

ORDINANCE NO. 275

AN ORDINANCE REGULATING THE LICENSING AND KEEPING OF ANIMALS IN THE CITY OF BRAHAM

The City Council of Braham ordains:

PARAGRAPH 1. REGULATIONS IN KEEPING ANIMALS.

- 1.1 **DEFINITIONS:** As used in this Chapter, except as otherwise provided, the following terms shall have the respective meanings ascribed to them:
- 1.2 Animal. Any non-human mammal, reptile, amphibian, or bird, domestic or non-domestic, including dogs and cats.
- 1.3 Animal, Domestic. Animals kept within the home and on the property as pets such as dogs, cats, pet ferrets, INDOOR pot-bellied pigs, and similar animals.
- 1.4 Animal, Non-Domestic. Animals which are kept outside the home for purposes of food or pleasure such as cattle, swine (not including indoor pot-bellied pigs), horses, bees, sheep, goats, chickens, birds, such as falcons and pigeons, and similar animals.
- 1.5 At Large. An unattended animal (not on a 6 foot leash) on public property; or an attended animal on private property without the consent of the property owner.
- 1.6 Cat. Any domesticated feline animal, male or female, whole or neutered.
- 1.7 Dangerous Animal. Any animal that has committed any of the acts set forth below:
 - A. Without provocation, inflicted substantial bodily harm on a human being on public or private property;
 - B. Killed a domestic animal without provocation; or
 - C. Been found to be a potentially dangerous animal, and after the owner has been notified that the animal is potentially dangerous, the animal aggressively bites, attacks, or endangers the safety of humans or domestic animals.
- 1.8 Dog. Any canine animal, male or female, whole or neutered.
- 1.9 Enclosure. Any structure, except a dwelling, designed to securely enclose and prevent an animal from escaping therefrom and/or designed to provide the animal with shelter and protection from the weather.

- 1.10 Ferret. A partially-domesticated polecat that is sometimes classified as a separate species, male or female, whole or neutered.
- 1.11 Kennel. Owning or harboring more than two animals of the same type shall constitute keeping a kennel, i.e. more than two dogs, more than two cats, more than two ferrets, etc.
- 1.12 Owner. Any person, firm, corporation, organization or department possessing, harboring, keeping, having an interest in or having custody or control of an animal.
- 1.13 Potentially Dangerous Animal. Any animal that has committed any of the acts set forth below:
- A. When unprovoked, bites a human or domestic animal;
 - B. When unprovoked, chases or approaches a person upon the streets, sidewalks or any other public property in an apparent attitude of attack; or
 - C. Has a known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.
- 1.14 Restrained.
- (a) On a leash of not more than six (6) feet in length **and** in the custody of a person of sufficient age to adequately control the animal, or
 - (b) in a vehicle, or
 - (c) restrained to the owner's property.
- 1.15 Substantial Bodily Harm. Bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily member or organ, or which causes a fracture of any bodily member.
- 1.16 Unattended Animal. Any animal off the premises of the owner and not under the control of the owner, a member of his/her immediate family, or a person designated by the owner, and not on a leash less than six (6) feet in length.

PARAGRAPH 2. ENFORCEMENT. The provisions of this Ordinance shall be enforced by an animal control officer who has a contract for such duties with the City.

- 2.1 Interference. No person shall, in any manner, interfere with or hinder an animal control officer of his/her duties.
- 2.2 Right of Entry. For the purpose of discharging the duties imposed by this Ordinance, the animal control officer is empowered to enter upon private property.

- 2.3 Certain Animals Declared Nuisances. No person shall keep, within the City limits, any animal which habitually barks or cries for extended or unreasonable periods of time, and any such animal which damages plantings or structures, or deposits fecal matter on private property of others after the person owning or harboring the animal has been notified of such acts as herein provided is hereby declared a nuisance.

Any person aggrieved by an animal nuisance may make a written complaint to the City Administrator's office stating the acts complained of, the name and address of the owner or the animal, and the name and address of the person making the complaint. The City shall then promptly notify the person owning or keeping the animal, and shall order the nuisance abated within five (5) days. If such animal nuisance is not abated within that time, a charge may be made against the owner or keeper of the animal, and any person found to have violated the provisions of this Ordinance shall be guilty of a misdemeanor.

- 2.4 Certain Animals Not Allowed to be Kept Within the City Limits. The keeping of non-domestic animals is not allowed within the City Limits.

PARAGRAPH 3. EXCEPTIONS. The following provisions of this Ordinance shall not apply in the following circumstances:

- 3.1 Unless specified herein, the provisions of this Ordinance shall not apply to animals used or confined at hospitals, clinics, or businesses operated by licensed veterinarians.
- 3.2 Section 5 relating to vaccination requirements shall not apply to any animal belonging to a non-resident of the City and kept within the City for not longer than thirty (30) days, provided, all such animals shall, at all times while in the City, be restrained by the owner.
- 3.3 Sections 1.13, 1.14 and 1.15 relating to dangerous animals and potentially dangerous animals shall not apply to dogs under the control of a law enforcement officer.
- 3.4 Sections 7.1 and 7.2 shall not apply to raptors possessed by licensed falconers holding valid State and Federal Falconry Permits so long as the conditions of the permit are being satisfied.

PARAGRAPH 4. LICENSE AND REGISTRATION. All domestic animals within the City of Braham shall be licensed except the following:

- 4.1 Animals less than six (6) months of age;
- 4.2 Animals whose owners are temporary visitors within the City for thirty (30) days or less;
- 4.3 Animals which are brought into the City for appearances in an animal show;
- 4.4 Dogs being used by law enforcement officers.

PARAGRAPH 5. VACCINATION REQUIRED. It shall be unlawful for any domestic animal owner to keep or maintain any animal older than six (6) months of age unless it shall have been vaccinated with an anti-rabies vaccine and a parvo vaccine by a licensed veterinarian. No license renewal shall be issued except upon compliance with this section.

PARAGRAPH 6. LICENSING PROCEDURES.

- 6.1 Requirements. All domestic animals kept or maintained by their owner within the corporate limits of the City of Braham shall be licensed and registered if over six (6) months of age.
- 6.2 Application. Except as herein provided, within thirty (30) days after acquiring possession of an animal which has not been licensed by the City of Braham, the owner of the animal shall make application for a license at the City Administrator's office. A license shall continue in force for the life of the animal, provided that the owner shows proof every year that the animal has current vaccinations, and provided the owner reports any change of address to the City.

A certificate of vaccination, authorized by a licensed veterinarian, for rabies and parvo vaccinations must be presented at the time of licensing and every year thereafter. Any owner of an animal not vaccinated for rabies and parvo will be in violation of this Chapter.

- 6.3 License Fee. The City does not charge for a regular dog or cat license. The benefit to licensing a pet is for identification purposes should the animal be picked up. The license fee for a kennel license is \$50.00 per year.
- 6.4 Duration of License. A license shall be issued for a period of time not to exceed the expiration date of the rabies and parvo vaccinations.
- 6.5 Issuance of License. Upon completion of the application form and receipt of the proof of vaccination, the City Administrator's office shall cause a license to be issued to the applicant for a particular animal.

In case any license tag is lost, a duplicate may be issued by the City Administrator's office. No person shall counterfeit or attempt to counterfeit the tags provided for in this Ordinance, nor shall any person except the owner take from any animal a tag legally placed upon it, nor shall any person place such a tag upon another animal.

License tags shall not be transferable.

- 6.6 Kennels. No person shall maintain a kennel, as defined in Section 1.11 without first securing a license pursuant to Section 6.3. The City Council shall have the power to attach reasonable conditions to the issuance of any license. The maximum number of animals allowed under a Kennel License is six (6) of the same species.

In an R-1 Zoning District, a maximum of 2 animals of the same species is allowed per parcel without a kennel license.

Any animals kept or maintained upon any premises in violation of this Section may be impounded under the provisions of Section 7.9. Any person violating any of the provisions of this Section shall be guilty of a misdemeanor.

6.7 Kennel License. Upon issuance of a kennel license, three (3) to six (6) animals of the same species over the age of six (6) months of age may be kept at a licensed premises upon compliance with the following:

A. The filing of written approval of the occupants of residential property abutting the licensed premises.

B. The yard of the licensed premises is fenced in such a manner as to restrain the animals on the premises from leaving the yard.

C. Animals kept on the licensed premises do not create a nuisance by excessive barking, howling, or by creating unsanitary conditions.

D. Payment of an annual license fee pursuant to Section 6.6 of the Ordinance.

6.8 Receipt and Tags. The City Administrator's office shall also procure a sufficient number of metallic tags suitably numbered and lettered and deliver one appropriate tag to such taxpayer for each animal upon which the license is issued.

6.9 Tags to be Attached to Animal. When at all possible, the applicant shall cause the tag to be affixed permanently by a metal fastening device to the collar of the licensed animal or in such a manner that the tag may be easily observed.

6.10 Change of Address. An applicant who has obtained a license shall notify the City Administrator's office of the applicant's address changes within the corporate limits of the City within ten (10) days of any address changes.

PARAGRAPH 7. REGULATIONS.

7.1 Restraint. Except as herein provided, the owner of an animal within the City of Braham shall cause such animal to be restrained at all times.

7.2 Animals in Heat. The owner of an animal in heat shall confine such animal to the owner's property or any veterinary hospital/clinic, in such manner that such animal cannot come into contact with other animals, except for intentional breeding purposes.

7.3 Leash Required. The owner of an animal within the city of Braham shall cause such animal to be restrained by a leash, chain or a cord of not more than six (6) feet in length

and in the custody of a person of sufficient age and maturity to adequately control the animal at all times while in a public place including but not limited to school yards, playgrounds, parks, or streets.

7.4 Animal Noise. The owner of an animal within the City of Braham shall prevent the animal from becoming a nuisance by barking, baying, crying, or howling in any manner for an unreasonable length of time and/or at an unreasonable hour of the day. Persons aggrieved by an animal nuisance may make a complaint pursuant to Section 2.3 of this Ordinance. Persons found to have violated the provisions of this Section shall be guilty of a misdemeanor.

7.5 Cleaning Up Litter.

A. The owner of an animal shall be responsible for cleaning up any feces of the animal and disposing of such feces in a sanitary manner.

B. The owner of an animal shall not permit such animal to be on public property or the private property of another without having in the owner's immediate possession, a device for the removal of feces and a container for the transporting of the excrement to a proper receptacle located on the property of such animal owner.

C. The owner of an animal shall remove feces left by such animal on public property or private property of another to a proper receptacle located on property of the animal owner.

7.6 Animal Care. The owner of an animal within the City of Braham shall provide said animal with sufficient, wholesome food and water, proper shelter and protection from weather, veterinary care when needed to prevent suffering, and with humane care and treatment.

7.7 Abuse Prohibited. No person shall beat, torment, or otherwise abuse an animal or cause or permit an animal fight.

7.8 Guard Dogs. A person who uses a dog for security purposes within the City of Braham shall post a warning notice at the entrance of the premises.

7.9 Impounding and Confinement. The animal control officer or local law enforcement may impound any animal running at large in violation of any of the terms of this Ordinance.

The animal control officer shall provide proper sustenance and care for all animals impounded.

A. The animal shall be impounded for not more than ten (10) calendar days, or until claimed by the animal's owner, whichever occurs first.

B. Immediately upon impounding animals, reasonable efforts shall be made to notify the

owner and inform the owner of the animal's confinement and the procedures for release of the animal to the owner.

C. Any animal impounded hereunder may be reclaimed by the owner of such animal within ten (10) calendar days after such impoundment. Before the owner shall be permitted to recover possession of the animal, the owner shall pay the animal control officer all required fees and costs of impoundment and show proof of rabies and parvo vaccinations.

D. An animal which is not redeemed within ten (10) calendar days after impounding may be sold, given to a rescue facility, or disposed of in a sanitary manner by the animal control officer.

E. Impound and boarding fees shall be determined by the City's animal control contract.

F. Proof of rabies and parvo vaccinations shall be presented before an animal is released. If the animal's vaccinations are not current, the owner must show proof of pre-payment for the vaccinations at a licensed veterinary clinic before the animal is released. All fees must be paid before the animal may be retrieved from the pound.

G. The owner of an impounded animal is responsible for all costs related to the impound and/or boarding of such animal. If the owner chooses not to retrieve the animal from the animal control officer, he/she may sign a release/waiver to the ten (10) day holding requirement.

7.10 Breaking Pound. No person shall break open, aid or assist, counsel or advise, the breaking open of the pound, or take or let out, or attempt to take or let out any animal legally placed therein except the same be done by an officer duly authorized by law.

PARAGRAPH. 8 RABIES CONTROL.

8.1 Muzzling. Whenever the prevalence of rabies renders such action necessary to protect the public health and safety, the Mayor shall issue a proclamation ordering every person owning or keeping an animal to confine it securely on his/her premises unless it is muzzled, so it cannot bite. No person shall violate such proclamation, and any animal running at large during the time fixed in the proclamation may be destroyed by the animal control officer, or local law enforcement without notice to the owner.

8.2 Other Controls.

A. The Minnesota Health Laws and Regulations are hereby adopted in cases of rabid animals which have bitten any person or animals suspected of being rabid.

B. It shall be the duty of every physician to report to the City the names and addresses of persons treated or bites inflicted by animals together with other information helpful in

rabies control.

C. It shall be the duty of every licensed veterinarian to report to the local law enforcement his diagnosis of any animal observed by him as a rabies suspect.

D. Whenever the prevalence of rabies renders such action necessary to protect the public health, safety and welfare, the Mayor shall proclaim a muzzling order pursuant to Section 8.1. No person shall violate this proclamation.

PARAGRAPH 9. BITING ANIMALS TO BE QUARANTINED. Whenever an animal has bitten a person, or whenever a known or suspected rabid animal is picked up by the animal control officer, or local law enforcement, such animal shall be confined for a minimum of ten (10) days as follows:

A. If no proof of a current rabies vaccination is provided, the animal shall be quarantined by the animal control officer.

B. A quarantined animal shall not be removed from quarantine without the written permission of the local law enforcement.

9.1 Vicious Animals. Whenever the City Administrator or local law enforcement determines that any animal, whether wearing a tag or not, has bitten any person, such animal may be deemed to be vicious for the purpose of this Section. Such animal may be impounded by the animal control officer or as otherwise designated by the local law enforcement, for a period of ten (10) days or more at the expense of the owner of said animal.

The animal shall not be released from the impound until authorized by the local law enforcement. Except for the time limits, disposition and redemption shall be in accordance with Section 7.9. Failure to maintain quarantine at the specified location in accordance with this Section shall be unlawful.

Any animal which habitually attacks or threatens people or animals elsewhere than on the premises of the owner, keeper, or harbinger, or which is afflicted with hydrophobia, shall be destroyed in a summary manner and buried by the animal control officer without however relieving the owner from liability for the violation of this Ordinance.

Whenever the animal control officer or local law enforcement has reasonable cause to believe that a particular animal presents a clear and immediate danger to residents of the City because it is either infected with rabies or because of a clearly demonstrated vicious nature, the officer, after making reasonable attempts to impound such animal, may summarily destroy such animal.

PARAGRAPH 10. PENALTY FOR VIOLATION OF THIS ORDINANCE. Any violation of this Ordinance is a misdemeanor. Each day on which such violation continues shall constitute a separate offense.

PARAGRAPH 11. The following inconsistent and outdated Animal Control Ordinances are hereby repealed:

- No. 3 Section XI "Dog License Fee" undated. (Minutes dated March 30, 1901)
- No. 3b "Amendment to Ord. No. 3" dated Jan. 26, 1939
- No. 12 "An Ordinance Relating to ... Domestic Animals" dated May 8, 1905
- No. 44 "Licensing and Regulating the Keeping of Dogs" dated April 10, 1939
- No. 53 "Licensing and Regulating the Keeping of Dogs" dated May 3, 1954
- No. 60 "Amendment to Ord. No. 53 Relating to Fees" dated Feb. 5, 1962
- No. 88 "An Ordinance Relating to Dogs" dated May 11, 1978
- No. 124 "Regulations in Keeping Animals" dated Sept. 11, 1989
- No. 142 "Amendment to Ord. No. 124" dated March 1, 1993
- No. 153 "Regulations in Keeping Animals" dated June 5, 1995
- No. 172 "Amending Ord. No. 153 Regarding Animal Control" dated March 3, 1997
- No. 182 "Regulating the Licensing & Keeping of Animals" dated Jan. 5, 1998
- No. 211 "Amendment to Ord. No. 182" dated Dec. 4, 2001
- No. 214 "An Ordinance Regulating the Licensing and Keeping of Animals" dated April 2, 2002
- No. 233 "An Ordinance amending Animal Control Ord. No. 214" dated Nov, 8, 2004
- No. 245 "An Ordinance amending Animal Control Ord. No. 214 and Repealing Ord. Amend 233" dated March 13, 2006
- No. 258 "An Ordinance Amending Ord. No. 214 Regarding Kennels" dated Oct 7, 2008
- No. 269 "An Ordinance amending Animal Control Ord. No. 214 with regard to definitions" dated Oct. 4, 2011

PARAGRAPH 12. This Ordinance is effective upon its passage and publication.

Adopted by the Braham City Council this 1st day of December, 2015.



Mayor

Attest: 

Clerk/Administrator