

800.00 ANIMAL CONTROL REGULATIONS.

- 800.01 Definitions.
- 800.02 Enforcement.
- 800.03 Right of Entry.
- 800.04 Impounding Animals.
- 800.05 Impounding Strays.
- 800.06 Impounding Facility.
- 800.07 Redeeming Impounded Animals.
- 800.08 Disposition of Impounded Animals.
- 800.09 License and Vaccination Requirements.
- 800.10 Fostering License.
- 800.11 Health and Maintenance Standards.
- 800.12 Prohibitions.
- 800.13 Confinement in Motor Vehicle.
- 800.14 Rabies, Animal Bites.
- 800.15 Dangerous and Potentially Dangerous Animals.
- 800.16 Dangerous Animal Requirements.
- 800.17 Farm Animals.
- 800.18 Wild Animals.
- 800.19 Trapping.
- 800.20 Penalty.
- 800.21 Exemptions.

800.01 DEFINITIONS.

Unless the context clearly indicates otherwise, the words and phrases below are defined for the purpose of this chapter as follows.

**ANIMAL.** Any mammal, reptile, amphibian, fish, bird (including all fowl and poultry) or other member commonly accepted as a part of the animal kingdom. Animals shall be classified as follows:

**DOMESTIC ANIMAL.** Any animal commonly accepted as a domesticated household pet. Unless otherwise defined, these animals shall include dogs, cats, caged birds including pigeons, gerbils, hamsters, guinea pigs, domesticated rabbits, fish, non-poisonous, non-venomous and non-constricting reptiles or amphibians and other similar animals.

**FARM ANIMAL.** Any animal commonly associated with a farm or performing work in an agricultural setting. Unless otherwise defined, the animals shall include members of the equestrian family (horses, mules), bovine family (cows, bulls), sheep, poultry (chickens, turkeys), fowl (ducks, geese), swine (including Vietnamese pot-bellied pigs), goats, bees and other animals associated with a farm, ranch or stable.

**WILD ANIMAL.** Any animal commonly considered to be naturally wild and not naturally trained or domesticated, or which is commonly considered to be inherently dangerous to the health, safety or welfare of people. Unless otherwise defined, the animals shall include:

1. Any member of the large cat family (family felidae) including lions, tigers, cougars, bobcats, leopards and jaguars, African Serval, but excluding commonly accepted domesticated house cats;
2. Any naturally wild member of the canine family (family canide) 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 or squirrel, 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; and
6. Any other animal which is not explicitly listed above but which can be reasonably defined by the terms of this section, including but not limited to bears, deer, monkeys and game fish.

**AT LARGE.** An animal not under the custody and control of the owner or other person, either:

1. Confined or restrained on the owner's property by leash, cord, chain, enclosure or fencing. Restraint by voice command or a remote electronic training device, on the owner's property, shall be allowed provided that the animal is under the immediate supervision of its owner or other responsible person; or
2. Confined within a private vehicle or restrained by a leash not exceeding six feet in length while off the premises of the owner.

**AUTHORIZED CITY PERSONNEL.** The Chief of Police, law enforcement personnel and others designated by law enforcement personnel to assist in the enforcement of this chapter.

**MALTREATED ANIMAL.** An animal that has not been given adequate food, water or shelter as specified in Section 800.11 or that has been subjected to the conduct prohibited by M.S. § 343.21, as it may be amended from time to time.

**OWNER.** A person owning, keeping, harboring or acting as custodian of an animal. All adult occupants of the property where the animal resides or is kept are considered an owner or owners.

**PARCEL OF LAND.** A contiguous tract or area of land established by plat, subdivision, or as otherwise permitted by law, that has one legal description and parcel identification number recorded with the Scott County Property Records Department. Also referred to as a LOT or LOT OF RECORD.

**PERSON.** An individual, firm, partnership or corporation.

**PREMISES.** A building, structure, shelter or land where an animal is kept or confined.

**PUBLIC NUISANCE ANIMAL.** An animal that is maintained in a manner that violates Section 800.11 by virtue of:

1. The number or types of animals maintained,
2. The animal is offensive or dangerous to the public health, safety or welfare; or

3. The animal has been the subject of a violation of this chapter more than two times in a 24-month period.

VETERINARY HOSPITAL. A place for the treatment, hospitalization, surgery, care and boarding of animals and birds, under the direction of one or more licensed veterinarians.

#### 800.02 ENFORCEMENT.

The provisions of this chapter will be enforced by the Chief of Police, law enforcement personnel, law enforcement designees and the assistance of other personnel when appropriate.

#### 800.03 RIGHT OF ENTRY.

Authorized city personnel have the right to enter upon a premises at reasonable times for the purpose of discharging their duties imposed by this chapter when there is reasonable belief that a violation of this chapter has been committed. Authorized city personnel may enter the private dwelling of an individual for the purposes of seizing animals or otherwise enforcing the provisions of this chapter with consent, or by first obtaining a search warrant.

#### 800.04 IMPOUNDING ANIMALS.

Subd. 1. Authorized city personnel may seize and impound an animal found to be in violation of this chapter. These personnel may enter onto private property to seize and impound animals when:

- a. They have a reasonable and immediate concern for the animal's health, safety or welfare;
- b. They have a reasonable and immediate concern for the health, safety or welfare of human beings or other animals as a result of the animal's continued presence on the property; or
- c. They have reasonable cause to believe that a violation of this chapter has occurred or is occurring and that seizure is necessary to prevent further violation, but only after a reasonable effort has been made to contact an occupant of the property.

Subd. 2. A person must not interfere with authorized city personnel impounding an animal, nor refuse to surrender an animal to these personnel.

Subd. 3. Written notice of the seizure shall be left in a conspicuous place if personal contact with the animal owner is not possible.

Subd. 4. The animal owner is responsible for costs for the impounding and housing of an impounded animal.

#### 800.05 IMPOUNDING STRAYS.

Subd. 1. Authorized city personnel may seize and impound an animal found at large on public property or claimed to be a stray by the occupant of the premises upon which the animal is found.

Subd. 2. An impounded stray animal displaying a need for medical care may be taken to a veterinarian for emergency treatment. The owner of the animal is responsible for payment of expenses incurred as a result of the veterinarian's treatment.

Subd. 3. Authorized city personnel shall give notice of an impounded animal to the owner if known. Photographs of impounded animals may be posted on the City website or at the Police Department.

#### 800.06 IMPOUNDING FACILITY.

Subd. 1. The Council will designate a place as an animal impounding facility for keeping animals that are impounded by the city.

Subd. 2. Each month, or upon request, the impounding facility will give to the city administrator or his designee, a written report showing the animals impounded, the duration of the impoundment and the method of disposal for each animal.

#### 800.07 REDEEMING IMPOUNDED ANIMALS.

The owner of an impounded animal may redeem the animal upon payment of all impounding and/or boarding fees. The animal owner is responsible for all assessed fees. No dog may be released unless properly inoculated for rabies and licensed by the city.

#### 800.08 DISPOSITION OF IMPOUNDED ANIMALS.

If an impounded animal is not redeemed within five business days after the required notice, as specified in Sections 800.04 and 800.05, authorized city personnel may give the animal away or direct the impounding facility to dispose of the animal in a humane manner. No animals are to be sold for research or to testing agencies by the impoundment facility.

#### 800.09 LICENSE AND VACCINATION REQUIREMENTS.

Subd. 1. License and registration. All dogs within the City of Belle Plaine shall be licensed except the following:

- a. Dogs less than six months of age;
- b. Dogs which are brought into the city for appearances in an animal show or trial; and
- c. Dogs being used by law enforcement officers.

Subd. 2. Limitations. It is unlawful for any person, or other possessor of dogs and cats over six(6) months of age, to permit more than TWO (2) dogs and more than TWO (2) cats per household. Dogs must meet the license requirement of this ordinance. Upon written notice of this Section, the owner of the dogs or cats will be given THIRTY (30) days to be in compliance with this section.: except as provided for in Section 800.10 Fostering License.

Subd. 3. Vaccination required. A person who owns, harbors or keeps a dog over six months old within the city must have the dog vaccinated by a licensed veterinarian with an anti-rabies vaccine that is currently effective. The owner shall be responsible for revaccination of the anti-rabies vaccine upon each expiration date and return to the city for re-licensing of their dog.

Subd. 4. Tag required. A person who owns, harbors or keeps a dog over six months old within the city must securely attach the City of Belle Plaine identification tag to the dog's collar so that it can be readily seen. The identification tag must be worn by the dog at all times when it is off the owner's or keeper's property.

Subd. 5. Licensing/vaccination procedures.

- a. Application. Except as herein provided, within 30 days of acquiring possession of a dog which has not been licensed by the city, or within 30 days of moving to the city with a dog which has not previously been licensed by the city, the owner of the dog shall make application for a dog license. The application shall be on forms provided by the city. The applicant shall also provide proof of vaccination and spay or neuter status to the city prior to the issuance of a license or renewal of a license.
- b. License fee. License application must be accompanied by a non-refundable fee as established by City Council resolution.
- c. Duration of license. A dog license shall continue in force (valid) for the life of the dog provided that the owner shows proof every two (2) years that the dog has been immunized against rabies within that period and provided that the owner give notification of any change in address. It is unlawful for the owner of any dog to fail to fully comply with this subdivision.
- d. Receipt and tags. Upon completion of the application form, receipt of the license fee(s) and receipt of proof of vaccination and spay or neuter, if applicable, the city shall cause a license fee receipt to be issued to the applicant, along with a metallic tag. The applicant shall cause the tag to be affixed permanently by metal fastening device to the collar of the licensed dog in a manner that the tag is easily observed. If a tag is lost, a duplicate may be issued by the city upon presentation of a receipt showing payment of the initial license fee and upon payment of an additional fee for each duplicate tag in the amount set forth by City Council ordinance.
- e. Change of address. An applicant who has obtained a dog license shall notify the city of applicant's address change within corporate limits of the city within 30 days of any address change.
- f. Counterfeit certificate. A vaccination certificate is valid only for the dog and owner to which it was issued. A person must not use a rabies vaccination certificate for a different dog than the one for which it was issued.
- g. Counterfeit tags. No person shall counterfeit, attempt to counterfeit or attach any counterfeit tag to any dog in the city.
- h. Transfer of tags. No person shall transfer a dog tag from one dog to another.
- i. Change of ownership. If there is a change in ownership of the dog during the duration of the license, the new owner may have a current license changed to their name upon payment of an ownership transfer fee or may secure a new license.

#### 800.10 FOSTERING LICENSE.

Subd. 1. Upon approval of the City Council, an individual may foster ONE (1) additional dog or cat over the maximum allowed under Section 800.09(2) above, over SIX (6) months of age at the same premises, for a period of SIXTY (60) days upon compliance with the following:

- a. Applicant must provide documentation from the appropriate humane society, or rescue organization, approving the site for fostering of animals.
- b. Fenced Yard: The yard of the licensed premises is fenced in such a manner as to restrain dogs on the premises from leaving the yard.
- c. Applicant must obtain SIXTY (60) day fostering license from the City of Belle Plaine within FIVE (5) days of obtaining the animal, which may be renewed at the end of each successive SIXTY (60) day interval, if the animal has not been placed in a permanent residence.
- d. Denial of Application: The Chief of Police may deny requests for renewal of a fostering license, based upon complaints received during the preceding year. In the event of such a denial, the applicant may, within TEN (10) days of being advised of the denial, request, in writing, a hearing before the City Council on the denial.

#### 800.11 HEALTH AND MAINTENANCE STANDARDS.

Subd. 1. All animals - health standards. The owner of an animal kept in the city must comply with the following standards.

- a. An animal kept outdoors or in an unheated enclosure must be provided with adequate shelter and bedding to protect it from the sun, rain, snow and temperatures below 50°F.
- b. The shelter must include a moisture proof and windproof structure of suitable size to allow the animal to stand in an upright position and to lie down stretched out so that no part of its body need touch the sides of the structure. The structure must be made of durable material sufficient to allow retention of body heat with a solid floor raised at least two inches from the ground and an entrance covered by a flexible windproof material or self-closing swinging door. The structure must be provided with sufficient quantity of suitable bedding material consisting of hay, straw, cedar shavings, blankets or the equivalent to provide insulation and protection against cold and dampness and to promote retention of body heat. The structure must be structurally sound and maintained in good repair.
- c. In lieu of the requirements of divisions (1)(a) and (1)(b), an animal may be provided with access to a barn with a sufficient quantity of loose hay or bedding and protection against cold and dampness.
- d. If an animal is confined by a chain, the chain must be so attached that it cannot become entangled with the chains of other animals or other objects. A chain must be of a size adequate to restrain the animal involved and must be attached to the animal by means of a well fitted collar. The collar must be large enough to allow free breathing but small enough to avoid being easily pulled over the animal's head. A chain must be at least three times the length of the animal as measured from the tip of his or her nose to the base of his or her tail.
- e. A female dog in season must be confined indoors or in a secure enclosure so that she will not be in contact, except for intentional breeding purposes, with another dog or create a nuisance by attracting other animals who engage in continued barking, yelping or howling.

- f. An animal must be provided with sufficient food and water daily to meet adequate nutritional requirements.
- g. No person shall beat, torment, tease or otherwise abuse an animal, or permit an animal to fight.
- h. The owner of any animal within city limits will provide veterinary care when needed to prevent suffering of any sick or injured animal.

Subd. 2. All animals - maintenance standards. An owner of an animal kept in the city must comply with the standards below. Before commencing an action to enforce compliance with these standards, enforcement personnel must give an owner notice of a violation and a reasonable opportunity to comply.

- a. An owner must maintain an animal and the area where it is kept so that no odor that offends the senses of a reasonable person is detected, for more than one day, off the property where the animal is kept.
- b. An owner must maintain the property where the animal is kept so that there is no erosion and no drainage of water contaminated by the animal, onto adjacent properties or into wetlands.
- c. The owner must manage the feces and other bodily wastes from the animal in a timely and sanitary manner that prevents health risks and prevents odors that are prohibited under division (2)(a) above.

#### 800.12 PROHIBITIONS.

Subd. 1. An owner must not cause or permit his or her animal to run at large within the city limits. This restriction does not apply to:

- a. Dogs that have been specially trained and certified to perform tasks to assist people, such as handicapped assistance, police canine duties or search and rescue;

Subd. 2. An owner must not permit any animal to be on park property, city trails, public property or the property of another without having in the owner's immediate possession a device for the immediate removal of feces material deposited by the animal as well as a container for the transport of the material to an appropriate disposal receptacle.

Subd. 3. A person must not abandon an animal within the city.

Subd. 4. A person must not keep, own, harbor or otherwise possess a public nuisance animal, as defined in Section 800.01.

Subd. 5. A person must not allow an animal to create a habitual disturbance. Habitual disturbance shall be defined as howling, yelping, barking, crowing or other kinds of noise for repeated intervals of at least three minutes with less than one minute of interruption that is audible off of the owners' premises.

Subd. 6. A person must not permit an animal under his or her care, custody or control to damage another person's lawn, garden or other property.

Subd. 7. A person must not injure, harass or interfere with a police canine in the lawful performance of its duties, or attempt, permit or cause the same.

Subd. 8. An owner of an animal must not fail to restrain the animal from inflicting or attempting to inflict bodily injury on a person at any place or on a domestic animal off the owner's property, except in the circumstances defined in Section 800.15(3)(b), potentially dangerous animal.

Subd. 9. A person, except police officers in the lawful performance of their duties using a police canine, must not cause or encourage an animal to engage in unprovoked attacks upon human beings or domestic animals.

Subd. 10. A person must not own, possess, harbor or train an animal for the purpose of fighting with other animals.

Subd. 11. It is unlawful for an owner to sell or cause to be sold any animal without first providing the purchaser with written certification as to the origin of the animal.

#### 800.13 CONFINEMENT IN MOTOR VEHICLE.

Subd. 1. A person must not cause or allow an animal to be placed or confined in a motor vehicle without adequate ventilation or when the atmospheric temperature, humidity and sun rays can be reasonably expected to cause suffering, disability or death. Evidence that the animal is suffering from heat stress is prima facie evidence of a violation of this section.

Subd. 2. This section does not prohibit the transportation of horses, cattle, sheep, poultry or other agricultural livestock in trailers or other vehicles designed and constructed for that purpose.

Subd. 3. Authorized city personnel who find an animal in a motor vehicle in violation of this section may break and enter into the vehicle if necessary to remove the animal. Neither the personnel nor the city will be liable for vehicle damage that results. An animal removed must be taken immediately to the animal impounding facility to be evaluated by a licensed veterinarian. The personnel must leave within the vehicle a written notice giving their name and position and the address where the animal may be redeemed. The owner of the animal is responsible for any applicable fees and all medical and housing expenses incurred.

#### 800.14 RABIES; ANIMAL BITES.

Subd. 1. A dog or animal displaying symptoms of being rabid may be seized at any place or time and will be confined in the city impounding facility at the expense of the owner, until found to be free from rabies.

Subd. 2. If a dog or other animal appears to be diseased, vicious, dangerous, rabid or has been exposed to rabies, and the dog or other animal cannot be impounded without serious risk of personal injury, the dog or other animal may be killed, if reasonably necessary for the safety of a person or persons.

Subd. 3. When a dog or other animal has bitten a person and the skin has been broken or the services of a doctor are required, the owner or custodian of the biting animal and the person bitten or his or her parent or guardian must report the incident to the Belle Plaine Police Department within 24 hours of the bite. The dog or other animal must be confined for a period of not less than

fourteen days in a veterinary hospital, impoundment facility or on the owner's premises, as determined by the authorized city personnel. These personnel may refuse to permit confinement on the owner's premises if the animal has previously been found repeatedly at large or if the animal does not have a currently effective rabies inoculation. If confinement on the owner's premises is permitted, the animal may not be allowed off the premises or in contact with people or other animals during the confinement period, except for medical purposes. If the owner fails to comply with these restrictions, authorized city personnel may enter onto the property, seize the animal and remove it to a veterinary hospital or the current impoundment facility. The owner is responsible for all costs of confinement incurred under this section. As a condition of releasing a confined animal, authorized city personnel may require that the animal's owner take the animal for an examination by a veterinarian and may require the owner to follow any recommendations from the veterinarian regarding the animal's training or behavior. The authorized personnel must notify the owner of these requirements in writing. Failure to comply with a requirement is a violation of this code, punishable as a misdemeanor.

#### 800.15 DANGEROUS AND POTENTIALLY DANGEROUS ANIMALS.

Subd. 1. Attack by an animal. It shall be unlawful for any person's animal to inflict or attempt to inflict bodily injury to any person or other animal whether or not the owner is present. This section shall not apply to an attack by a dog under the control of an on-duty law enforcement officer or to an attack upon an uninvited intruder who has entered the owner's home with criminal intent.

Subd. 2. Destruction of a dangerous animal. The animal control officer shall have the authority to order the destruction of dangerous animals in accordance with the terms established by this chapter.

Subd. 3. Definitions.

a. A DANGEROUS ANIMAL is an animal which has:

1. Caused bodily injury or disfigurement to any person on public or private property;
2. Engaged in any attack on any person under circumstances which would indicate danger to personal safety;
3. Exhibited unusually aggressive behavior, such as an attack on another animal;
4. Bitten one or more persons on two or more occasions; or
5. Been found to be potentially dangerous and/or the owner has personal knowledge of the same, the animal aggressively bites, attacks or endangers the safety of humans or domestic animals.

b. A POTENTIALLY DANGEROUS ANIMAL is an animal which has:

1. Bitten a human or a domestic animal on public or private property;
2. When unprovoked, chased or approached a person upon the streets, sidewalks, or any public property in an apparent attitude of attack; or
3. Has engaged in unprovoked attacks causing injury or otherwise threatening the safety of humans or domestic animals.

c. **PROPER ENCLOSURE.** Proper enclosure means securely confined indoors or in a securely locked pen or structure suitable to prevent the animal from escaping and to provide protection for the animal from the elements. A proper enclosure does not include a porch, patio or any part of a house, garage or other structure that would allow the animal to exit of its own volition, or any house or structure in which windows are open or in which door or window screens are the only barriers which prevent the animal from exiting. The enclosure shall not allow the egress of the animal in any manner without human assistance. A pen or kennel shall meet the following minimum specifications:

1. Have a minimum overall floor size of 32 square feet;
2. Sidewalls shall have a minimum height of five feet and be constructed of 11-gauge or heavier wire. Openings in the wire shall not exceed two inches, support posts shall be one and one-quarter inch or larger steel pipe buried in the ground 18 inches or more. When a concrete floor is not provided, the sidewalls shall be buried a minimum of 18 inches in the ground;
3. A cover over the entire pen or kennel shall be provided. The cover shall be constructed of the same gauge wire or heavier as the sidewalls and shall have no openings in the wire greater than two inches; and
4. An entrance/exit gate shall be provided and be constructed of the same material as the sidewalls and shall also have no openings in the wire greater than two inches. The gate shall be equipped with a device capable of being locked and shall be locked at all times when the animal is in the pen or kennel.

d. **UNPROVOKED.** Unprovoked shall mean the condition in which the animal is not purposely excited, stimulated, agitated or disturbed.

Subd. 4. Designation as potentially dangerous animal. The animal control officer shall designate any animal as a potentially dangerous animal upon receiving evidence that a potentially dangerous animal has, when unprovoked, then bitten, attacked or threatened the safety of a person or a domestic animal as stated in division (3)(b) above. When an animal is declared potentially dangerous, the animal control officer shall cause one owner of the potentially dangerous animal to be notified in writing that the animal is potentially dangerous.

Subd. 5. Evidence justifying designation. The animal control officer shall have the authority to designate any animal as a dangerous animal upon receiving evidence of the following:

- a. The animal has, when unprovoked, bitten, attacked or threatened the safety of a person or domestic animal as stated in division (3)(a) above; or
- b. The animal has been declared potentially dangerous and the animal has then bitten, attacked or threatened the safety of a person or domestic animal as stated in division (3)(a) above.

Subd. 6. Authority to order destruction. The animal control officer, upon finding that an animal is dangerous hereunder, is authorized to order, as part of the disposition of the case, that the animal be destroyed based on a written order containing one or more of the following findings of fact:

- 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 has demonstrated an inability or unwillingness to control the animal in order to prevent injury to persons or other animals.

Subd. 7. Procedure. The animal control officer, after having determined that an animal is dangerous, or potentially dangerous may proceed in the following manner.

- a. The animal control officer shall cause one owner of the animal to be notified in writing or in person that the animal is dangerous or potentially dangerous and may order the animal seized or make orders as deemed proper. This owner shall be notified as to dates, times, places and parties bitten and shall be given 14 days to appeal this order by requesting a hearing before the City Administrator, or City's designee, for a review of this determination.
  1. If no appeal is filed, the orders issued will stand or the animal control officer may order the animal destroyed or for compliance with the requirements of Section 800.16.
  2. If an owner requests a hearing for determination as to the potentially dangerous or dangerous nature of the animal, the hearing shall be held before the City Administrator, or City's designee, and a date for the hearing shall be set for not more than three weeks after demand for the hearing. The records of the animal control or City Clerk's office shall be admissible for consideration by the animal control officer without further foundation. After considering all evidence pertaining to the temperament of the animal, the City Administrator, or City's designee, shall make an order as it deems proper. The City Administrator, or City's designee, may order that the animal control officer take the animal into custody for destruction, if the animal is not currently in custody. If the animal is ordered into custody for destruction, the owner shall immediately make the animal available to the animal control officer.
  3. No person shall harbor an animal after it has been found to be dangerous and ordered into custody for destruction.

Subd. 8. Stopping an attack. If any police officer or animal control officer is witness to an attack by an animal upon a person or another animal, the officer may take whatever means the officer deems appropriate to bring the attack to an end and prevent further injury to the victim.

Subd. 9. Notification of new address. The owner of an animal which has been identified as dangerous or potentially dangerous must notify the animal control officer in writing if the animal is to be relocated from its current address or given or sold to another person. The notification must be given in writing at least 14 days prior to the relocation or transfer of ownership. The notification must include the current owner's name and address, the relocation address and the name of the new owner, if any.

#### 800.16 DANGEROUS ANIMAL REQUIREMENTS.

Subd. 1. Requirements. If the City Administrator, or City's designee, does not order the destruction of an animal that has been declared dangerous, the City Administrator, or City's designee, may, as an alternative, order any or all of the following:

- a. The owner provide and maintain a proper enclosure for the dangerous animal as specified in Section 800.15(3)(c);

- b. Post the front and the rear of the premises with clearly visible warning signs, including a warning symbol to inform children, that there is a dangerous animal on the property, as specified in Minnesota Statutes, § 347.51, as it may be amended from time to time;
- c. Provide and show proof annually of public liability insurance in the minimum amount of \$300,000;
- d. If the animal is a dog and is outside the proper enclosure, the dog must be muzzled and restrained by a substantial chain or leash (not to exceed six feet in length) and under the physical restraint of a person 16 years of age or older. The muzzle must be of the design as to prevent the dog from biting any person or animal, but will not cause injury to the dog or interfere with its vision or respiration;
- e. If the animal is a dog, it must have an easily identifiable, standardized tag identifying the dog as dangerous affixed to its collar at all times as specified in Minnesota Statutes, § 347.51, as it may be amended from time to time;
- f. All animals deemed dangerous by the animal control officer shall be registered with Scott County and the City Belle Plaine within 14 days after the date the animal was so deemed and provide satisfactory proof thereof to the animal control officer; and
- g. If the animal is a dog, the dog must be licensed and up to date on rabies vaccination. If the animal is a cat or ferret, it must be up to date with rabies vaccination.

Subd. 2. Seizure. Animal control shall immediately seize any dangerous animal if the owner does not meet each of the above requirements within 14 days after the date notice is sent to the owner that the animal is dangerous. Seizure may be appealed to the district court by serving a summons and petition upon the city and filing it with the district court.

Subd. 3. Reclaiming animals. A dangerous animal seized under division (2) above may be reclaimed by the owner of the animal upon payment of impounding and boarding fees, and presenting proof to animal control that each of the requirements under division (1) above is fulfilled. An animal not reclaimed under this section within 14 days may be disposed of as provided under Section 800.15\_(6), and the owner is liable to animal control for costs incurred in confining, impounding and disposing of the animal.

Subd. 4. Subsequent offenses. If an owner of an animal has subsequently violated the provisions under Section 800.15 with the same animal, the animal must be seized by animal control. The owner may request a hearing as defined in Section 800.15(7). If the owner is found to have violated the provisions for which the animal was seized, the animal control officer shall order the animal destroyed in a proper and humane manner and the owner shall pay the costs of confining the animal. If the person is found not to have violated the provisions for which the animal was seized, the owner may reclaim the animal under the provisions of division (3) above. If the animal is not yet reclaimed by the owner within 14 days after the date the owner is notified that the animal may be reclaimed, the animal may be disposed of as provided under Section 800.15(6) and the owner is liable to the animal control for the costs incurred in confining, impounding and disposing of the animal.

#### 800.17 FARM ANIMALS.

Subd. 1. It is unlawful for any person to keep any farm animals in any part of the City, except those portions zoned A-2, Rural Residential District. A resident must petition to the City Council an exception from this regulation. An exception shall only be granted upon review and approval by the City Council. Such exceptions will only be granted upon findings that public safety will not be compromised by such an exception.

Subd. 2. An exception shall be made to this section for those animals brought into the city as part of an operating zoo, veterinarian clinic, scientific research laboratory or a licensed show or exhibition.

Subd. 3. The keeping of farm animals legally existing at the adoption of this chapter in residential zoning districts may continue to exist as to type and number of animals with the following provisions:

- a. The current use shall not be expanded;
- b. The current use shall cease if discontinued for more than a period of one year;  
and
- c. A violation of any section of this chapter shall cease the current use.

#### 800.18 WILD ANIMALS.

It shall be illegal for any person to own, possess, harbor or offer for sale, any wild animal as defined in Section 800.01 within the city limits. Any owner of such an animal at the time of adoption of this chapter shall have 30 days in which to remove the animal from the city after which time the city may impound the animal as provided for in this section. An exception shall be made to this prohibition for animals specifically trained for and actually providing assistance to the handicapped or disabled, and for those animals brought into the city as part of an operating zoo, veterinarian clinic, scientific research laboratory or a licensed show or exhibition.

#### 800.19 TRAPPING.

Subd. 1. Definitions.

“Animal Control Officer” shall mean a person doing business as an animal control officer as part of the specific duties for and/or under contractual services for animal control for the City of Belle Plaine.

“Trapping” means the use of any unattended mechanical device including cannibear traps, snare traps, steel jaw traps, leghold traps, spring traps, or any similar device designed, used or set for the purpose of capturing, snaring, holding and killing any animal, provided, however, that such term shall not include:

- a. Use of cage-type live traps used for control of nuisance animals;
- b. Use of any mechanical device, such as spring loaded mouse traps which are specifically designed or primarily used for capturing, killing or controlling mice, rates, moles and other small rodents, and;
- c. Use of a trap by an Animal Control Officer for purposes of responding to a wildlife management concern.

Subd. 2. Trapping Prohibited.

Trapping designed to catch and hold an animal by the leg or other part of the body, or which is likely for any reason to cause injury, pain and suffering before death, is prohibited.

800.20 PENALTY.

A violation of any section of Chapter 8 is a misdemeanor. Each day on which a violation continues shall constitute a separate violation.

800.21 EXEMPTIONS.

Animals used for law enforcement and fire rescue purposes in their official capacities are exempt from this chapter.

*(Ord. 11-10, Repeal and Replace Chapter 8, Adopted November 7, 2011.)*

*(Ord. 16-04, Section 800.19, Trapping, Adopted March 21, 2016.)*