

Section 390 - Animals

390.01 Definitions. As used in this Section, unless the context otherwise indicates, the following words shall be defined to mean:

Subd. 1 Animal. "Animal" shall mean 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:

A. Domestic. "Domestic animals" shall mean those animals commonly accepted as domesticated household pets. Unless otherwise defined, such animals shall include dogs, cats, pot-bellied pigs, caged birds, gerbils, hamsters, guinea pigs, domesticated rabbits, fish, non-poisonous, non-venomous and non-constricting reptiles or amphibians, and other similar animals.

B. Non-Domestic. "Non-Domestic animals" shall mean 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:

1. Any member of the large cat family (family felidae) including lions, tigers, cougars, bobcats, leopards and jaguars, but excluding commonly accepted domesticated house cats.
2. Any naturally wild member of the canine family (family canidae) including wolves, foxes, coyotes, dingoes, and jackals, but excluding commonly accepted domesticated dogs.
3. Any crossbreeds such as the crossbreed between a wolf and a dog, unless the crossbreed is commonly accepted as a domesticated house pet.
4. Any member or relative of the rodent family including any skunk (whether or not descended), raccoon, squirrel, or ferret, but excluding those members otherwise defined or commonly accepted as domesticated pets.
5. Any poisonous, venomous, constricting, or inherently dangerous member of the reptile or amphibian families including rattlesnakes, boa constrictors, pit vipers, crocodiles and alligators.
6. 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.

C. Farm. "Farm animals" shall mean 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 (duck, geese), swine except for pot-bellied pigs), goats, bees, and other animals associated with a farm, ranch, or stables.

Subd. 2 Cat. "Cat" shall be intended to mean both the male and female of the felidae species commonly accepted as domesticated household pets.

Subd. 3 Dog. "Dog" shall be intended to mean both the male and female of the canine species commonly accepted as domesticated household pets, and other domesticated animals of a dog kind.

Subd. 4 Owner. "Owner" shall be intended to mean any person or persons, firm, association or corporation owning, keeping, or harboring an animal.

Subd. 5 At Large. "At Large" shall be intended to mean 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.

Subd. 6 Commercial Kennel. "Commercial Kennel" means any place where dogs or other animals are kept where the business of raising, selling, boarding, breeding, showing, treating, or grooming of dogs or other animals is conducted.

390.02 Dogs and Cats.

Subd. 1 Running at Large Prohibited. It shall be unlawful for any person who owns, harbors, or keeps a dog or cat, or the parents or the guardians of any such person under 18 years of age, to allow such dog or cat to run at large. Dogs or cats on a leash and accompanied by a responsible person or accompanied by and under the control and direction of a responsible person so as to be effectively restrained by command as by leash, shall be permitted in streets or on public land unless the City has posted an area with signs reading "Dogs or Cats Prohibited".

Subd. 2 License Required.

A. All dogs 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 licenses shall be issued by the City upon payment of the license fee. The license shall be valid for a two year period including the year of purchase, and expiring the end of the following year. The owner shall state, at the time application is made for the license and upon forms provided for such purpose, his or her name and address and the name, breed, color, and sex of each dog owned or kept by him or her. At the time of licensing, the owner shall provide proof of current distemper and rabies vaccinations. No license shall be granted for a dog which has not been vaccinated against distemper and rabies, as provided in this Section. Vaccination shall be performed

only by a doctor qualified to practice veterinary medicine in the state in which the dog is vaccinated. A veterinarian who vaccinates a dog to be licensed in the City shall complete a certificate of vaccination. For the purposes of licensure, any Vietnamese Potbellied Pig which resides in the City of Big Lake, shall be registered with the same provisions as a dog, absent the requirement to have rabies and distemper vaccinations. One copy shall be issued to the dog owner for affixing to the license application.

B. It shall be the duty of each owner of a dog subject to this Section to pay to the City the license fee as imposed by the Council in the fee schedule.

C. Upon payment of the license fee, the City shall issue to the owner a license certificate and metallic tag for each dog licensed. The tag shall have stamped on it the number corresponding with the number on the certificate. Every owner shall be required to provide each dog with a collar to which the license tag must be affixed, and shall see that the collar and tag are constantly worn. In case a dog tag is lost or destroyed, a duplicate shall be issued by the City. A charge as set in the fee schedule shall be made for each duplicate tag as set in the fee schedule. Dog tags shall not be transferable from one dog to another and no refunds shall be made on any dog license fee or tag because of death of a dog or the owner's leaving the City before the expiration of the license period.

D. The licensing provisions of this Subdivision shall not apply to dogs whose owners are non-residents temporarily within the City, nor to dogs brought into the City for the purpose of participating in any dog 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.

E. The funds received by the City from all dog licenses and metallic tags fees shall first be used to defray any costs incidental to the enforcement of this Section; including, but not restricted to, the costs of licenses, metallic tags, and impounding and maintenance of the dogs.

Subd. 3 Cats. Cats shall be included as controlled by this Section insofar as pickup, impounding, and boarding is concerned. The licensing of cats shall not be required, however, proof of anti-rabies vaccine shall be required. All other provisions of this Section shall apply to cats.

Subd. 4 Vaccination.

A. 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:

1. Rabies - with a live modified vaccine; and
2. Distemper

B. A certificate of vaccination shall 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 Administrator or a police officer, the owner shall present for examination the required certificate(s) of vaccination for their 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 police officer. Failure to do so shall be deemed a violation of this Section.

390.03 Pot-bellied Pigs.

- A. A person may keep no more than one-pot-bellied pig, which must be kept solely for the private use and enjoyment of the person.
- B. A pot-bellied pig may be kept only by residents of single family detached dwellings.
- C. Every owner or keeper of a pot-bellied pig must obtain a license in accordance with the procedure for dogs under subsection 390.02, as supplemented by the provisions of this subdivision. Notwithstanding anything to the contrary in subsection 390.02, pot-bellied pigs of any age require a license. The provisions of subsection 390.02 regarding tags do not apply to pot-bellied pigs.
- D. All male pot-bellied pigs must be neutered by the age of three months, and all female pot-bellied pigs must be neutered by the age of one year. In addition to all other requirements for a license under subsection 390.02, an applicant for a pot-bellied pig license must present to the office of the city clerk a certificate executed by a licensed doctor of veterinary medicine showing that the animal has been neutered in a timely manner, or that the animal has not reached the age for required neutering by the date of application.
- E. It shall be unlawful for any person who owns, harbors, or keeps a pot-bellied pig, or the parents or the guardians of any such person under 18 years of age, to allow such pig to run at large. Pigs on a leash and accompanied by a responsible person or accompanied by and under the control and direction of a responsible person so as to be effectively restrained by command as by leash, shall be permitted in streets or on public land unless the City has posted an area with signs reading "Dogs or Cats Prohibited". Although said signs may not mention pigs specifically, they are prohibited as well.
- F. All other provisions of section 390 of the city code relating to animals apply to pot-bellied pigs. Pot-bellied pigs will be considered along with any other animals when determining whether a private kennel license is required or permitted.

390.04 Non-Domestic Animals. It shall be illegal for any person 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 thirty 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.

390.05 Farm Animals. Farm animals shall only be kept in an agricultural district of the City, or on a residential lot of at least ten (10) acres in size provided that no animal shelter shall be within three hundred (300) feet of an adjoining piece of property. An exception shall be made to this Subsection for those animals brought into the City as part of an operating zoo, veterinarian clinic, scientific research laboratory, or a licensed show or exhibition.

390.06 Limit on Number of Domesticated Animals. Because the keeping of any combination of more than three dogs, cats, or any other domesticated animals allowed outdoors, on the same residential premises, could be subject to abuse and has the potential to cause discomfort to persons in the area by way of smell, noise, hazard, and general aesthetic depreciation, the keeping of any combination of more than three dogs, cats, or any other domesticated animals allowed outdoors, over the age of six months, shall be declared a nuisance and is not allowed within the City limits.

390.07 Nuisances.

Subd. 1 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. Such barking must also be audible off of the owner's or caretaker's premises.

Subd. 2 Damage to Property. It shall be unlawful for any owner to permit their dog or other animal to damage any lawn, garden, or other property. Any animal covered by this subdivision may be impounded as provided in this Section or a complaint may be issued by anyone aggrieved by a dog under this Section, against the owner of the animal for prosecution under this Section.

Subd. 3 Animal Waste. All animal waste shall be removed with sufficient frequency to avoid any nuisance from odors, flies, or other similar problems.

Subd. 4 Other. Any animals kept contrary to this Section are hereby declared a public nuisance and may be abated according to the law.

390.08 Animals Presenting a Danger to Health and Safety of City. If, in the reasonable belief of any person or police officer an animal presents an immediate danger to the health and safety of any person, the officer may painlessly kill the animal. Otherwise the person or officer may apprehend the animal and deliver it to the pound for confinement. In such a case, the owner or keeper of the animal shall be liable for the cost of maintenance provided, and if the animal is destroyed, a charge to dispose of the animal, as set in the fee schedule. 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 this Section. The animal may be released to other persons in accordance with this Section.

390.09 Diseased Animals.

Subd. 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 Section.

Subd. 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 qualified 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 fine 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 in the fee schedule.

Subd. 3 Release. If the animal, upon examination, is not found to be diseased within the meaning of this Section, then the animal shall be released to the owner or keeper free of charge.

390.10 Basic Care. All animals shall receive from their owners or keepers a kind treatment, clean and sanitary shelter from the elements and sufficient food and water for their comfort. Any person not treating their pet in such a humane manner will be subject to the penalties provided in this Section.

390.11 Enforcing Officer. The Council is hereby authorized to appoint any police 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 Council, designate certain assistants.

390.12 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.

390.13 Impounding.

Subd. 1 Running at Large. Any police officer may impound any dog found unlicensed or any animal found running at large and shall give notice of the impounding to the owner of such dog or other animal, if known. 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 five regular business days of the posting of the notice, 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.

Subd. 2 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 such 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 such 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 Sherburne county, and provide immediate proof of such confinement in such 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.

Subd. 3 Reclaiming. All animals conveyed to the pound shall be kept, with kind treatment and sufficient food and water for their comfort, at least five regular business days, unless sooner reclaimed by their owners or keepers as provided by this Section. 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:

- A. Payment of a Release fee as set in the fee schedule;
- B. Payment of maintenance costs, as provided by the pound, per day or any part of day while animal is in the pound; and
- C. If a dog is unlicensed, payment of a regular license fee and valid certificate of vaccination for rabies and distemper shots is required.

Subd. 4 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 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 painlessly killed and shall properly dispose of the remains thereof. Any monies collected under this Section shall be payable to the City Administrator.

390.14 Interference with Officers. No person shall in any manner molest, hinder, or interfere with any person authorized by the Council to capture dogs, cats or other animals and convey them to the pound while such person is performing his or her official duties. 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 Section, or in any other manner to interfere with or hinder such officer in the discharge of his or her duties under this Section.

390.15 Violations and Penalties.

Subd. 1 Separate Offenses. Each day a violation of this Chapter is committed or permitted to continue shall constitute a separate offense and shall be punishable as such under this Section.

Subd. 2 Misdemeanor. Violation of this Section shall constitute a misdemeanor.