

CITY OF NORTH BRANCH

STATE OF MINNESOTA

COUNTY OF CHISAGO

ORDINANCE NO. 230-15

AN ORDINANCE AMENDING THE NORTH BRANCH CITY CODE, CHAPTER 6, ANIMALS; ARTICLE II, DOGS AND CATS; AND ARTICLE III, RABIES CONTROL.

THE NORTH BRANCH, MINNESOTA CITY COUNCIL ORDAINS:

SECTION 1 AMENDMENTS AND ADDITIONS

That the North Branch City Code, Chapter 6, Animals; Article II, Dogs and Cats and Article III Rabies Control, is hereby amended as stated in Exhibit A.

SECTION 2 EFFECTIVE DATE

This Ordinance shall take full effect and be in full force from and after its passage and publication according to law.

Passed and adopted by the North Branch City Council this 22nd day of September, 2015.

CITY OF NORTH BRANCH

BY: _____
Kirsten Hagen-Kennedy, Mayor

ATTEST: _____
Bridgitte Konrad, City Administrator

Exhibit A

ARTICLE II. - DOGS AND CATS^[1]

Footnotes:

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State Law reference— Dogs and cats, Minn. Stats. § 347.01 et seq.

DIVISION 1. - GENERALLY

Sec. 6-27. - Violation.

Every person convicted of violating the provisions of this article shall be guilty of a **petty** misdemeanor.

(Code 1996, § 4.03.010)

Sec. 6-28. - Definitions.

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

Adult animal means an animal six months of age or older.

Animal means any animal including dogs and cats unless designated otherwise.

Animal shelter means any premises designated by the city council for impounding and caring for all animals found running at large.

Cat shall be intended to mean both male and female.

Dog shall be intended to mean both male and females and shall include any animal of the dog kind.

Exposed to rabies means an animal that has been exposed to rabies within the meaning of this section, if it has been bitten by, or if it has been exposed to, any animal known to have been infected with rabies.

Humane-Animal Control *officer* means the person contracted by the city council as its enforcement officer.

Kennel means any person, group of persons, or corporation engaged in the commercial business of breeding, buying, selling, or boarding dogs, cats or animals.

Neutered males means any male animal which has been operated upon to prevent conception.

Owner means any person, group of persons, or corporation owning, keeping, or harboring dogs, cats, or any other animals for three or more consecutive days.

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Running at large means any animal which is not effectively restrained within a fenced area, or any animal which is permitted to be on any unfenced area or lot abutting upon a street, alley, public park, public place or upon any other private land without being effectively restrained from moving beyond such unfenced area or lot, or any animal which is permitted to be on any street, public park, school grounds, or public place without being effectively restrained by chain or leash not exceeding six feet in length, shall be deemed to be running at large.

Spayed females means any female animal which has been operated upon to prevent conception.

(Code 1996, § 4.03.020; Ord. No. 147-10, § 1, 2-22-2010)

Sec. 6-29. - Number of dogs and cats.

No person or persons shall keep more than three adult dogs and/or three adult cats at a premises without first obtaining a kennel license.

(Ord. No. 147-10, § 1, 2-22-2010)

Secs. 6-30—6-59. - Reserved.

DIVISION 2. - DOGS

Sec. 6-60. - License required.

No person shall own, keep, or harbor any dog over six months old within the city without a license. A license is required if the dog is owned, harbored, kept or maintained for three consecutive days or more, except that no license shall be required for dogs ~~whose owners that~~ are temporarily within the city for a period of time not exceeding thirty (30) days, or to dogs brought into the city for the purpose of participating in any dog show or performance, or ~~to~~ certified service animals properly trained to assist disabled or handicapped persons. guide dogs that accompany and are properly trained to assist blind or deaf persons when such dogs are properly harnessed or leashed so that the blind or deaf person may maintain control of the dog.

(Code 1996, § 4.03.030A)

State Law reference— License required, Minn. Stats. § 347.09.

Sec. 6-61. - License application.

Except as herein provided, within thirty (30) days of acquiring possession of a dog which has not been licensed by the City of North Branch, the owner of the dog shall make application for a dog license. Written application for dog licenses shall be made to the city clerk and shall state the name and address of the owner and the name, breed, color, age, and sex of the dog. The application must be accompanied by a certificate from a qualified licensed veterinarian certifying that the dog has been vaccinated against rabies on a date that is not more than 24 months prior to the expiration date of the license to be issued. The license fee shall be paid at

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the time of making application and a numbered receipt shall be given to the applicant. [An applicant who has obtained a dog license shall notify the City of applicant's address change within the corporate limits of the City within thirty \(30\) days of the address change.](#)

(Code 1996, § 4.03.030B)

Sec. 6-62. - License fee.

The city council from time to time shall establish by resolution the fee for issuance of an annual dog license. Dog licenses shall expire December 31 each year.

(Code 1996, § 4.03.030C)

Sec. 6-63. - Tag and collar.

Upon complying with section 6-61, the city clerk shall issue to the applicant a numbered metallic tag stamped with the number and year issued and labeled "NORTH BRANCH DOG TAG." Owners are required to see that the tag is securely fastened to the dog's choker chain, collar, or harness of durable material which must be worn by the dog at all times. The fact that a dog is without a license attached to its collar shall be presumptive evidence that the dog is unlicensed. In the event that the metallic license tag issued for a dog becomes lost, the owner may obtain a duplicate tag from the city clerk upon the payment of \$3.00.

(Code 1996, § 4.03.030D)

Sec. 6-64. - False representation.

No person shall use for any dog a license for another dog, or counterfeit, or attempt to counterfeit license tags.

(Code 1996, § 4.03.030E)

Sec. 6-65. - Kennel.

- (a) License. Every person, group of persons, or corporation engaged in commercial business of buying, selling, breeding, and/or boarding dogs and who owns, harbors, or keeps four or more dogs in a kennel shall pay a kennel license fee provided, however, that any persons operating such kennel must license individual dogs owned by them as provided in section 6-60. [Any request for a kennel license also requires city council approval of a conditional use permit \(CUP\) as outlined in the zoning code.](#)
- (b) Kennel license fee. The city council from time to time will establish the fee for issuance of an annual kennel license. The city clerk shall issue a kennel license after all applicable city zoning provisions [and the conditions set forth in the CUP have been met and approved](#) and [the requirements set forth in](#) Minn. Stats. §§ 347.30—347.40 have been complied with. Kennel licenses shall expire annually on December 31.
- (c) Dog and kennel license application. Applications for licenses may be made 30 days prior to and 30 days after the start of the licensing term without penalty. Applications made 30

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days after the elapse of the licensing term shall be assessed a penalty of 50 percent of the license fee to be collected with the regular license fee. If the dog license or the kennel license did not become subject to the licensing until after the start of the licensing term, then no penalty shall be assessed when application is made 30 days after becoming subject to licensing.

- (d) Dog and kennel license transfers. If there is a change in ownership of a dog or of a kennel during the license term, the new owner may have the current license transferred to his name upon application and the payment of a transfer fee of \$5.00 to the city clerk.

(Code 1996, § 4.03.030F—I)

Sec. 6-66. - Restraint.

~~The owners shall keep their dogs under restraint at all times and shall not permit such dogs to be at large, off the premises or property of the owner, unless under restraint.~~

The owner of any dog with the city shall cause such animal to be restrained by leash, chain, or cord of sufficient strength, or electronic device to effectively restrain and control such animal, and in the custody of a person capable of adequately controlling such animal at all times when such animal is in or upon a public place.

(Code 1996, § 4.03.030J)

Sec. 6-67. - Nuisances.

~~No person shall keep a dog which habitually barks or howls at night, or which by frequent and habitual howling, yelping, barking or otherwise shall cause annoyance or disturbance to persons or to the neighborhood.~~

It shall be unlawful for any person to keep an animal that causes annoyance or disturbance to persons or the neighborhood by yapping, wailing, barking, howling, or crying for a continuous period of 10 minutes or longer. Such yapping, wailing, barking, howling, or crying must also be audible off of the owner's or caretaker's premises.

(Code 1996, § 4.03.030K)

Sec. 6-68. - Impoundment.

~~Unlicensed~~ Dogs found running at large shall be taken up by the agents of the city council and impounded in the shelter designated as the city animal shelter and confined in a humane manner for a period of not less than five business days, and may thereafter be disposed of in a humane manner subject to Minn Stats. § 35.71, subd. 3, if not claimed by their owners. Dogs not claimed by their owners before the expiration of five business days shall become property of the city and be disposed of at the discretion of the city council subject to state statutes, except as hereinafter provided in the cases of certain dogs. Immediately upon impounding dogs, the agents of the city council shall make every possible effort to notify the owners of

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such dogs so impounded and inform such owners of the conditions whereby they may regain custody of such dogs.

(Code 1996, § 4.03.030L)

Sec. 6-69. - Running at large.

When dogs are found running at large, and their ownership is known to the agents of the city council, such dogs need not be impounded, but the agent may, at his discretion, cite the owners of such dogs to appear in court to answer to charges of violation of this division.

(Code 1996, § 4.03.030M)

Sec. 6-70. - Redemption.

Owners shall be entitled to resume possession of any impounded dog, except as hereinafter provided in the cases of certain dogs, upon compliance with the license provision in section 6-61 and the payment of impoundment fees set forth herein.

(Code 1996, § 4.03.030N)

Sec. 6-71. - Impoundment fees.

Dogs impounded hereunder may be reclaimed as herein provided upon the payment by the owner [to the city or](#) to the [animal control humane](#) officer of the sums for impoundment and daily care as established from time to time by the city council. Impoundment fees shall be collected for the city, and such additional sums as provided for the keeping of dogs shall be collected for the city and retained by it to help defray the cost of keeping such dogs.

(Code 1996, § 4.03.030O)

Sec. 6-72. - Adoption.

Any dog impounded under the provisions of this division and not reclaimed by its owner within five business days, may be adopted or placed in the custody of some person deemed to be a responsible and suitable owner who will agree to comply with the provisions of this division and such other regulations as shall be fixed by the city council; provided, however, if the animal is one as to which the respective rights of the owner and the person in possession or custody are determined by state law, such law shall be complied with. No unspayed female dog which has been impounded because of its being astray shall be allowed to be adopted from the animal shelter only if the prospective owner shall agree to have such female spayed, or the humane society agrees to do so, and said prospective owner shall present to the [humane animal control](#) officer within ten days after such adoption a certificate from a veterinarian attesting that such dog has been spayed.

(Code 1996, § 4.03.030P)

Sec. 6-73. - Confinement.

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Owners shall confine within a building or secure enclosure, every fierce, dangerous, or vicious dog, and not take such dog out of such building or secure enclosure unless such dog is securely muzzled. Every female dog in heat shall be kept confined in a building or secure enclosure, or in a veterinary hospital or boarding kennel, in such manner that such female dog cannot come in contact with any other dog except for breeding purposes.

(Code 1996, § 4.03.030Q)

Sec. 6-74. - Dogs not reclaimed.

- (a) Dogs impounded under the provisions of this division and not reclaimed by its owner within five business days, subject to the provisions of state statutes, shall be humanely destroyed by the humane animal control officer or placed in the custody of some person deemed to be a responsible and suitable owner who will agree to comply with the provisions of this division and such other regulations as shall be fixed by the city council; provided, however, if the animal is one as to which the respective rights of the owner and the person in possession or custody are determined by state law, such law shall be complied with.
- (b) The city council may upon request therefor transfer title of all dogs held by it at its animal shelter to the University of Minnesota, or as otherwise provided by state statutes, after the legal detention period has expired and the dog has not been claimed by its owner.

(Code 1996, § 4.03.030R)

Sec. 6-75. - Dogs not redeemable.

Any dog, described in section 6-73, found at large, shall be impounded by the humane animal control officer and may not be redeemed by owners, unless such redemption be authorized by any court having jurisdiction. Any dog impounded for being a public nuisance may not be redeemed unless such redemption is authorized by any court having jurisdiction. When in the judgment of the city council, or its agents, a dog should be destroyed for humane reasons, such dog may not be redeemed.

(Code 1996, § 4.03.030S)

Sec. 6-76. - Litter cleanup.

The owner of any dog or any person having the custody or control of any dog shall be responsible for cleaning up any feces of the animal and disposing of such feces in a sanitary manner.

(Code 1996, § 4.03.030T)

Sec. 6-77 – 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 it has been vaccinated with an anti-rabies vaccine by a licensed veterinarian. No license shall be issued except upon compliance with this section.

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Secs. ~~6.78 6-77~~—6-95. - Reserved.

ARTICLE III. - RABIES CONTROL ^[2]

Footnotes:

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State Law reference— Rabies control, Minn. Stats. § 346.52.

Sec. 6-96. - Rabies regulations

The state health laws and regulations pertaining to rabies control shall apply in cases of rabid animals, animals which have bitten any person or animals suspected of being rabid.

~~(1)~~ (1) — Reports of bite cases. It shall be the duty of every physician or other practitioner to report to the ~~city council~~ police department the names and addresses of persons treated for bites inflicted by animals, together with such other information as will be helpful in rabies control.

~~(2)~~ It shall be the duty of the owner of any animal to immediately, but in all cases, no later than 24 hours, to report to the police department all bites inflicted by the owner's animal to any person. The owner of any animal shall be required to provide to the police written proof of vaccination and pertinent insurance information when warranted by the police.

~~(2)~~ (3) Responsibilities of veterinarians. It shall be the duty of every licensed veterinarian to report to the city ~~council~~ his or her diagnosis of any animal observed by him or her as a rabies suspect.

~~(3)~~ (4) Exemptions.

- a. Hospitals, clinics, and other premises operated by licensed veterinarians for the care and treatment of animals are exempt from the provisions of this article, except where such duties are expressly stated.
- b. The licensing and vaccinations requirements of this ordinance shall not apply to any dog belonging to a nonresident of the city and kept within a building, enclosure or vehicle, or under restraint by the owner.

~~(4)~~ (5) Investigation. For the purpose of discharging the duties imposed by this article and to enforce its provisions, any agent of the city council or any police officer is empowered to enter upon any premises upon which a dog is kept or harbored and to demand the exhibition by the owner of such a dog or the license for such dog. It is further provided that any agent of the city council may enter the premises where any animal is kept in a reportedly cruel or inhumane manner and demand to examine such animal when, in his opinion, it requires humane treatment.

~~(6)~~ The police or animal control officer are hereby authorized to take into possession any animal suspected of having rabies flowing a bite inflicted to any person, and have the animal destroyed in a humane manner for the purpose of determining whether the animal is, in fact, a rabies carrier. The city and/or its agents shall not be held liable for

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the destruction of the animal when the animal has inflicted injury upon any person and the city and/or its agents act in good faith to protect the public.

(Code 1996, § 4.03.070)

Sec 6-98 Biting Animals to be Quarantined

Whenever an animal has bitten a person, or whenever a suspected or known rabid animal is picked up by an animal control officer or police officer, such animal shall be confined for a minimum period of ten (10) days as follows:

- (1) Upon proof of current rabies vaccination, the animal control officer or police may authorize the confinement of the animal at the owner's place of residence, provided that the animal shall not be permitted to come in contact with the other animals or persons, and providing further that the animal be muzzled and on a leash not exceeding six (6) feet when removed from the place of confinement.
- (2) If no proof of current vaccination is provided, or if the animal control officer or police do not consent to confinement at the owner's place of residence, the animal shall be confined at the animal control facility for the entire ten-day period at the owner's expense.
- (3) An animal under confinement may not be removed from such confinement without written permission of the animal control officer or the Chief of Police.
- (4) The owner of any animal confined at the owner's residence, shall, at all times, permit the inspection of such animal during the confinement period upon oral request of an animal control officer or police officer. The owner shall further be responsible for immediate reporting any change in the animal's health or behavior to the appropriate animal control officer or to the police department during the confinement period.
- (5) A quarantined animal shall be confined to an enclosure constructed of materials suitable to prevent the animal from escaping. All openings to the enclosure shall be locked with a secure locking device, and the animal shall not be removed from the enclosure unless muzzled and on a leash not exceeding six (6) feet in length and in the custody of a person of sufficient age, strength, and experience to adequately control the animal.
- (6) An animal control officer and/or police officer may enter upon private property of another for the purposes of removing such quarantined animal to an animal shelter when it has been determined that such quarantined animal is not being maintained by the owner in a manner consistent with the provisions of this section.

Secs. 6-97—6-120. - Reserved.