

CITY OF LAUDERDALE

ANIMAL CONTROL

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5-3-1: DEFINITIONS:

As used in this Chapter, except as otherwise provided, the following terms shall have the respective meanings ascribed to them:

ANIMAL CONTROL AUTHORITY: Means an agency of the state, county, municipality, or other governmental subdivision of the state which is responsible for animal control operations in its jurisdiction.

ANIMAL, DOMESTIC: Animals commonly accepted as domesticated household pets. Unless otherwise defined, such animals shall include dogs, cats, caged birds, gerbils, hamsters, ferrets, mice, rats, guinea pigs, chinchillas, domesticated rabbits, fish, and non-poisonous, non-venomous or non-constricting reptiles or amphibians.

ANIMAL, NON-DOMESTIC: 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:

- A. All members of the large cat family (family felidae) including, but not limited to, lions, tigers, cougars, bobcats, leopards, cheetahs, ocelots, servals, and jaguars, but excluding cats recognized as a domestic breed, registered as a domestic breed, and shown as a domestic breed by a national or international multibreed cat registry association.
- B. All naturally wild members of the canine family (family canidae) including, but not limited to, wolves, foxes, coyotes, dingoes, and jackals, but excluding dogs recognized as a domestic breed, registered as a domestic breed, and shown as a domestic breed by a national or international multibreed dog registry association.
- C. Any hybrid or crossbreed between a domesticated animal and a non-domesticated animal, such as the crossbreed between a wolf and a dog.
- D. Any member or relative of the rodent family, including, but not limited to, any skunk (whether or not descended), raccoon, or squirrel, but excluding those members otherwise defined as "Animal, Domestic" above.
- E. Any poisonous, venomous, constricting or inherently dangerous member of the reptile or amphibian families, including but not limited to, 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 subpart, including, but not limited to, bears, deer, monkeys, and game fish.
- G. All nonhuman primates, including, but not limited to, lemurs, monkeys, chimpanzees, gorillas, orangutans, marmosets, lorises, and tamarins.
- H. All other animals defined as regulated by Minnesota Statutes 346.155, as may be amended from time to time.

ANIMAL, FARM: 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 (male chickens, turkeys), fowl (ducks, geese), swine (pigs, including Vietnamese pot-bellied pigs), goats, bees other than honeybees, llamas, alpacas, and other animals associated with a farm, ranch or stable.

APIARY: The assembly of one or more colonies of bees in a single location.

AT LARGE: An unattended animal on public property; or an unattended animal on private property without the consent of the property owner.

BEEKEEPER: A person who owns or has charge of one or more colonies of bees.

CAT: Any domesticated feline animal, male or female, whole or neutered.

CHICKENS OR HEN CHICKENS: Female, domesticated fowl belonging to the *Gallus gallus domesticus* subspecies kept for the production of eggs.

CHICKEN COOP: A temporary structure for housing chickens which is made of wood or similar materials that provides shelter from the elements.

CHICKEN RUN: An enclosed outside yard for keeping chickens.

COLONY: An aggregate of bees consisting principally of workers, but having, when perfect, one queen and at times drones, brood, combs, and honey.

DANGEROUS DOG: Means any dog that has:

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

DOG: Any domesticated canine animal, male or female, whole or neutered.

ELECTRONICALLY TAGGED ANIMAL: An animal that has been implanted with a microchip or other electronic device that uniquely identifies the animal and its owner when the device is scanned.

GREAT BODILY HARM: Bodily injury which creates a high probability of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily harm.

HONEYBEES or BEES: Means at all stages of life of the common domestic honey bee, *apis mellifera* (Does not refer to the African subspecies and Africanized hybrids).

OWNER: Any person, firm, corporation, organization, or department processing, harboring, keeping, having an interest in, or having care, custody, or control of an animal.

POTENTIALLY DANGEROUS DOG: Means 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. Has a known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.

PROPER ENCLOSURE: Means securely confined indoors or in a securely enclosed and locked pen or structure suitable to prevent the animal from escaping and providing protection 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 a door or window screens are the only obstacles that prevent the animal from exiting.

PROVOCATION: Means an act that an adult could reasonably expect may cause a dog to attack or bite.

RESTRAINED: On a leash of not more than six feet (6') in length and in the custody of a person of sufficient age to adequately control the animal; in a vehicle; or confined to the owner's property by proper enclosure, leash, or fencing (including electronic fencing).

ROOSTER: Male, domesticated fowl belonging to the Gallus gallus domesticus subspecies.

SUBSTANTIAL BODILY HARM: Bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily member or organ, or which causes a fracture of any bodily member.

5-3-2: ENFORCEMENT:

A. Animal Control Officer: The provisions of this Chapter shall be enforced by an Animal Control Officer, the members of the City's law enforcement agency, and city staff.

B. Interference: No person shall, in any manner, interfere with or hinder an Animal Control Officer in the discharge of their duties.

5-3-3: EXEMPTIONS:

The following provisions of this Chapter shall not apply in the following circumstances:

A. Unless specified herein, the provisions of this Chapter shall not apply to animals used or confined at hospitals, clinics, or businesses operated by licensed veterinarians.

B. Section 5-3-5-2 relating to vaccination requirements shall not apply to any animal belonging to a nonresident of the City and kept within the City for not longer than thirty (30) days, provided all such animals shall, at all times while in the City, be restrained by the owner.

C. Sections 5-3-10 and 5-3-11 relating to dangerous dogs and potentially dangerous dogs shall not apply to dogs under the control of a law enforcement officer.

D. Subsections 5-3-6A and 6C shall not apply to raptors possessed by licensed falconers holding valid State and Federal Falconry Permits so long as the conditions of the permit are being satisfied.

E. Section 5-3-4 shall not apply to pet stores or veterinary clinics.

5-3-4: NON-DOMESTIC AND FARM ANIMALS:

5-3-4-1: PERMIT REQUIRED:

It shall be unlawful to keep or maintain a non-domesticated or farm animal without first having obtained a permit therefore.

5-3-4-2: PERMIT APPLICATION; FEE:

A. Application: Any person desiring a permit required by Section 5-3-4-1 to keep or maintain a non-domesticated or farm animal shall make application to the City Council.

B. Required Information: The application shall contain the name and address of the applicant; the address of the premises upon which the animal is to be kept; the number, species, and sex of the animal; a description of the animal's enclosure and its location on the property; and a statement regarding any property damage or physical injuries caused by the animal in the past.

C. Additional Information: The City Council may also require submission of such additional information or material as it deems necessary or convenient to administer this Section.

D. Initial And Renewal Permit Fees: The applicant shall pay to the City Administrator such initial permit fee and renewal permit fee as shall be established from time to time by Council resolution.

E. Hearing Date; Notice of Hearing: Upon submission of the initial application, the City Administrator shall set a date for a hearing on the application before the City Council and shall notify the owners of all properties located within two hundred feet (200') of the subject premises of the date and time of the hearing. (Ord. 84, 11-19-1985)

5-3-4-3: HEARING:

A. Testimony and Evidence: At the hearing, the City Council may take such testimony or receive such documents or information as it deems appropriate.

B. Potential Hazard Or Nuisance: No permit shall be issued if the City Council finds that such animal or animals, because of their number, size, proximity to other properties, history of vicious or destructive actions, or inherent characteristics are, or are likely to, become either a nuisance or a hazard to the public health or safety.

5-3-4-4: TERM OF PERMIT; RENEWAL:

Permits shall be valid until December 31 of the year of issuance and shall be renewed annually. Applications for permit renewal must be received 45 days prior to the end of the current permit to allow for processing. Renewals require the same notification and hearing process described in Sections 5-3-4-2 and 5-3-4-3.

5-3-4-5: REVOCATION:

The City Council may revoke a permit prior to its expiration if it finds that the terms or conditions of the permit have been violated or if the animal or animals have become either a public nuisance or a hazard to the public health or safety. Nothing herein shall be construed to prohibit or constrain any action allowed by law designed to prevent the spread of disease or the imminent damage to persons or property caused by such animal or animals. (Ord. 84, 11-19-1985)

5-3-5: DOMESTIC ANIMALS:

5-3-5-1: REGISTRATION; EXCEPTIONS:

A. Domestic animals such as caged birds, gerbils, hamsters, ferrets, mice, rats, guinea pigs, chinchillas, domesticated rabbits, fish, and non-poisonous, non-venomous or non-constricting reptiles or amphibians are exempt from the registration provisions outlined below but must adhere to the regulations outlined in Section 5-3-8.

B. All dogs and cats within the City shall be registered, except the following:

1. Dogs and cats less than six (6) months of age;
2. Dogs and cats whose owners are temporary visitors within the City for thirty (30) days or less in a calendar year; and
3. Dogs being used by law enforcement officers.
4. Dogs belonging to non-residents that use City dog park facilities are not required to register their dogs but they may do so following the same procedures outlined in Section 5-3-5-3.

5-3-5-2: VACCINATION REQUIRED:

It shall be unlawful for any dog or cat owner to keep or maintain any dog or cat older than six (6) months of age unless the owner can provide proof of a current anti-rabies vaccine certificate issued by a licensed veterinarian.

5-3-5-3: REGISTRATION PROCEDURES:

A. Application: Except as herein provided, within thirty (30) days after acquiring possession of a dog or cat five (5) months or older, the owner shall make application to register their animal. Prior to registration, the applicant shall present proof of vaccination to the City.

B. Registration Fee: The registration fee for each dog or cat must be submitted with the application. The fee will be established by the City Council from time to time. The City Council may establish reduced registration rates for animals that have been spayed, neutered, and/or electronically tagged.

C. Term of the Registration: The registration record will be maintained by the City for fifteen (15) years. Animals that live beyond fifteen (15) years may be registered again. Dogs and cats with current licenses as of the date of adoption will not need to complete the registration process. The owner of record will be mailed a new tag to be affixed to their dog or cat as described in section 5-3-5-3-D.

D. Receipt and Tags: Upon conclusion of the registration process, the City Administrator or designee shall issue a registration tag to the applicant. The applicant shall affix the tag to the collar of the registered dog or cat in such a manner that the tag may be easily observed.

E. Duplicate Tag: If a tag is lost, a duplicate may be issued by the City Administrator upon payment of an additional fee established by the City Council for each duplicate tag.

F. Change of Address: An applicant who has registered a dog or cat shall notify the City of applicant's address changes within the corporate limits of the City within thirty (30) days of any address change.

G. Counterfeit Tags: No person shall counterfeit or attempt to counterfeit the dog or cat registration tags.

5-3-6: CHICKENS

5-3-6-1: PURPOSE:

It is recognized that the ability to cultivate one's own food is a sustainable activity that can also be a rewarding past time. Therefore, it is the purpose of this section to permit the keeping and maintenance of hen chickens in a clean and sanitary manner that is not a nuisance to or detrimental to the public health, safety, and welfare of the community.

5-3-6-2: LIMITS:

It is unlawful for any person to keep or harbor hen chickens on a residentially zoned property without a permit. No permit will be issued for the keeping of roosters on any premises. The keeping of other poultry is prohibited.

5-3-6-3: PERMITTING PROCESS:

A. Application for Twelve or Fewer Hens: Any person desiring a permit for twelve (12) or fewer hens shall make application to the City. The application shall contain the name and address of the applicant, the address of the premises upon which the chickens are to be kept, the number of chickens desired, a site plan showing the location and size of the proposed chicken coop and run, a plan for maintaining an adequate temperature in the coop in both winter and summer conditions, and a description of how the chickens will be managed to prevent them from becoming a nuisance.

B. Application for more than Twelve Hens: Any person desiring a permit for more than twelve (12) hens shall make application to the City. The application shall contain the name and address of the applicant, the address of the premises upon which the chickens are to be kept, the number of chickens desired, a site plan showing the location and size of the proposed chicken coop and run, a plan for maintaining an adequate temperature in the coop in both winter and summer conditions, and a description of how the chickens will be managed to prevent them from becoming a nuisance.

C. Permit Issuance: Permits for twelve hens or less will be issued by staff once they determine the applicant meets the criteria established in 5-3-6-3-A. Permits for more than twelve hens are made at the discretion of the City Council based on the information provided in 5-3-6-3-B and the record of the hearing on the matter.

D. Hearing: Once city staff deems an application for more than twelve hens complete, the City Administrator shall set a date for a hearing on the application at a City Council meeting. At the hearing, the City Council may take testimony or receive information it deems appropriate. Upon conclusion of the hearing, the Council may deny a permit request, issue a permit as requested, or issue a permit with conditions.

E. Term of Permit; Renewal: All permits are valid for up to two (2) years ending December 31 of the second year of the permit. Applications for renewal must be received 45 days prior to the end of the current permit to allow processing of the renewal. Renewals require the same process described in Section 5-3-6-3.

F. Permit Non-Renewal or Revocation: City staff may refuse to grant or may revoke a permit if the chickens become a nuisance, as evidenced by a second substantiated violation (within twelve (12) months of a first substantiated violation) of this section of the City Code or Title 4 of the City Code.

The owner may appeal the non-renewal or revocation by scheduling a hearing by the City Council with the City Administrator within ten calendar days of the date of the notice. Following the appeals hearing, the City Council shall make a determination of facts and shall, based upon such determination, affirm, repeal, or modify the non-renewal or revocation order. If the City Council upholds staff's permit revocation or non-renewal, the owner shall have thirty (30) days to remove the hens from the property.

5-3-6-4: ADDITIONAL PROVISIONS:

A. Fee Owner Permission: If the permit applicant is not the fee owner of the premises on which the chickens are sought to be kept and for which the permit would apply, the application shall be signed by all fee owners of the premises.

B. Zoning: The principal use of the specific property must be single-family residential (including legal duplexes).

C. Non-Transferability: Permits are non-transferable and do not run with the land. A permit is granted to the chicken keeper by the City and does not create a vested zoning right.

D. Enclosures: Chicken coops (roofed structures) and runs are not considered accessory structures per the City's Zoning Code but they must adhere to the following: chicken coops (roofed structures) must be located in the rear yard; be no closer than 3 feet from the nearest property line; and not exceed 120 square feet in size. The Council reserves the right to waive any or all of these requirements. One coop is allowed per parcel. Chicken coops are not allowed to be located in any part of the home including attached garages. Coops shall be constructed and maintained in a workmanlike manner, shall be rodent proof, and shall not be made of scrap, waste board, sheet metal, or similar materials.

E. At Large: No person may allow chickens to range freely without fencing or without a mobile pen.

F. Cleanliness and Nuisances: All premises on which hens are kept shall be clean from filth, garbage, and free of any substance which attracts rodents. The coop and its surrounding shall be cleaned frequently enough to control odor. Manure shall not be allowed to accumulate in a way that causes an unsanitary condition or causes odors detectible on another property. The laying of eggs shall occur in the coop.

G. Food Storage: All grain and food stored for the use of the hens shall be kept in a rodent proof container.

H. Sale of Eggs, Chicks, and Chickens: Nothing contained in Section 5-3-6 shall be construed as permitting anyone to keep or maintain chickens for breeding, sale, or as a part of a business, unless otherwise licensed or permitted by the City.

I. Slaughtering: The slaughter of chickens for consumption shall not be performed out-of-doors.

J. Disposal: Dead chickens must be disposed of according to the Minnesota Board of Animal Health rules which require chicken carcasses to be disposed of as soon as possible after death, usually within forty-eight (48) to seventy-two (72) hours. Legal forms of chicken carcass disposal include offsite burial, offsite incineration or rendering, or offsite composting.

K. Residents maintaining hens on the date of ordinance adoption must apply for a permit by January 1, 2014. Any resident not meeting the requirements of 5-3-6 on the date of ordinance adoption will have until January 1, 2014 to come into compliance.

5-3-7: KEEPING OF BEES:

5-3-7-1: PURPOSE:

The purpose of this Section is to establish requirements for beekeeping within the City to avoid issues that might otherwise be associated with beekeeping in populated areas.

5-3-7-2: PERMITTING PROCESS:

A. Application: Any person desiring a permit to keep or maintain bees shall make application to the City Council. No person shall keep, maintain, or allow to be kept any hive or other facility for the housing of honeybees on or in any private property within the City of Lauderdale without a permit.

B. Required Application Information: The application shall contain the name and address of the applicant; the address of the premises upon which the hives would be kept; the number of hives; a description of the hives, and their location on the property; and the provisions for flyway barriers, water supply, and any other conditions required under this Chapter. Applications will not be accepted if a permit has been granted for hives within 100 feet of the applicant's lot. The application must also include written consent from 100% of the owners or occupants of properties (one signature per housing unit) abutting the applicant's and at least 80% of the owners or occupants of the properties (one signature per housing unit) within 100 feet. By signing the permit application, the beekeeper acknowledges that he or she

shall defend and indemnify the City against any all claims arising out of keeping bees on the premises.

C. Training Required: Beekeeping training is required for the beekeeper prior to issuance of an initial beekeeping permit by the City. The applicant must provide one of the following with their application:

1. A certificate of completion from a honeybee keeping course from the University of Minnesota or

2. A letter from a beekeeping instructor at the University of Minnesota or similar institution that states the permit applicant has gained through other means a substantially similar knowledge base to one that could be gained through appropriate beekeeping courses at the University of Minnesota.

D. Initial and Renewal Permit Fees: The applicant shall pay to the City such initial permit application fee and renewal application permit fee as shall be established from time to time by the City Council.

E. Hearing: Once city staff deems an application complete, the City Administrator shall set a date for a hearing on the application at a City Council meeting. At the hearing, the City Council may take testimony or receive information it deems appropriate to administer this section.

F. Permit Issuance: Upon conclusion of the hearing, the Council may deny a permit request, issue the permit as requested, or issue the permit with conditions.

G. Term of Permit; Renewal: Permits are valid for two (2) years ending December 31 of the second year of the permit. Applications for renewal must be received 45 days prior to the end of the current permit to allow processing of the renewal. Renewals require the same neighbor consent and hearing process described in this Section.

H. Permit Non-Renewal or Revocation: If the City Council does not renew a permit, the owner will have thirty (30) days to remove the hives from the property.

City staff may revoke a permit if the bees become a nuisance, as evidenced by a second substantiated violation (within

twelve (12) months of a first substantiated violation) of this section of City Code or Title 4 of City Code.

The owner may appeal the non-renewal or revocation by scheduling a hearing by the City Council with the City Administrator within ten calendar days of the date of the notice. Following the appeals hearing, the City Council shall make a determination of facts and shall, based upon such determination, affirm, repeal, or modify the revocation order. If the City Council upholds staff's permit revocation, the owner shall have thirty (30) days to remove the hives from the property.

5-3-6-3: Additional Provisions:

- A. Limit: No person is permitted to keep more than two colonies on any residential lot within the City. The beekeeper must live on the apiary lot.
- B. Fee Owner Permission: If the permit applicant is not the fee owner of the premises on which the bees are sought to be kept and for which the permit would apply, the application shall be signed by all fee owners of the premises.
- C. Non-Transferability: Permits are non-transferable and do not run with the land. A permit constitutes a limited license granted to the beekeeper by the City and in no way creates a vested zoning right.
- D. Honey bee colonies shall be kept in hives with removable frames, which must be kept in sound and usable condition.
- E. Each beekeeper shall maintain his beekeeping equipment in good condition, including keeping the hives painted if they have been painted but are peeling and flaking, and securing unused equipment from weather, theft, vandalism, or occupancy by swarms.
- F. Each beekeeper must ensure that a convenient source of water is available within twenty feet of each colony at all times that the colonies remain active outside the hive.
- G. Each beekeeper must ensure that no wax comb or other material that might encourage robbing by other bees is left upon the grounds of the apiary lot. Such materials shall

be stored in sealed container or placed within a building or other vermin-proof container.

H. Flyway Barrier: The beekeeper shall establish and maintain a flyway barrier six (6) feet in height. The flyway barrier may consist of a wall or fence (privacy) such that bees will fly over rather than through to reach the colony.

I. Sale of Honey and Wax Comb: Nothing contained in Section 5-3-X shall be construed as permitting anyone to sell honey or honeycomb unless otherwise licensed or permitted by the City.

5-3-8: REGULATIONS:

A. Confinement: Except as otherwise provided, the owner of an animal within the City shall cause such animal to be confined to the individual's property by proper enclosure, fencing (including electronic fencing), or leash. Animals not controlled as defined will be considered at large.

B. Female in Estrus: The owner of a female animal in heat shall confine such animal to the owner's property or any veterinary hospital/clinic, in such manner that the animal cannot come into contact with other animals, except for intentional breeding purposes.

C. Leash Required: The owner of an animal within the City shall cause such animal to be restrained by a leash, chain or a cord of not more than six feet (6') in length and in the custody of a person of sufficient age to adequately control the animal at all times while in a public place including but not limited to school yards, playgrounds, parks, or streets.

D. Permissible Return of Unrestrained Animal: If a licensed animal is found at large and its owner can be identified and located, the animal need not be impounded, but may be taken to the owner. Even if the animal is returned to the owner, proceedings may be taken against the owner for violations of this Chapter, including but not limited to, the issuance of criminal or administrative citations.

E. Noise and Nuisances: The owner of any animal within the City shall be responsible for preventing the animal from becoming a nuisance. A nuisance shall be defined as:

1. barking, baying, crying, mewing, chirping, crowing, clucking, or howling in any manner, which can be heard by any person, including the Animal Control Officer, from a location outside of the building or premises where the animal is being kept for an unreasonable length of time. For the purposes of this ordinance, unreasonable means repeated noise from the animal over a five (5) minute period of time with one (1) minute or less lapse of time between each animal noise during the five (5) minute period or noise which, at the discretion of the animal control officer, is found to annoy, disturb, or otherwise disrupt others;

2. an animal that damages property, plantings, or structures;

3. an animal that runs at large or habitually trespasses on any property other than that of its owner; or

4. an animal that deposits fecal matter on property other than the owners unless it is cleaned up as provided below. If the case of cats, this includes feline spraying.

F. Feces: Cleaning up litter: It is the responsibility of the owner, keeper, or other person in control of an animal to clean up any droppings of the animal and to dispose of the droppings in a sanitary manner.

G. Care Of Animals: The owner of an animal within the City shall provide the animal with sufficient, wholesome food and water; proper shelter and protection from weather; veterinary care when needed to prevent suffering; and with humane care and treatment.

H. Abuse: No person shall beat, torment, or otherwise abuse an animal or cause or permit an animal fight.

I. Number Allowed: No person shall allow residentially zoned property to be used for maintaining more than two (2) dogs and two (2) cats over six (6) months of age except as provided in 5-3-6 regarding chickens and 5-3-7 regarding bees.

J. Guard Dog Warning Signs: A person who uses a dog for security purposes within the City shall post a warning notice at the entrance of the premises.

5-3-9: IMPOUNDMENT:

A. Seizure: Subject to the provisions of this Section, animals found in violation of this Chapter may be seized by the Animal Control Officer, impounded in a designated animal shelter, and confined therein in a humane manner for a period of not more than five (5) business days or until claimed by the animal's owner, if allowable, whichever occurs first. Seizure, impoundment, and destruction of dogs that have inflicted substantial or great bodily harm on a human being without provocation shall be governed by Section 5-3-12.

1. Entry of Private Dwellings: Animal Control Officers are not authorized to enter private dwellings without a warrant for the purpose of seizing animals.

2. Notice Of Seizure: Before seizing an animal from the private property of its owner, the Animal Control Officer shall make a reasonable attempt, taking into consideration the time of day and nature of the violation, to notify the owner that the animal is being seized because it was observed by the Animal Control Officer to be in violation of the provisions of this Chapter.

3. Written Notice: When an animal is seized from the private property of its owner and the Animal Control Officer has been unable to notify the owner of the reason for seizing the animal, the Animal Control Officer shall leave a written notice affixed to the dwelling unit, in a conspicuous manner, indicating the day and time the animal was seized; the reason for seizing the animal; and the address of the shelter where the animal can be found.

4. Notice of Impoundment: Immediately upon impounding the animal, reasonable efforts shall be made to notify the owner and inform the owner of the animal's confinement and the procedures for release of the animal to the owner.

B. Redemption: An animal which is not redeemed within five (5) business days after impounding may be disposed of in any manner provided by law. Any animal which is not claimed

by the owner or sold, shall be euthanized and disposed of in a sanitary manner by the Animal Control Officer or the impounding facility.

C. Title: The title of all animals seized and held at the animal shelter may be transferred to the Humane Society or other animal shelter identified by the Animal Control Officer or their designee after the legal detention period has expired and the animals have not been claimed by their owners.

D. Impoundment Fees: Any animal, with the exception of a non-domesticated or farm animal being maintained without a permit, impounded hereunder may be reclaimed by the owner of the animal within five (5) business days after impoundment. Before the owner shall be permitted to recover possession of the animal, the owner shall pay the Animal Control Officer all required fees and costs of impoundment. (Ord. 12, 7-27-1993)

5-3-10: RABIES CONTROL:

A. State Law Adopted: The Minnesota Health Laws and Regulations are hereby adopted in cases of rabid animals which have bitten any person or animals suspected of being rabid.

B. Duty of Physician to Report: It shall be the duty of every physician to report to the City the names and addresses of persons treated for bites inflicted by animals together with other information helpful in rabies control.

C. Duty Of Veterinarian To Report: It shall be the duty of every licensed veterinarian to report to the City his or her diagnosis of any animal observed by him or her as a rabies suspect.

D. Issuance Of Proclamation: Whenever the prevalence of rabies or hydrophobia renders such action necessary to protect the public health, safety and welfare, the Mayor shall issue a proclamation ordering every person owning or in possession of a dog to confine it securely to other premises unless it is muzzled so that it cannot bite. No person shall violate this proclamation. (Ord. 12, 7-27-1993)

5-3-11: BITING ANIMALS TO BE QUARANTINED:

Whenever an animal has bitten a person, or whenever a known or suspected rabid animal is picked up by the Animal Control Officer, the animal shall be confined for a minimum of ten (10) days as follows:

A. Confinement At Owner's Residence: Upon proof of a current rabies vaccination, the owner of the animal may, with the consent of the Animal Control Officer, quarantine the animal at the owner's residence provided that such animal shall not be permitted to come in contact with other animals or persons and, provided further that the animal shall be muzzled and on a leash not to exceed four feet (4'), and in control of a competent person when taken from the place of confinement for sanitation purposes.

B. Confinement at Animal Shelter or Veterinary Clinic: If no proof of a current rabies vaccination is provided, or if the Animal Control Officer does not consent to confinement of the animal to the owner's residence, the animal shall be quarantined at an animal shelter or a licensed veterinary clinic at the expense of the owner.

C. Permission to Remove Required: A quarantined animal shall not be removed from the place of confinement without the written permission of the Animal Control Officer.

D. Confinement Enclosure: A quarantined animal shall be confined in an enclosure constructed of materials suitable to prevent the animal from escaping. All openings to the enclosure shall be locked at all times and the animal shall not be removed from the enclosure unless the animal is muzzled on a leash not exceeding four feet (4') in length and in control of a competent person. (Ord. 12, 7-27-1993)

5-3-12: DANGEROUS AND POTENTIALLY DANGEROUS DOGS:

A. Conformance with State Law: Nothing in this Section is intended to conflict with the provisions of Minnesota Statute Sections 347.50 through 347.565, as may be amended from time to time.

B. Dangerous or Diseased Animals: No person may keep on their premises, or on a premises occupied by them, nor permit to run at large in the city, any dog or other

domesticated animal of a ferocious or vicious character, habit, or disposition as defined by Minnesota Statutes, Section 347.50 subd. 2. Any animal which is diseased, vicious, dangerous, rabid, or exposed to rabies may be impounded. If the animal cannot be impounded without serious risk to the person attempting to impound the animal, it may be killed immediately by a police officer or other person designated by the City Administrator.

C. Determination: The Chief of Police, or his designee, shall determine whether an animal meets the criteria for designation as a dangerous or potentially dangerous dog.

D. Appeals: Any owner who feels aggrieved by a potentially dangerous dog designation may appeal to the Chief of Police or his or her designee.

Any owner, who feels aggrieved by a dangerous dog notice or order of the Chief of Police, or the Chief's designee, may request a hearing before the City Council, which serves as the city's Hearing Officer, by filing an appeal in writing with the Chief of Police within fourteen (14) days after receipt of the notice or order. Upon the filing of such appeal, no further action shall be taken by the City until the matter has been decided by the City Council and all appeals or appeal opportunities have been exhausted. The owner may appear with or without legal counsel and present evidence in opposition to the notice or order. Following the appeals hearing, the City Council shall make a determination of facts and shall, based upon such determination, affirm, repeal, or modify the Police Chief's notice or order. The City Council shall also establish a date for compliance with the order as affirmed or modified, which date shall be not less than five (5) days thereafter, in compliance with Minnesota Statutes, Section 347.541.

E. Confiscation: The animal control authority having jurisdiction shall immediately seize any dangerous dog if:

1. The owner does not appeal the Police Chief's order within the appeal period; or

2. The dog is not destroyed or permanently removed from the City within five (5) calendar days after the City Council has denied an appeal.

F. Stopping an Attack. If any law enforcement officer is witness to an attack by a dog 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.

5-3-13: HOME OCCUPATION:

Nothing contained in Title 5-3 shall be construed as permitting anyone to keep or maintain animals for breeding, sale, or as a part of a business, unless otherwise licensed or permitted. (Ord. 84, 11-19-1985)

5-3-14: PENALTY:

Any person, firm, or corporation who violates any provision of this code for which another penalty is not specifically provided, shall, upon conviction, be guilty of a misdemeanor under Minnesota Statute Section 609.03 as it may be amended from time to time by the Minnesota Legislature. The cost of prosecution may be added. A separate offense shall be deemed committed upon each day during which a violation occurs or continues.

Adopted by the City Council of the City of Lauderdale the 10th day of November, 2015. Published in the Roseville Review the 17th day of November, 2015.