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ORDINANCE 650 ANIMALS

Section 650.01: DEFINITIONS. As used in this section, unless the contexts otherwise indicates, the following words shall be defined to mean:

Subd. 1. Animal. Animal shall mean any mammal, reptile, amphibian, fish, bird (including fowl and poultry) or other member commonly accepted as part of the animal kingdom. Animals shall be classified as follows:

- (a) Domestic. Domestic animals shall mean those animals commonly accepted as domesticated household pets. Unless otherwise defined, such animals shall include dogs, cats, caged birds, gerbils, hamsters, guinea pigs, domesticated rabbits, fish, non-poisonous, non-venomous and non-constricting reptiles or amphibians and other similar animals.
- (b) Non-Domestic. Non-domestic animals shall mean those animals commonly considered to be naturally wild and not naturally trained or domesticated, or which are commonly considered to be inherently dangerous to the health, safety, and welfare of people. Unless otherwise defined, such animals shall include:
 - i. Any member of the large cat family including lions, cougars, bobcats, leopards and jaguars, but excluding accepted domesticated house cats.
 - ii. Any naturally wild member of the canine family including wolves, foxes, coyotes, dingoes and jackals, but excluding commonly accepted domesticated dogs.
 - iii. Any crossbreeds such as the crossbreed between a wolf and a dog or a coyote and a dog, unless the crossbreed is commonly accepted as a domesticated house pet.
 - iv. Any member or relative of the rodent family including any skunk, raccoon, squirrel, or ferret, but excluding those otherwise defined or commonly accepted as domesticated pets.
 - v. Any poisonous, venomous, constricting, or inherently dangerous member of the reptile or amphibian families including rattlesnakes, boa constrictors, pit vipers, crocodiles and alligators.
 - vi. Any other animal which is not explicitly listed above, but which can be reasonably defined by these definitions, including but not limited to bears, deer, monkeys and game fish.
- (c) Farm Animal. Farm animal shall mean those animals commonly associated with a farm or performing work in an agricultural setting. Unless otherwise defined, such animals shall include members of the equestrian family (horses, mules), bovine family (cows,

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bulls), sheep, poultry (chickens, turkeys), fowl (duck, geese), swine (including Vietnamese pot-bellied pigs), goats, bees and other animals associated with a farm, ranch or stables.

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

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

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

Subd. 5. At Large. At Large shall be intended to mean off the premises of the owner and not under the custody and control of the owner or other person, either by leash, cord, chain or otherwise restrained or confined.

Subd. 6. Excessive Kennel. The keeping of more than four dogs on the same premises, whether owned by the same person or not, and for whatever purpose kept, shall constitute an excessive kennel; except that a fresh litter of pups may be kept for a period of three months before such keeping shall be deemed to be an excessive kennel. The keeping of four or more cats on the same premises, whether owned by the same person or not, and for whatever purpose kept, shall constitute an excessive kennel; except that a fresh litter of kittens may be kept for a period of three months before such keeping shall be deemed to be an excessive kennel.

Section 650.02: DOGS AND CATS.

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

Subd. 2. Vaccination.

- (a) All dogs harbored and maintained within the City shall be vaccinated at least once every three years by a licensed veterinarian for:
 - i. Rabies
 - ii. Distemper
- (b) Upon demand made by the City Clerk, the Animal Control Officer or a Police Officer, the owner shall present for examination the required certificate(s) of vaccination for the animal(s). In cases where certificates are not presented, the owner or keeper of the animal(s) shall have seven days in which to present the certificate(s) to the City Clerk's Office and/or Animal Control Officer. The owner or keeper of the animal(s) may also

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mail the certificate(s) to the City Clerk's Office and/or Animal Control Officer. Failure to do so shall be deemed a violation of this section. Penalty, see Section 14.

Section 650.03: NON-DOMESTIC ANIMALS. It shall be illegal for any person to own, possess, harbor or offer for sale, any non-domestic animal within the City limits. Any owner of such an animal at the time of adoption of the Code shall have thirty days in which to remove the animal from the City, after which time the City may impound the animal as provided for in Section 650.05. 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 in the City as part of an operating zoo, veterinarian clinic, scientific research laboratory, a licensed show or exhibition.

Section 650.04: FARM ANIMALS. Farm animals shall only be kept in an agricultural district of the City, provided that no animal shelter shall be within three hundred (300) feet of an adjoining piece of property. An exception shall be made to this Section for those animals brought into the City as part of an operating zoo, veterinarian clinic, scientific laboratory, a licensed show or exhibition.

Section 650.05: IMPOUNDING.

Subd. 1. Running at Large. Any animal running at large is hereby declared a public nuisance. Any Animal Control Officer or Police Officer may impound any dog or other animal found running at large and shall give notice of the impounding to the owner of the animal, if known. If the owner is unknown and the animal is not claimed from the animal impound within the time specified in division (c) of this section, it will be sold or otherwise disposed of. Except as otherwise provided in this section, it shall be unlawful to kill, destroy or otherwise cause injury to any animal, including dogs and cats running at large.

Subd. 2. Biting Animals. Any animal that has not been inoculated by a rabies vaccine and which has bitten a person, wherein the skin has been punctured or the services of a doctor are required, shall be confined at the animal impound for a period of not less than ten days, at the expense of the owner. The animal may be released at the end of the time, if healthy and free from symptoms of rabies, and by the payment of all costs by the owner. However, if the owner of the animal shall elect immediately upon receipt of notice of need for the confinement by the Animal Control Officer, to voluntarily immediately confine the animal for the required period of time in a veterinary hospital of the owner's choosing, not outside of the county in which this City is located, and provide immediate proof of confinement in the manner as may be required, the owner may do so. If, however, the animal has been inoculated with a rabies vaccine and the owner has proof of the vaccination by a certificate from a licensed veterinarian, the owner may confine the animal to the owner's property.

Subd. 3. Reclaiming. All animals conveyed to the animal impound shall be kept, with humane treatment and sufficient food and water for their comfort. All animals conveyed to the impounding agency shall be subject to the rules and regulations of the impounding agency. If the owner or keeper of the impounded animal shall desire to reclaim the animal from the impounding agency, the following shall be required, unless otherwise provided in this code or established from time to time by resolution of the City Council:

- (a) Payment of maintenance costs, as provided by the impounding agency, per day or any part of day while the animal is impounded; and
- (b) A valid certificate of vaccination for rabies shots is required.

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Subd. 4. Unclaimed Animals. Unclaimed animals shall be subject to the rules and regulations of the impounding agency.

Section 650.06: EXCESSIVE KENNELS. Because the keeping of more than four dogs on the same premises is subject to great abuse, causing discomfort to persons in the area by way of smell, noise, hazard, and general aesthetic depreciation, the keeping of more than four dogs is hereby declared to be a nuisance and no person shall keep or maintain an excessive kennel within the City.

Section 650.07: BACKYARD CHICKENS. Notwithstanding other provisions of this chapter, a person may keep up to six (6) female chickens on a parcel they own that is less than ten acres in size. The keeping of domesticated chickens shall be permitted on single-family residential properties within all residential zoning districts, provided the owner obtains a backyard chicken permit from the City. No permit shall be issued except in compliance with this section.

Subd. 1. Definitions.

- (a) Chicken means a farm bird that serves as a source of eggs or meat
- (b) Coop means the structure for the keeping or housing of chickens permitted by the ordinance
- (c) Hen means a female chicken
- (d) Rooster means a male chicken
- (e) Run means a fully-enclosed and covered area attached to a coop where the chickens can roam unsupervised

Subd. 2. Any person wishing to keep chickens in the City of Kimball on a property zoned as Urban Residential (R-1) shall first obtain a permit from the City.

- (a) The permit shall be renewed every twelve (12) months
- (b) Applicant shall pay the fee as set forth by City Ordinance 215
- (c) The applicant shall complete and application provided by the City which includes a site plan that shows the location of the chicken coop including the distance of the coop from adjoining structures and property lines and the coop's dimensions
- (d) The City may revoke a permit for failure to comply with provisions of this section or any of the permit's conditions

Subd. 3. The principal use of the property shall be single-family residential. The property shall contain one (1) detached single-family structure. Chickens shall not be permitted on vacant properties or those containing multi-family residential buildings including duplexes, townhomes and apartments.

Subd. 4. Regulations.

- (a) No more than six (6) hen chickens shall be permitted
- (b) No person shall keep a rooster
- (c) The use of chickens for cock fights is prohibited
- (d) Chickens shall not be kept inside of the principal structure
- (e) No person shall slaughter chickens on-site except when in an area of the property not visible to the public
- (f) The sale of chicken eggs and meat are prohibited
- (g) Chicken coops and attached exercise pens shall be provided for all chickens
- (h) Free range chickens are prohibited
- (i) Chicken Coops and pens shall be fully enclosed including overhead and constructed of durable materials

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- (j) Chicken coops shall be less than one hundred twenty (120) square feet in size and not exceed six (6) feet in height
- (k) Chicken coops and pens shall meet all setback requirements; except that a property owner may place a chicken coop up to five (5) feet from their property line if they acknowledge on their application that they do so knowing they are responsible for all expenses if the coop should need to be moved
- (l) Chicken coops and pens shall be located in rear yards only
- (m) Chickens shall be kept in coops and/or pens at all times unless in fully fenced-in back yards while under supervision
- (n) All food stored for chickens shall be kept in rodent proof containers stored inside coops or other buildings
- (o) Any coop or run shall be set back at least twenty-five (25) feet from a delineated wetland edge, the top of a bank of a pond, filtration basin, or infiltration basin
- (p) All premises in which chickens are kept or maintained, including coops and pens, shall be kept reasonably clean from filth, garbage and any substances which attract rodents. All feces shall be collected and properly disposed of on a regular basis.

Subd. 5. Chickens shall not be kept in such a manner as to constitute a public nuisance as defined by this Ordinance or by City Ordinance 400.

Subd. 6. 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 burial, off-site incineration or rendering, or composting.

Subd. 7. The City may enter and inspect any property, including the coop and back yard, at any reasonable time for the purpose of investigating either an actual or suspected violation or to ascertain compliance or noncompliance with City Ordinances.

Section 650.08: NUISANCES.

Subd. 1. Habitual Barking. It shall be unlawful for any person to keep or harbor a dog which habitually barks or cries. Habitual barking shall be defined as barking for repeated intervals of at least five minutes with less than one minute of interruption. The barking must also be audible off of the owner's or caretaker's premises.

Subd. 2. Damage to Property. It shall be unlawful for any person's dog or other animal to damage any lawn, garden, or other property, whether or not the owner has knowledge of the damage.

Subd. 3. Cleaning up Litter. The owner of any animal or person having the custody or control of any animal shall be responsible for cleaning up any feces of the animal and disposing of the feces in a sanitary manner whether on their own property, on the property of others, or on public property.

Subd. 4. Other. Any animals kept contrary to this section are subject to impoundment as provided in Section 650.05.

Section 650.09: SEIZURE OF ANIMALS. Any Animal Control Officer or Police Officer may enter upon private property and seize any animal provided that the following exist:

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Subd. 1. There is an identified complainant other than the Animal Control Officer or Police Officer making a contemporaneous complaint about the animal;

Subd. 2. The Officer reasonably believes that the animal meets either the barking dog criteria set out in Section 650.07 (1); the criteria for cruelty set out in Section 650.12; or the criteria for an at large animal set out in Sections 650.01(5).

Subd. 3. The Officer can demonstrate that there has been at least one previous complaint of a barking dog, inhumane treatment of the animal or that the animal(s) was at large at this address on a prior date;

Subd. 4. The Officer has made a reasonable attempt to contact the owner of the animal and the property to be entered, and those attempts have either failed or have been ignored;

Subd. 5. The seizure will not involve the forced entry into a private residence. Use of a pass key obtained from a property manager, landlord, innkeeper or other authorized person to have that key shall not be considered unauthorized entry;

Subd. 6. Written note of the seizure is left in a conspicuous place if personal contact with the owner of the animal is not possible.

Section 650.10: ANIMALS PRESENTING A DANGER TO THE HEALTH AND SAFETY OF THE CITY. If, in the reasonable belief of the Animal Control Officer or Police Officer, an animal presents an immediate danger to the health and safety of any person, the animal is threatening imminent harm to any person or the animal is in the process of attacking any person, the Officer may destroy the animal in a proper and humane manner. Otherwise, the Officer may apprehend the animal and deliver it to the animal impound for confinement under Section 650.05. If the animal is destroyed, the owner or keeper of the animal destroyed shall be liable to the City for the cost of maintaining and disposing of the animal, plus the costs of any veterinarian examination. If the animal is found not to be a danger to the health and safety of the City, it may be released to the owner or keeper in accordance with Section 650.05 (3).

Section 650.11: DISEASED ANIMALS.

Subd. 1. Running at Large. No person shall keep, nor allow to be kept, on his or her premises, or on premises occupied by them, nor permit to run at large in the City any animal which is diseased so as to be a danger to the health and safety of the City even though the animal may be properly licensed under this section.

Subd. 2. Confinement. Any animal reasonably suspected of being diseased and presenting a threat to the health and safety of the public, may be apprehended and confined in the animal impound by the Animal Control Officer or a Police Officer. The Officer shall have a qualified veterinarian examine the animal. If the animal is found to be diseased in a manner so as to be a danger to the health and safety of the City, the Officer shall cause the animal to be painlessly killed and shall properly dispose of the remains. The owner or keeper of the animal killed under this section shall be liable to the City for the cost of maintaining and disposing of the animal, plus the costs of any veterinarian examination.

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

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Section 650.12: DANGEROUS ANIMAL. The City hereby adopts all state laws relating to dangerous animals and potentially dangerous animals as if fully incorporated herein.

Section 650.13: BASIC CARE. All animals shall receive from their owners or keepers kind treatment, housing in the winter, and sufficient food and water for their comfort. Any person not treating their pet in a humane manner will be subject to the penalties provided in this section.

Section 650.14: INTERFERENCE WITH OFFICERS. No person shall in any manner molest, hinder, or interfere with any person authorized by the City Council to capture dogs, cats or other animals and convey them to the animal impound while engaged in that operation. Nor shall any unauthorized person break open the pound, attempt to do so, or take or attempt to take from any agent any animal taken up by him or her in compliance with this chapter, or in any other manner to interfere with or hinder the Officer in the discharge of his or her duties under this chapter. Penalty, see Section 12.

Section 650.15: PENALTY.

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

Subd. 2. Misdemeanor. Unless otherwise provided, violation of this chapter shall constitute a misdemeanor.