestic animal shall not be determined to be at large if:

**A.** Used in wild game, or animal hunting and is under the control of its owner or a responsible person; or

**B.** When engaged in obedience training and under the control of its owner or a responsible persons; or

**C.** Running loose on the owner's property, or property under the owner's control and under the control of a responsible party. If the animal is running loose on the owner's property and runs onto adjacent public or private properties and does not respond to a person, then the animal is considered "at large".

**D.** It is unlawful for the owner of an animal to permit such animal to run at large in the City. Whenever an animal is found running at large, the same shall constitute prima facie evidence that the owner permitted it to run at large.

**Subd. 8. Dangerous Dog.** Any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury, or to otherwise endanger the safety of human beings or animals, or any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting.

**Subd. 9. Dog.** Any animal of the canine species.

**Subd. 10. Owner.** Any person, persons, firm or corporation owning, harboring or keeping animals.

**SECTION 14.02. Domestic Animals.**

**Subd. 1. License Required.** Except as hereinafter provided, all animals over six months of age are required to have a valid license. New residents to the City must license their animals within thirty (30) days after moving to the City. Licenses shall be issued upon payment of the license fee which is set by the City Council from time to time, and upon receipt of a certificate from a licensed veterinarian showing that the animal to be licensed has been given a vaccination against rabies or certification by a licensed veterinarian that the dog is exempt from vaccination for health reasons. Licenses shall be for the whole or unexpired portion of the year for which same is issued and shall expire December 31<sup>st</sup> of the same year.

**EXCEPTION:** No license is required for service dogs which are being used for said purpose.

**Subd. 2. Tag and Collar.**

A. Upon receipt of required certificate and payment of the license fee, the City shall provide the owner of the now licensed animal a tag upon which there shall be stamped or engraved the registered number of the animal the words "Pipestone Minnesota" and the year for which the license is issued.

B. Every owner shall be required to provide each animal with a collar to which the license tag must be affixed and shall see that the collar and tag are constantly worn.

**Subd. 3. Impounding.**

A. A police officer or any agent designated by the City Council shall impound any animal found in violation of this Ordinance in an animal shelter. The animal shall be housed and fed in a humane manner.

B. Impounded animals shall be kept for not less than five (5) regular business days unless reclaimed prior to that time by their owner as provided hereafter. All fees incurred are the responsibility of the owner upon reclamation of said animal.

C. The City shall charge a daily boarding fee to the owner of any animal impounded and held. The fee shall be set from time to time by the City Council.

D. The City may file citations and other legal complaints against the violators of this Ordinance.

E. If the owner of said animal be known, written notice of impounding shall be given the owner thereof, either by mail or personal service. The owner shall remain subject to all penalties contained in this Ordinance.

**Subd. 4. Unclaimed Animals.** Any animal which is not claimed as provided in Subd. 4, B within the specified number of days as per Minn. Statute 35.71 and as amended may be evaluated and sold for adoption at the discretion of the City. Any animal which is not claimed by the owner or sold for adoption shall be painlessly and humanely destroyed as provided for in the State Statute and properly disposed of by the agent or firm retained by the City for such purpose.

**Subd. 5. Permissible Return of Unrestrained Animals.** If an animal is found unrestrained and its owner can be identified and located, such animal need not be impounded but may instead be taken to the owner. In such cases however, proceedings may be taken against the owner for violation of this Ordinance.

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**Subd. 6. Dangerous Dogs.**

A. No person owning or harboring or having the care or custody of a dangerous dog shall suffer or permit such dog to go unconfined on or off the premises of such person. A dangerous dog is "unconfined" as the term is used in this section if such a dog is: not securely confined indoors or confined in a securely enclosed and locked pen or dog run area upon the premises of said person. Such pen or dog run area must also have either sides six (6) feet high or a secure top. If the pen or structure has not bottom secured to the sides, the sides must be imbedded into the ground no less than one (1) foot.

B. No person owning, harboring, or having the care of a dangerous dog shall suffer or permit such dog to go beyond the premises of such person unless such dog is securely muzzled and restrained with a chain having a minimum tensile strength of 300 pounds and not exceeding three (3) feet in length.

C. No person shall possess with intent to sell, or offer for sale, breed, or buy or attempt to buy within the City any dangerous dog.

D. In the event that a police officer has probable cause to believe that a dangerous dog is being harbored or cared for in violation of this Ordinance, the police officer may seize and impound the dangerous dog pending trial.

**Subd. 7. Rabies Vaccination.** Every owner or keeper of a domestic animal shall cause the same to be vaccinated prior to the time such animal shall reach the age of six (6) months. Additionally such animal shall receive be vaccinated at least every three (3) years unless exempted from vaccination per 14.02 Subd. 1

**Subd. 8. Failure to Restrain an Attack by a Dog.** It shall be unlawful for an owner to fail to restrain a dog from inflicting or attempting to inflict bodily injury to any person or other animal. Violation of this section shall be a misdemeanor. The court upon a finding of the defendant's guilt 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:

A. The animal is dangerous as demonstrated by a vicious attack, an unprovoked attack, an attack without warning or multiple attacks; or

B. The owner of the animal demonstrated an inability or unwillingness to control the animal in order to prevent injury to persons or other animals. If the court does not order the destruction of the dog, the court, as an alternative, may order the defendant to provide, and show proof to the court of public liability insurance in the minimum amount of \$500,000.00.

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**SECTION 14.03. Exotic and Non-Domestic Animals.**

1. Exotic animals as per Sec. 14.01, Subd. 3 are expressly not permitted within the corporate limits of the City.

2. Non-domestic animals as per Sec. 14.01, Subd. 2 are not permitted within any district other than the Agricultural District and on those lands that have non-domestic animals at the time of the adoption of this ordinance.

3. On those lands that have non-domestic animals at the adoption of this ordinance that are not in the Agricultural District, non-domestic animals can be continued to be kept at the current intensity and type of animal unless said property is sold, rented to another or the animals being kept for any reason are no longer on the property. In such case(s) non-domestic animals shall no longer be allowed.

**SECTION 14.04. Animal Welfare.**

**Subd. 1. Animal Bite.** Whenever any animal owner in the City learns that his animal has bitten any human being, that owner shall immediately notify the Pipestone County Sheriff's Department and such animal shall immediately be quarantined. The quarantine period shall be for a minimum period of ten (10) days.

A. The owner may keep said animal provided he/she:

a. Has shown proof that said animal is currently vaccinated against rabies; and

b. Agrees to keep said animal separate from other animals;  
and

c. Said animal will be kept indoors at all times during the quarantine period.

B. If the animal is not currently vaccinated against rabies, such animal shall be quarantined in a Veterinary hospital or at the City Animal Shelter for a minimum period of ten (10) days.

C. If the owner cannot be advised of the animal bite within two (2) hours after the bite or the owner fails to quarantine the animal as required by this section, a police officer shall impound said animal.

**Subd. 2. Dog Enclosures.**

A. As used in this section, the term "dog enclosure" shall mean any enclosure constructed for shutting in or enclosing dogs and having an area less than five hundred (500) square feet.

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- B. Enclosures shall be screened from view of adjacent property.
- C. No enclosure shall be placed closer than ten (10) feet from any lot line.
- D. No enclosure shall be placed in a front yard and in no event shall it be placed closer than thirty (30) feet of any dwelling unit other than the owners on which property the enclosure is built.
- E. No person shall permit feces, urine, or food to remain in an enclosure for a period that is longer than reasonable and consistent with health and sanitation and the prevention of odors.

**Subd. 3. Adequate Care of Animals.**

- A. **Food.** Animals must be provided with food of sufficient quantity and quality to allow for normal growth and maintenance of body weight.
- B. **Water.** Animals must be provided with clean, fresh water in sufficient quantity to satisfy the animal's needs or supplied by free choice. Snow or ice is not an adequate water supply.
- C. **Shelter.** Animals must be provided with shelter at all times. The shelter must be large enough to comfortably accommodate the animal, be windproof and waterproof and contain enough bedding to provide the animal with insulation against the elements. Shade must be provided at all times during the months of May through October.
- D. **Sanitation.** It shall be unlawful for any person to allow food or water receptacles, kennels, yards or the premises where the animal is kept to be or to remain in an unhealthy, unsanitary or obnoxious condition or to permit the premises to be in such condition that obnoxious odors can be plainly detected on adjacent public or private property.
- E. **Enforcement.** A police officer may issue a citation to the owner of any animal and/or remove any such animal from any premises if the welfare of that animal is threatened due to a violation of this section.
- F. **Reclaiming Neglected Animals.** Any animal removed from any premises pursuant to this section may be reclaimed by the owner within five (5) working days from the time the animal was taken provided that all conditions for which the animal was removed have been corrected. The owner shall also be liable for payment of all boarding fees to the City. Any animal not reclaimed within the time allowed may be disposed of pursuant to this section.

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G. It is unlawful for the owner, caretaker or attendant of any animal to allow it to defecate on public or private property other than his/her own, or to permit any accumulation thereof on this/her own property. If such animal does defecate on public or private property other than his/her own, it shall not be a violation of this provision if such owner, caretaker or attendant shall immediately and thoroughly clean the fecal material from such property, and properly disposed thereof.

**SECTION 14.05. Commercial Kennels. Permit Required.**

A. No person, business, corporation or other entity may breed, whelp or raise dogs or cats for profit or sale within the City of Pipestone unless the person, business, corporation or other entity has obtained a Commercial Kennel permit from the City. A commercial kennel may only be operated in a suitably zoned area of the City.

B. **Application for Commercial Kennel Permit.** Anyone making application for a Commercial Kennel permit must provide the following information to the office of the City Clerk: Applicant's name, applicant's address, address of the location of where the breeding, whelping or raising will occur, the types and breeds of animals concerned and the numbers of adult animals to be kept for breeding purposes. The applicant must also demonstrate that the location where the breeding, whelping or raising will occur is suitably zoned for such activity or must obtain a variance from the City Council.

C. **Permit Duration.** A Commercial Kennel Permit once issued will expire on January 31 of the second January after the issue date. The fee will be prorated at the rate of one-twelfth of the annual fee for each of the remaining months of the year when the Commercial Kennel Permit is purchased.

**SECTION 14.06. Exemption from Provisions.** Any dog under the control of any public law enforcement agency and which is used by such agency in law enforcement activities is exempt from the provisions of this Ordinance.

**SECTION 14.07. Interference with Officers.** It shall be a violation of this Ordinance for any unauthorized person to break open an animal shelter or attempt to take from any animal control officer any animal taken by such officer in compliance with this Ordinance or in any manner to interfere with or hinder such officer in the discharge of his/her duties.

**SECTION 14.08. 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 three minutes with less than one minute of interruption. Such barking must also be audible off of the owner's or caretaker's premises.



**SECTION 14.09. Abuse of Animals.** It is unlawful for any person to maltreat, abuse or neglect, in a cruel or inhumane manner, any animal.

Source: Ordinance 52, Fourth Series  
Effective Date: 11-01-2010

(Sections 14.10 through 14.98, inclusive, reserved for future expansion).

**SECTION 14.99. Penalty.**

**A.** Any person who violates any provisions of this Ordinance shall be guilty of a petty misdemeanor. The penalty which may be imposed for any petty offense which is a petty misdemeanor shall be a sentence of a fine of not more than \$300.00.

**B.** Upon violation of this Ordinance three (3) or more times in a twelve (12) month period, the person who is in such violation shall be guilty of a misdemeanor. The penalty which may be imposed for any crime which is a misdemeanor under this code shall be a sentence of not more than 90 days or a fine of not more than \$1,000.00 or both.

**C.** In either case of a petty misdemeanor or misdemeanor, the costs of prosecution may be added. Each day that a violation continues shall constitute a separate violation.

Source: Ordinance 52, Fourth Series  
Effective Date: 11-01-2010