

## CHAPTER 90: ANIMAL CONTROL

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### **90.01 PURPOSE AND INTENT.**

The ordinance is adopted for the purpose of authorizing the City of Blooming Prairie to regulate animals throughout the city. This is to ensure the safety, public health, and welfare of residents, property owners, and animals alike.

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### 90.02 DEFINITIONS.

The following words, terms and phrases, when used in this chapter, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

- (A) **Animal.** Meaning any living creature, excluding humans and plants.
- (B) **Animal Control Officer.** Any employee of the city who is entrusted to enforce city ordinances.
- (C) **At Large.** For an on-leash area, not under the control of the owner or some other person of suitable age and discretion by leash, chain, or cable, none of which may be longer than ten feet in length, or fence, kennel, or other suitable enclosure. The term “at large” means, for an off-leash area, not under the control of the owner or some other person of suitable age and discretion by command or by leash, chain, cable, fence, kennel, or other suitable enclosure. An animal enclosed within a residence, dwelling, business, or other structure so that it cannot leave on its own volition shall not be considered at large.
- (D) **By Command.** The dog must be under the control of the responsible person by command, must remain within sight of the responsible person, and must be adequately trained to return to the responsible person when called.
- (E) **Owner.** Any person owning, keeping, harboring or maintaining an animal within the city or permitting such animal to be at large within the city. An animal shall be deemed to be harbored if it is fed or sheltered for three days or more.
- (F) **Off-leash areas** means any of the following areas:
  - a. Designated dog parks.
- (G) **On-leash areas** means any of the following areas:
  - a. Any public streets or sidewalks;
  - b. Any private property unless with the consent of the property owner.
  - c. Dogs are not permitted in city parks.

### 90.03 PERMITTED DOMESTICATED ANIMALS.

- (A) Any person may own, keep, harbor or maintain any domesticated animal that is not susceptible to rabies.
- (B) Any person may own any domesticated animal which is susceptible to rabies if it can be vaccinated for rabies and it has been vaccinated with a vaccine licensed for use specifically for that species of animal. Based on current knowledge, the following animals can be legally vaccinated for rabies: dogs, cats, ferrets, cattle, sheep and horses. However, the latter three are considered livestock and therefore not permitted in the city.
- (C) It shall be unlawful to own, keep, harbor or maintain any domesticated animal which is susceptible to rabies and which has not been vaccinated with an approved vaccine. However, the keeping of chickens shall be permitted in accordance with ordinance 94: Chickens.

## Animal Control

### 90.04 OWNERSHIP LIMITS

- (A) No person shall keep five or more multiple animals over the age of six months within any household in the city. The term “multiple animals” means two or more cats, dogs or ferrets. Notwithstanding any provision to the contract, no person shall keep four or more dogs over the age of six months within any household in the city. For the purposes of this section, the term “household” refers to a single-family residence or single unit of a townhome, condominium, apartment or comparable structure which is rented, leased or used as a single unit. This section shall not be construed to limit the ability of apartment managers, landlords, townhome associations or other representatives of property owners to impose greater restrictions.
- (B) Any person who owned four or more dogs prior to the effective date of the ordinance shall be permitted to keep those animals, provided that those animals resided in that household and have been properly licensed. No person affected by this subsection shall be permitted to acquire any additional dogs or to replace any dogs in excess of three unless specifically authorized by the city council.
- (C) Any person who moves into the city may bring into the city any number of cats, dogs or ferrets that do not exceed the limits identified in this section. The animals must be licensed within 30 days of establishing residence in the city.
- (D) Any person who currently owns cats, dogs or ferrets who becomes a resident of the city by annexation shall be permitted to keep those animals, provided that those animals are licensed within 30 days following the approval of the annexation. No person affected by this subsection shall be permitted to acquire any additional cats, dogs or ferrets or to replace any cats, dogs or ferrets in excess of the limits established in this section unless specifically authorized by the city council.

### 90.05 PROHIBITED WILD ANIMALS.

- (A) It shall be unlawful to keep any wild animal within the city limits, except as permitted pursuant to the provisions of this section.
- (B) As used in this section, the term “wild animal” means any animal, mammal, amphibian or reptile which is of a species which is wild by nature or of a species which, due to size, vicious nature or other characteristics, is inherently dangerous to human beings. Examples of wild animals, without limitation, are:
- a. Any large cat of the family Felidae, such as lions, tigers, jaguars, leopards, cougars and ocelots, except domestic house cats.
  - b. Any member of the family Canidae, such as wolves, hybrid wolves, coyotes, dingoes and jackals, except domesticated dogs.
  - c. Any crossbreed such as crossbreeds between dogs and coyotes, and dogs and wolves, but does not include crossbred domesticated animals.
  - d. Any poisonous snake, including, but not limited to, rattlesnakes, coral snakes, water moccasins, puff adders or cobras.
  - e. Any skunk, raccoon, fox or animal protected under state or federal wildlife regulations.
  - f. Any bear, ape, monkey in excess of five pounds, or badger.
  - g. Any porcine, including, but not limited to, pot-bellied pigs.

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- h. Any other animal, bird or reptile which is commonly considered wild and not domesticated.
- (C) Exceptions to the definition of the term “wild animal” are:
- a. Nonpoisonous snakes, domesticated birds, hamsters, mice, rabbits, lizards, spiders and other similar small animals capable of being kept in cages, including rats, if purchased from a bona fide pet store;
  - b. Medically prescribed companion animals;
  - c. Wildlife rehabilitators may only possess animals with a state department of natural resources permit. Such animals will be kept in a manner as to not create unsanitary conditions or unreasonable noise;
  - d. Birds and birds of prey if kept pursuant to a valid U.S. Fish and Wildlife Services permit.

### **90.06 LICENSE REQUIREMENTS.**

- (A) It is unlawful for any person to keep, harbor or maintain a dog, cat or ferret over the age of four months unless it is licensed through the city. Licenses are available at city hall; proof of vaccination is required to obtain a license.

### **90.07 VACCINATION CERTIFICATES, FEES AND ENFORCEMENT; RABIES VACCINATION REQUIRED.**

- (A) It is unlawful for any person to keep, harbor, or maintain any animal over the age of four months which is susceptible to rabies unless that animal has a current rabies vaccination or unless otherwise specified by a licensed veterinarian.

### **90.08 RUNNING AT LARGE.**

- (A) *Any animal.* No owner of any animal, whether kept, harbored, or maintained within or without the city, shall permit or suffer such animal to run or move at large at any time within the city. For the purpose of this section, every such animal at large shall be deemed at large with the permission and at the sufferance of its owner, and in the event of a violation of the provisions of this section, it shall be no defense that the offending animal escaped or is otherwise at large without the permission or sufferance of its owner.

### **90.09 CONDITION OF PREMISES; EXCREMENT.**

- (A) *Dog and cat excrement.* It is unlawful for any person who owns or has custody of a dog or cat to cause or permit such animal to defecate on any private property without the consent of the property owner or on any public property, unless such person immediately removes the excrement and places it in a proper receptacle. The provisions of this subsection shall not apply to Seeing-Eye dogs under the control of a blind person.

## Animal Control

### 90.10 BARKING DOGS.

- (A) *Nuisance.* It shall constitute a nuisance and be unlawful if any dog barks, whines, howls, bays, cries or makes any other noise excessively so as to cause annoyance, disturbance or discomfort to any reasonable person of ordinary sensibilities, provided that such noise lasts for a period of more than five minutes continuously or intermittent barking that continues for more the twenty minutes and is plainly audible outside the property limits of where the dog is kept. It shall not be a violation of this section if the dog was barking, crying or making other noise due to harassment or injury to the dog or a trespass occurs upon the premises where the dog is located.
- (B) *Penalty.* A first-time violation of this section shall be deemed a petty misdemeanor.
- (C) *Seizure; noise abatement.* Any police officer or animal control officer may enter onto private property and seize any barking dog, provided that the following conditions exist:
- a. There is an identified complainant other than the police or animal control officer making a contemporaneous complaint about the barking;
  - b. The officer reasonably believes that the barking meets the criteria set forth in subsection (A) of this section;
  - c. The officer can demonstrate that there has been at least one previous complaint of a dog barking at this address on a prior date;
  - d. The officer has made reasonable attempts to contact the owner of the dog or the owner of the property and those attempts have either failed or have been ignored;
  - e. The seizure will not involve forced entry into a private residence. Use of a passkey obtained from a property manager, landlord, innkeeper, or other person authorized to have such a key shall not be considered as forced entry;
  - f. No other less intrusive means to stop the barking is available; and
  - g. Written notice of the seizure is left in a conspicuous place if personal contact with the owner of the dog is not possible.
- (D) *Disposition of seized animals.* Any dog seized under the provisions of subsection (C) of this section shall be taken to the animal control shelter and kept there to be reclaimed by the owner. No impound fee shall be charged unless circumstances indicate that the owner failed to cooperate with or obstructed an animal control or police officer's attempts to abate the noise through other less intrusive means. The owner shall pay all other fees required under section 90.14. Any dog seized in subsection (C) of this section which is unclaimed may be disposed of according to provision of section 90.15.

### 90.11 ABUSE/NEGLECT 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 need or supplied by free choice. Snow or ice is not an adequate water supply.

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- (C) *Shelter.* Animals must be provided with shelter at all times during inclement weather. 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.* An animal control officer or 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 subsection (E) of this section may be reclaimed by the owner within five 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 and/or veterinarians office. Any animal not reclaimed within the time allowed may be disposed of pursuant to section 90.15.
- (G) *Abandonment.* Any animal left at the animal shelter by the owner, keeper, or caretaker beyond five working days after being notified as required by section 90.13, shall be deemed abandoned and may be disposed of according to section 90.15. The owner shall be liable for payment of all fees and expenses incurred by the city for the care and/or disposal of the animal.

### **90.12 APPREHENSION OF ANIMALS.**

- (A) *Seizure of animals at large.* An animal control officer may apprehend and take possession of any animal at large. Any animal apprehended by an animal control officer may be conveyed to the city animal shelter to be there confined until released or disposed of as hereinafter provided.
- (B) *Seizure of unlicensed or unvaccinated animals.* Any animal control officer or police officer may seize any animal which is not licensed or not vaccinated or the possession of which is prohibited within the city, provided that the officer can demonstrate that the owner or other person in control of such animal has been warned or cited for at least three previous violations of section 90.05 or 90.06. Any animal seized under this subsection shall be taken to the shelter and held according to the provisions of section 90.13. Any other prohibited animal shall be confined by the animal control officer in an appropriately secure place and disposed of according to state law.

## Animal Control

### **90.13 NOTICE OF APPREHENSION.**

Within 48 hours after apprehending any properly identified dog or cat, pursuant to section 90.12, the animal control officer shall make reasonable efforts to contact the owner at the address/telephone number which corresponds to the ID tag that is issued by the city when an animal is properly licensed.

### **90.14 RECLAIMING ANIMALS FROM THE ANIMAL SHELTER.**

- (A) Within the time limit set forth in section 90.15, the owner of any animal seized pursuant to this chapter may retrieve the animal from the designated animal shelter, provided the owner first obtains the appropriate license, pays all impound, boarding, and veterinary fees, or any other costs incurred by the city. Additionally, if vaccination is required, the owner must make arrangements to have the animal appropriately vaccinated by a veterinarian. Any owner who fails to comply with these requirements within five working days shall be deemed to have forfeited any property right to the animal and the city may dispose of it pursuant to section 90.15.
- (B) The council may from time to time amend the fees and penalties set forth in subsection (A) of this section by updating the annual fee schedule.

### **90.15 DISPOSING OF UNCLAIMED ANIMALS.**

If any animal apprehended by the animal control unit is not claimed by its owner within five days after the date of apprehension, excluding holidays or other days the animal shelter is closed, the animal control unit shall cause the animal to be destroyed in a humane way or may allow the animal to be adopted by any other interested person over the age of 18 after payment of such fees as may be determined by the council.

### **90.16 OFFENSES.**

- (A) *Generally.* No person shall break open the animal shelter or attempt to do so, or take or attempt to take from an animal control officer or any police officer or any other authorized representative of the city, any animal taken up or apprehended in compliance with this chapter or in any manner intentionally interfere with or hinder such persons in the discharge of their duties under this chapter.
- (B) *Citations for certain violations.* The animal control officer is authorized to issue a citation to any person, firm or entity for any alleged violations of this chapter and any other ordinance or statute which provides the basis for prosecution of violations of this chapter. Nothing within this chapter shall be construed to limit the authority of police officers to enforce any provisions of this chapter or related statutes or ordinances.

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### **90.17 ANIMAL BITES.**

Whenever any animal shall have bitten a person or there is good reason to believe that such animal has bitten a person, such fact shall be reported within 24 hours to the police department and, thereafter, the owner of such animal shall comply with the instructions of said department concerning such animal.

### **90.18 DANGEROUS DOGS.**

- (A) The provisions of Minn. Stats. § 347.50—347.565, relating to the regulations of dangerous dogs, are hereby incorporated by reference and adopted as part of this section. The city council shall act as impartial hearing officers as required by these sections.
- (B) Potentially dangerous dogs shall be regulated under Minn. Stats. §§ 347.50—347.565 the same as if they were dangerous dogs. Notwithstanding the provisions of Minn. Stats. §§ 347.50—347.565, the following provision shall apply:
  - a. The definition of the term “proper enclosure” shall be expanded to include a fenced-in yard that prevents the dog from leaving the property and to which the public cannot gain access;
  - b. The dog owner shall not be required to have the dog sterilized; and
  - c. A surety bond or policy of liability insurance in the amount of \$25,000.00 shall be required if the hearing officers determines the dog is potentially dangerous as a result of biting a human.
- (C) No person shall take a dog that has been declared dangerous or potentially dangerous into the public unless the dog is muzzled and restrained by a substantial chain or leash, and is under the physical restraint of a responsible person.
- (D) The city council may make the final determination whether a dog is considered dangerous or potentially dangerous if a bite occurs while on the dog is on the private property on which it resides, and there are extenuating circumstances.

### **90.19 QUARANTINE OF UNVACCINATED ANIMAL.**

The owner of an animal that inflicts a bite on a human shall provide to the animal control officer evidence that the animal is current on its rabies vaccination. Animal control may seize and hold such animal at a designated animal shelter for a period of not less than ten days if evidence of a current rabies vaccination is not presented or otherwise on record. The animal may be reclaimed by the owner upon payment of impounding and boarding fees. An animal not reclaimed under this section within seven days after quarantine may be disposed of, and the owner is liable to the animal control authority for costs incurred in confining and disposing of the animal.



## Animal Control

### 90.20 RESTRICTIONS.

- (A) *Dog ownership prohibited.* Except as provided in subsection (C) of this section, no person may own a dog if the person:
- a. Has been convicted of a third or subsequent violation of this chapter, or of Minn. Stats. § 347.51, 347.515 or 347.52;
  - b. Has been convicted of violation of Minn. Stats. § 609.205(4);
  - c. Has been convicted of a gross misdemeanor violation of Minn. Stats. § 609.226, subd. 1;
  - d. Has been convicted of a violation of Minn. Stats. § 609.226, subd. 2; or
  - e. Has had a dog destroyed pursuant to Minn. Stats. § 347.56 and:
    - i. Has been convicted of one or more violations of Minn. Stats. § 347.51, 346.515, or 347.52; or
    - ii. Has been convicted of one or more violations of Minn. Stats. § 609.226, sub. 2, or has been convicted of one or more violations of this section.
- (B) *Household members.* If any member of a household is prohibited from owning a dog, as provided in subsection (A) of this section, unless specifically approved in writing with or without restrictions by the animal control officer, no person in the household is permitted to own the dog.
- (C) *Dog ownership prohibition review.* Beginning three years after a conviction under subsection (A) of this section that prohibits a person from owning a dog, and annually thereafter, the person may request that the animal control unit review the prohibition. The animal control unit may consider such facts as the seriousness of the violations that led to the prohibition, any criminal convictions, or other facts that the animal control unit deems appropriate. The animal control unit may rescind the prohibition entirely or rescind it with limitations. The animal control unit also may establish conditions a person must meet before the prohibition is rescinded, including, but not limited to, successfully completing dog training or dog handling courses. If the animal control unit rescinds a person's prohibition and the person subsequently fails to comply with any limitations imposed by the animal control unit or the person is convicted of any animal violation involving unprovoked bites or dog attacks, the animal control unit may permanently prohibit the person from owning a dog in the city.

### 90.99 PENALTY.

Any person, firm or corporation violating the provisions of this chapter shall be guilty of a petty misdemeanor, as defined by state law, upon conviction thereof, shall be punished by a fine of not more than an amount as is provided for petty misdemeanors by state law from time to time.  
(Ord. 08-1, passed 2-11-2008)

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Passed by the City Council of Blooming Prairie, Minnesota this 13<sup>th</sup> day of June, 2022.

\_\_\_\_\_  
Mayor

Attested:

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City Administrator

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