

CHAPTER 90: ANIMALS

Section

Dog Licensing and Regulations

- 90.01 Definitions
- 90.02 Animal control officer
- 90.03 Duties of animal control officer
- 90.04 Dog houses, food and water
- 90.05 Animals running-at-large
- 90.06 Licensing; procedure; fees
- 90.07 Adoption of fees
- 90.08 Disposition of unclaimed animals
- 90.09 Pound
- 90.10 Destruction of dangerous animals
- 90.11 Various offenses
- 90.12 Kennels
- 90.13 Vaccination; rabies; procedure

Stables; Permit and Regulations

- 90.30 Definition
- 90.31 Permit required
- 90.32 Application
- 90.33 Permit fee
- 90.34 Inspection
- 90.35 Permit restrictions and regulations
- 90.36 Revocation

Chickens; Permit and Regulations

- 90.40 Purpose
- 90.41 Definitions
- 90.42 Non-commercial use only
- 90.43 Permit required and fee
- 90.44 Permit revocation and non-renewal
- 90.45 Authorized areas
- 90.46 Number of and type of chickens allowed

Breezy Point General Regulations

- 90.47 Chicken coop and chicken runs
- 90.48 Feed, water and waste removal
- 90.49 Inspection

DOG LICENSING AND REGULATIONS

§ 90.01 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context indicates or requires a different meaning.

ANIMAL CONTROL OFFICER. That person appointed by the City Council to enforce this subchapter, and shall include any person serving as Deputy Animal Control Officer.

AT-LARGE. The dog is off the property of the person owning, harboring or keeping the animal, and the dog is not under restraint.

DOG. All dogs over six months of age.

LICENSE YEAR. The period from January 1 until the following December 31.

OWNER. Any person owning, keeping, harboring or acting as custodian of a dog.

UNDER RESTRAINT. The dog is on the premises of the person harboring or keeping the animal, if it is at heel beside a person having custody of it, if it is obedient to that person's command, if it is within a private motor vehicle of a person owning, harboring or keeping the animal or if it is controlled by a leash not exceeding six feet in length.

(Prior Code, § 7.10, Subd. 1) (Ord. passed 9-7-1994)

§ 90.02 ANIMAL CONTROL OFFICER.

The position of animal control officer is hereby established. He or she shall be appointed by the City Council. Nothing contained herein shall prevent the City Council

Animals

from contracting with a person to provide the services. The animal control officer is hereby authorized and empowered to issue citations for violation of this subchapter. (Prior Code, § 7.10, Subd. 2) (Ord. passed 9-7-1994)

§ 90.03 DUTIES OF ANIMAL CONTROL OFFICER.

The animal control officer shall perform the following duties:

(A) Capture, seize and deliver to any designated pound any dog running-at-large within the City of Breezy Point;

(B) Investigate all reported incidents wherein a dog has bitten a person and confirm that the animal is quarantined as required herein;

(C) Provide a written monthly report to the City Council as to the activities of the animal control officer; and

(D) Undertake other matters as may be directed by the City Clerk-Treasurer. (Prior Code, § 7.10, Subd. 3) (Ord. passed 9-7-1994)

§ 90.04 DOG HOUSES, FOOD AND WATER.

(A) As to dog houses, M.S. § 343.40, Subds. 1, 2 and 3, as are amended from time to time, are adopted by reference as if fully set forth herein.

(B) A dog must be provided with food and water of sufficient quantity and quality to satisfy the animal's needs.

(Prior Code, § 7.10, Subd. 4) (Ord. passed 9-7-1994)

§ 90.05 ANIMALS RUNNING-AT-LARGE.

It shall be unlawful for the dog or cat of any person who owns, harbors or keeps a dog or cat, to run-at-large. A person, who owns, harbors or keeps a dog or cat which runs-at-large shall be guilty of a misdemeanor. Dogs or cats on a leash and accompanied by a responsible person or accompanied by and under the control and direction of a responsible person, so as to be effectively restrained by command as by

Breezy Point General Regulations

leash, shall be permitted in streets or on public land unless the city has posted an area with signs reading "Dogs or Cats Prohibited".

§ 90.06 LICENSING; PROCEDURE; FEES.

(A) No dog six months of age or older may be kept within the City of Breezy Point unless a license therefore shall first be secured. Licenses shall be issued by the City Clerk-Treasurer, or the City Clerk-Treasurer's designee, upon payment by applicant of the fees fixed by the City Council. An applicant for a license for neutered dogs shall sign an affidavit indicating the dog has been neutered and giving the date of the operation. In all instances, an applicant must furnish a certificate from a veterinarian to the effect that the applicant's dog has been vaccinated for rabies as provided herein in § 90.13(C).

(B) The owner of a dog shall pay a license fee to the city on or before the first day of January in each year, or within 30 days of acquiring ownership or possession of any unlicensed dog. License fee shall be set by the City Council by resolution from time to time, and shall be for the following designation:

- (1) Neutered male dog;
- (2) Spayed female dog;
- (3) Un-neutered male dog; and
- (4) Un-spayed female dog.

(C) Upon the payment of the license fee, the City Clerk-Treasurer shall deliver a receipt to the person who pays the fees and retain a duplicate of the license. The City Clerk-Treasurer shall procure a sufficient number of suitable tags, the shape of which shall be different for each license year, and shall deliver one tag to the person paying the license fee.

(D) The owner shall cause the tag to be affixed by a permanent fastening to the collar of the dog so licensed in such a manner that the tag may be easily seen. Any dog within the city not wearing a tag for the then current license year shall be deemed to be unlicensed.

Animals

(E) The animal control officer shall mail written notice to the owner of any unlicensed dog. The notice shall be mailed to the location where the dog is harbored or kept, if known, and to the address designated by the owner on the license application. An owner shall license any unlicensed dog within 30 days after the notice is mailed.

(F) In case any dog's tag is lost, a duplicate may be issued by the City Clerk-Treasurer upon the presentation of a receipt showing the payment of the license fee for the then current license year, and after payment by applicant of a fee, to be set by the City Council by resolution from time to time, for issuance of a duplicate license. (Prior Code, § 7.10, Subd. 6) (Ord. passed 9-7-1994) Penalty, see § 90.99

§ 90.07 ADOPTION OF FEES.

All fees for the licensing, impounding and maintenance of dogs, including penalties for late application, may be fixed and determined by the Council, adopted by resolution and uniformly enforced. The fees may from time to time be amended by the Council by resolution. A copy of the resolution setting forth currently effective fees shall be kept on file in the office of the City Clerk-Treasurer and shall be open to inspection during regular business hours.

(Prior Code, § 7.10, Subd. 7) (Ord. passed 9-7-1994)

§ 90.08 DISPOSITION OF UNCLAIMED ANIMALS.

(A) Any dog which is not claimed as provided in this subchapter after seven days of impounding may be sold to anyone desiring to purchase the animal.

(B) The animal control officer shall determine the price, which shall reflect the breed of the dog and the impoundment cost.

(C) The funds shall be placed in the general fund of the city.

(D) Any animal which is not claimed by the owner or sold shall be euthanized and buried at the direction of the pound master.

(Prior Code, § 7.10, Subd. 8) (Ord. passed 9-7-1994)

§ 90.09 POUND.

Breezy Point General Regulations

The City Council may designate, as the pound or animal shelter, a suitable kennel or other animal facility, either within or without the city limits of the City of Breezy Point.

(Prior Code, § 7.10, Subd. 9) (Ord. passed 9-7-1994)

§ 90.10 DESTRUCTION OF DANGEROUS ANIMALS.

(A) The animal control officer, the Chief of Police, or his or her designee, shall have the authority to order the euthanasia of a dangerous dog as hereinafter provided. A dog is considered dangerous after it has:

(1) Caused serious bodily injury or disfigurement to any person;

(2) Engaged in any attack on any person under circumstances which would indicate danger to personal safety;

(3) Bitten one or more persons on two or more occasions; or

(4) Exhibited unusual aggressive behavior.

(B) The animal control officer and the Chief of Police, or his or her designee, after having been advised of the existence of a dangerous animal, shall:

(1) Notify the owner, by registered mail, that the dog appears to be dangerous. The notice shall specify the dates, times, places and parties or animals bitten. The notice shall also apprise the owner of the dog that he or she may request a hearing before the City Council by notifying the City Clerk-Treasurer within ten days after the receipt of the notice;

(2) If the owner does not request a hearing within ten days after receipt of the notice, then the animal control officer shall immediately take possession of the dog and euthanize same; and

(3) If the owner of the dog requests a hearing as to the dangerous nature of his or her dog, then the City Clerk-Treasurer shall place the matter before the City Council at its next regular meeting. The owner may present evidence in opposition to

Animals

the designation of his or her dog as dangerous. The animal control officer shall present evidence to the City Council that supports his or her determination that the dog is dangerous. Following the hearing, the City Council shall make a determination of facts and issue an order as to whether the dog is properly characterized as dangerous. If the City Council determines that the dog is dangerous, then it shall order the owner to deliver the dog to the animal control officer for the purpose of euthanizing the dog, unless the owner provides an alternative proposal, acceptable to the City Council, which may include the permanent removal of the animal from the Breezy Point city limits. (Prior Code, § 7.10, Subd. 10) (Ord. passed 9-7-1994)

§ 90.11 VARIOUS OFFENSES.

(A) *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.

(B) *Warrant required.* The Animal Control Officer or police officer shall not enter the property of the owner of an animal described in this section unless the officer has first obtained the permission of the owner to do so or has obtained a warrant issued by a court of competent jurisdiction, as provided for in § 10.20, to search for and seize the animal.

(C) *Breaking into pound.* It is unlawful for any unauthorized person to break open the pound or attempt to do so or to take or let out any dog therefrom, or to take or attempt to take from any officer any dog taken up by an officer in compliance with this subchapter or in any manner to interfere with or hinder the officer in the discharge of duties under this subchapter.

(D) *Counterfeiting.* It is unlawful to counterfeit or attempt to counterfeit the tags provided for herein, or to take from any dog a tag legally placed upon it by its owner with the intention of placing it upon another dog.

(E) *No refunds for dog licenses.* Dog tags shall not be transferable. No refund shall be made for any dog license either because of the dog leaving the city or because of its death.

(F) *Clean-up.* Any person walking a dog shall be responsible for the prompt clean-

Breezy Point General Regulations

up of the dog's excrement and for proper disposal of the excrement.
(Prior Code, § 7.10, Subd. 11) (Ord. passed 9-7-1994) Penalty, see § 90.99

§ 90.12 KENNELS.

No person may maintain a kennel in the City of Breezy Point for dogs or cats without securing an Interim Use Permit for a Kennel from the city, therefore, and paying a fee to the city to be set by the City Council by resolution from time to time. The Interim Use Permit shall be in addition to the kennel license as prescribed in M.S. §§ 347.31 to 347.40, as they may be amended from time to time. An Interim Use Permit for a Kennel is required for the keeping of four or more dogs or cats. The definition of **KENNEL** set forth in M.S. § 347.31, Subd. 2, as it may be amended from time to time, is hereby adopted by reference, the same as if set forth in its entirety herein.

(Prior Code, § 7.10, Subd. 12) (Ord. passed 9-7-1994, Ord. 16-04, 3rd Series, passed 11-07-2016) Penalty, see § 90.99

§ 90.13 VACCINATION; RABIES; PROCEDURE.

(A) Every dog six months of age and older, at the expense of the owner, shall be vaccinated against rabies and shall be re-vaccinated in 24-month intervals thereafter, or as directed by a proclamation of the City Council ordering more frequent vaccinations in the event of a rabies outbreak.

(B) Whenever the prevalence of rabies renders the action necessary to protect the public's health and safety, the City Council, upon advice of the Crow Wing County Health Officer, shall issue a proclamation declaring the emergency. Any dog running-at-large during the time fixed in the proclamation and suspected of being rabid, may be euthanized by the Breezy Point Police Department without notice to the owner.

(C) (1) Every owner of a dog shall obtain from the dog's veterinarian, at the time of vaccinating any dog, a certificate of rabies vaccination, which certificate shall include the following information:

(a) Owner's name and address;

(b) Description of the animal;

Animals

(c) Date of vaccination;

§ 90.13

(d) Rabies vaccination tag number; and

(e) Signature of the veterinarian.

(2) A copy of the certificate shall be delivered to the owner of the dog and a copy shall be retained by the issuing veterinarian. The veterinarian and the owner shall retain their copies for the interval between vaccinations specified in division (A) above. The owner of the dog shall also obtain from the veterinarian a tag serially numbered as evidence that the dog has been vaccinated. The tag must be attached to a collar worn by the dog while off the premises of the owner.

(D) This section does not apply to dogs which:

(1) Are owned by a person temporarily remaining within the City of Breezy Point for less than 30 days;

(2) Are brought into the city for field trials or show purposes; or

(3) Are used for hunting in the State of Minnesota for less than 30 days within any license year.

(E) Any dog suspected of being afflicted with rabies, which dog has not been vaccinated in accordance with this section and which has bitten a person or caused an abrasion of the skin of the person, shall be seized and impounded for a period of not less than ten days. If, upon examination by a veterinarian, the dog has no signs of rabies at the end of the impoundment, then it may be released to the owner. If the veterinarian determines that the dog is rabid, then the animal shall be euthanized.

(F) Any dog vaccinated in accordance with this section and which has bitten a person shall be confined by the owner or at the city pound for a period of ten days, at which time the dog shall be examined by a licensed veterinarian. If no sign of rabies is observed by the veterinarian, then the dog may be released from confinement to its owner. If the veterinarian determines that the dog is rabid, then the animal shall be euthanized.

Breezy Point General Regulations

(G) In the case of a dog which has been bitten by a rabid animal, the following shall apply:

(1) *Unvaccinated animals.*

(a) If a dog has not been vaccinated in accordance with this subchapter and has been bitten by a known rabid animal, then the bitten dog shall be euthanized upon the written consent of the owner.

(b) If the owner is unwilling to have the bitten dog euthanized, then strict isolation of the dog, in a kennel, under veterinarian supervision, for a minimum of six months, shall be required. The owner of the dog shall bear the expense thereof.

(2) *Vaccinated animals.* If a bitten dog has been previously vaccinated in accordance with the provisions of this division, then:

(a) The dog shall immediately be re-vaccinated and confined at the owner's home for a period of 30 days following re-vaccination; or

(b) If the dog is not immediately re-vaccinated, then the dog shall be confined, in strict isolation, in a kennel, for six months, under the supervision of a veterinarian. The owner of the dog shall bear the expense thereof.

(3) *Rabid animals.* In either divisions (G)(1) or (2) above, if the veterinarian determines that the bitten dog is rabid, then the dog shall be euthanized.

(H) Any dog found off the owner's premises and not wearing a valid rabies vaccination tag shall be impounded. Any unvaccinated dog so impounded may be reclaimed by its owner by payment of the prescribed pound fees and compliance with the rabies vaccination requirements of this subchapter, proof of which shall be furnished to the City Clerk-Treasurer's office within 72 hours of the dog's release from the pound.

(Prior Code, § 7.10, Subd. 13) (Ord. passed 9-7-1994)

STABLES; PERMIT AND REGULATIONS

Animals

§ 90.30 DEFINITION.

For the purpose of this subchapter, the following definition shall apply unless the context indicates or requires a different meaning.

STABLE. Any yard, pen, building, structure or place where horses, colts, mules or ponies are kept for the purpose of renting, leasing or providing them to others for a consideration.

(Prior Code, § 7.11, Subd. 1)

§ 90.31 PERMIT REQUIRED.

It is unlawful for any person to operate a stable without a permit therefore from the city.

(Prior Code, § 7.11, Subd. 2) Penalty, see § 90.99

§ 90.32 APPLICATION.

All applications for a permit shall be made at the office of the City Clerk-Treasurer upon forms that have been furnished by the city for the purpose, shall be subscribed, sworn to and include the information as the Council shall deem necessary considering the nature of the business for which the permit application is made, and shall also include proof of financial responsibility. Permits shall be on a fiscal year basis, July 1 to June 30.

(Prior Code, § 7.11, Subd. 3)

§ 90.33 PERMIT FEE.

The annual permit fee shall be fixed and determined by the Council and adopted by resolution.

(Prior Code, § 7.11, Subd. 4)

§ 90.34 INSPECTION.

Prior to issuance of a permit, the city shall inspect the premises covered in the

Breezy Point General Regulations

permit and determine that the following standards are to be met and provided by the applicant for the permit:

- (A) A sturdy wood, metal or electrical fence for the pasture which will keep the animal or animals confined;
 - (B) Shelter which will keep the animal or animals comfortable and protected from the elements and the shelter shall be so located so as not to create a nuisance;
 - (C) Clean and sanitary premises which will not be a harbor for rodents, flies and insects;
 - (D) Assurance that proper feeding and watering will be given all animals; and
 - (E) Manure and other waste shall not be allowed to accumulate to create offensive odors and smells.
- (Prior Code, § 7.11, Subd. 5)

§ 90.35 PERMIT RESTRICTIONS AND REGULATIONS.

- (A) Stables shall be permitted only on premises zoned for agricultural purposes.
 - (B) One or more persons competent in the application of first-aid shall be present at all times horses are being rented or used by the patrons of the stable.
 - (C) The operator and owner shall keep a record of the names of all persons who rent or use horses owned or maintained by him or her in the stable.
 - (D) At no time, from an hour after sunset to an hour before sunrise, shall any horse be delivered to a patron of the stable for riding on a public street or place and, during the period, no person shall ride any horse in any public place or street, except on bridle paths or specially designated areas.
- (Prior Code, § 7.11, Subd. 6)

§ 90.36 REVOCATION.

- (A) The Council may, for reasonable cause, revoke any permit.

Animals

(B) Before revocation of any permit, the Council shall give notice to the permittee and grant the permittee opportunity to be heard. Grounds for revocation may be, but are not limited to, any of the following:

(1) The premises upon which the animal is kept is unsightly and a harbor for rodents, flies and insects;

(2) The winter accumulation of manure is not removed from the premises immediately after the frost period of each year;

(3) Accumulations of manure are not removed at such periods as will insure that no objectionable aroma exists;

(4) The applicant has failed to make a reasonable effort to keep the animal or animals under control and fenced within its pasture;

(5) The applicant has not met the standards set forth in this division; or

(6) The animal has been treated cruelly and inhumanely or has not been properly fed or watered.

(Prior Code, § 7.11, Subd. 7)

CHICKENS; PERMIT AND REGULATIONS

§90.40 PURPOSE.

The purpose of sections §90.40 through §90.49 is to provide standards for the keeping of domesticated chickens in those areas authorized under section §90.45. It is intended to enable residents to keep a small number of female chickens on a non-commercial basis while limiting the potential adverse impacts on the surrounding neighborhood. It is recognized that neighborhood impacts may result from keeping domesticated chickens may adversely impact neighborhoods by creating noise, odor, unsanitary animal living conditions, unsanitary waste storage and removal, attracting predators, rodents, insects or parasites, and resulting in non-confined animals living on the owner's property. This section is intended to create permitting standards and requirements that ensure that domesticated chickens do not adversely impact the neighborhood surrounding the property on which the chickens are kept.

Breezy Point General Regulations

§90.41 DEFINITIONS.

(A) At-Large. The term At Large shall be intended to mean a chicken out of its run, off the premises or not under the custody and control of the owner.

(B) Chicken. Chicken means a female chicken or hen.

(C) Chicken Coop. This means a secure roofed structure made of wood or similar materials that provides shelter from the elements for chickens.

(D) Chicken Run. This is a fenced-in outside area for the keeping and exercising of chickens.

(E) Owner. The owner refers to the resident, property owner, custodian or keeper of any chicken.

(F) Premises. Premises means any platted lot or group of contiguous lots, parcels or tracts of land under common ownership.

§90.42 NON-COMMERCIAL USE ONLY

Chickens shall be kept as pets and for personal use only. No person shall sell eggs or engage in chicken breeding or fertilizer production for commercial purposes. The slaughtering of chickens is prohibited.

§90.43 PERMIT REQUIRED AND FEE.

A permit or annual renewal are required for the keeping of chickens in authorized areas under the terms and conditions as provided herein. Permits shall run on a calendar basis expiring on 31 December of each year. Only one permit is authorized per household or address and is not transferable. An applicant, in requesting a permit, must provide information as deemed necessary by the City including a site plan of the premises showing the location and size of the chicken coop and chicken run, and the distance from the chicken coop or run to the nearest residential structure. The owner shall also submit documentation, on a form provided by the City, showing that a majority of abutting neighbors have given approval for the keeping of chickens. For the purpose of this section "abutting" means a property that touches the applicant's

Animals

property line, but excludes undeveloped land or properties separated from the applicant's property by a public right-of-way. The fee shall be set from time to time by resolution of the city council.

§90.44 PERMIT REVOCATION AND NON-RENEWAL.

The permit for the keeping of chickens may be revoked or suspended by the city for any violation of sections §90.40 through §90.49, or if the keeping of chickens becomes a nuisance or public health concern, or if the owner is convicted of cruelty to animals. The revocation or suspension shall become effective 30 days after notice of revocation or suspension is issued by the City to the owner, unless a shorter time period is set forth in the notice due to ongoing animal cruelty or continuing public health concerns. The owner may appeal the revocation or suspension by submitting a written request for an appeal to the City Clerk within 30 days of receipt of the notice. Upon receipt of the appeal, a public hearing shall be scheduled before the City Council, with said hearing to occur at the next regularly scheduled Council meeting, or at a special meeting called by the Council. Decisions of the City Council shall be final, subject only to appeal to the Court of Appeals.

§90.45 AUTHORIZED AREAS

The keeping of chickens under this section of the code is only authorized in zoning districts of Wooded Residential (WR), Estate Lots Residential (EL-R), Low Density Residential (R-1), Medium Density Residential (R-2), and Original Neighborhoods (R-3). Only those parcels of land that can meet applicable setbacks and imperious surface coverage requirements are eligible for a permit and only to the extent that the size of the chicken coop and chicken run can be accommodated for the number of chickens requested.

(Ord. 14-05, 3rd Series, passed 7-07-2014)

§90.46 NUMBER OF AND TYPE OF CHICKENS ALLOWED

The maximum number of chickens allowed for premises of up to one acre shall be six (6). For premises that exceed one acre the maximum shall be ten (10). Only female chickens are allowed and there shall be no restriction as to species of chicken.

Breezy Point General Regulations

§90.47 CHICKEN COOP AND CHICKEN RUNS

(A) Location. All chicken coops and chicken runs shall be located on the lot behind the front setback of the principal building and at least 35 feet from dwellings on any adjacent lot.

(B) Chickens must be kept in a coop or run at all times. During daylight hours, chickens may be allowed outside of their chicken coop and run in a securely fenced area if supervised. Chickens shall be secured within the chicken coop during non-daylight hours.

(C) For each chicken kept a minimum of 10 square feet of combined chicken coop and chicken run area shall be maintained. The chicken run area must be covered with wire, netting or roofing to prevent predation.

(D) Structures. The chicken coop shall be enclosed on all sides. The enclosure shall provide for adequate ventilation, shade and sun and must be impermeable to rodents, wild birds and predators, including dogs and cats. The coop shall have an access door that can be closed and locked at night. Openings for windows and vents must be covered with predator and bird proof wire with less than one (1) inch openings.

(E) Construction. Materials used in making the chicken coop shall be uniform for each element of the structure such that all walls are made of the same material, the roof has the same shingles or other coverings throughout and all of the windows are of the same materials and design. The use of scrap, waste board, sheet metal, or similar materials is prohibited. The structure must be painted or finished and well maintained.

(F) Chickens coops are not allowed in any part of the home or garage and chickens may not be kept inside dwelling units.

(G) Structure permits. Buildings to be constructed less than 120 square feet in area require a zoning permit, but not a building permit. Structures to be built in excess of 120 square feet require a building permit.

(H) The chicken coop and chicken run areas shall be maintained in a clean and odor free manner, kept neat and sanitary in a manner so as to not disturb the use and environment of neighboring lots due to noise, odor or other adverse impacts.

Animals

§90.48 FEED, WATER AND WASTE REMOVAL

Chickens shall be provided with access to feed and clean water at all times. The food and water shall be secured to prevent access to rodents and predators. Accumulation of waste products shall be removed on a regular basis.

§90.49 INSPECTION

Any owner who is authorized by permit under this section to keep chickens is subject to inspection at any time during reasonable hours by an agent of the city to ensure compliance with the requirements of this section.

(Ord. 11-07, 3rd Series, passed 5-04-2011)