

## **Chapter 5**

### **ANIMALS AND FOWL**

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### **ARTICLE I. IN GENERAL**

#### **Section 01. "Animals" defined.**

The term "animals," means cattle, horses, mules, sheep, goats, swine, ponies, ducks, geese, turkeys, chickens, guinea hens, dogs, cats, and all other animals and feathered fowl; provided that this definition shall extend to this article only. (Ord. No. 281, Sec. 1, 6/18/79)

#### **Section 02. Keeping animals.**

It is unlawful for any person to keep any animal, not in transit, in any part of the City not zoned for agricultural purposes, except for household pets not otherwise prohibited by the City Code. (Ord. No. 281, Sec. 1, 6/18/79)

#### **Section 03. Impoundment of animals authorized; costs for release.**

Any animal found running at large contrary to the provisions of this chapter may be impounded in a pound designated by the City, from which such animal shall not be released until the owner thereof or some person for him shall pay all fees incurred for such impoundment. (Ord. No. 281, Sec. 1, 6/18/79)

#### **Section 04. Authority to create dog pound.**

The City Council shall have the authority to create and provide for a City pound, which may be located within or without the City limits. (Ord. No. 281, Sec. 1, 6/18/79)

#### **Section 05. Authority to sell or dispose of animals.**

The City shall have the authority to sell or dispose of any impounded animal not redeemed within seven (7) days from the date notice of impoundment is given as provided by Section 51 et seq. (Ord. No. 281, Sec. 1, 6/18/79)

#### **Sections 06 through 20. Reserved.**

## **ARTICLE II. DOGS**

### **DIVISION 1. GENERALLY**

#### **Section 21. Definitions.**

For the purpose of this article, certain terms and words are defined as follows:

**Animal:** Means any dog.

**At large:** Means off the premises of the owner and not under restraint. The term "under restraint" shall mean under control by means of a leash not exceeding six (6) feet in length, or within the property of the owner's premises.

**Owner:** Means any person, firm, or corporation who shall own, harbor, keep or have custody of an animal, or the parents or guardians of a person under eighteen (18) years of age who shall own, harbor, keep or have custody of an animal. (Ord. No. 210, Sec. 2, 2/27/73; Ord. No. 281, Sec. 2, 6/18/79)

#### **Section 22. Confinement of animals.**

It shall be unlawful for any person owning or having the charge or custody of any dog to allow such dog to run at large within this City at any time, whether or not such dog is registered, licensed and numbered. This restriction shall not be deemed to prohibit the appearance of dogs upon the streets of the City accompanied by an owner or members of his immediate family, when such dogs are on a leash. The police or animal contract officers of the City may take up and impound any animal found at large in violation of this provision, and shall deal with said animal in accordance with the provisions of this article. (Ord. No. 210, Sec. 4, 2/27/73; Ord. No. 281, Sec. 3, 6/18/79)

#### **Section 23. Dangerous dogs.**

No vicious, dangerous or ferocious dog or dogs sick with or liable to communicate rabies or other contagious or infectious disease shall be permitted in the City. (Ord. No. 210, Sec. 3, 2/27/73, Ord. No. 281, Sec. 4, 6/18/79)

#### **Section 24. Animal nuisances.**

The owner or custodian of any animal shall prevent the animal from committing in the City any act which constitutes a nuisance. It is a nuisance for any animal to habitually or frequently bark or cry, to chase vehicles, to molest or annoy any person at a place away from the property of his owner or custodian, or to damage, defile or destroy public or private property. Failure of the owners or custodian of an animal to prevent the animal from committing such a nuisance is a violation of this section.

(a) Animal waste. It is unlawful for any person who owns, harbors, or has custody of a dog, cat or other animal to cause or permit such animal to defecate on any public property or, without the

consent of the owner to defecate on any private property unless such person immediately removes the excrement and properly disposes of it. It shall also be unlawful for such person to cause or permit such animal to urinate on private property without the consent of the owner. (Ord. No. 556, Sec. 1, 8/1/94)

**Section 25. Adoption of state rabies control regulations by reference.**

The provisions of Sections 35.67 through 35.69 of Minnesota Statutes are hereby adopted for the City and shall have the same force and effect as it set out in full herein.

**Section 26. Disturbing peace.**

No person owning any dog shall permit such dog to disturb the peace and the quiet of the neighborhood by barking, making loud or unusual noises, or by running through or across cultivated gardens or fields. (Ord. No. 210, Sec. 5, 2/27/73)

**Section 27. Killing or maiming dogs prohibited.**

It shall be unlawful for any person to wrongfully kill, maim or injure any dog within this City. (Ord. No. 210, Sec. 2, 2/27/73)

**Section 28. Impoundment, examination of dogs suspected of having bitten person; exceptions.**

(a) Whenever any dog bites a person, the owner of said dog shall immediately notify the Police Department. Unless a release as hereinafter provided is executed, the dog shall be held on the owner's premises or shall be impounded for a period of fourteen (14) days. The dog shall be examined immediately after it has bitten anyone and again at the end of the fourteen (14) day period. If at the end of fourteen (14) days a veterinarian is convinced that the dog is then free from rabies, the dog shall be released from quarantine or from the pound as the case may be. If the dog dies in the meantime, its head shall be sent to the State Department of Health for examination for rabies.

(b) The Police Department may release a dog that has bitten a person or order same not to be impounded as above provided in the event that the Police Department is provided with a certificate executed by a licensed veterinarian that said dog had been vaccinated against rabies within one (1) year immediately proceeding the date on which said dog had bitten a human being, together with a release executed by the person bitten, or in the event same is a minor then by his or her guardian, releasing the City of Chaska, its officers, employees and agents harmless and to indemnify the City of Chaska, its officers, employees or agents from any and all claims, demands, damages or causes of action arising out of said dog bite and to defend against any action that may be brought against the City arising out of said dog bite, same to be executed by the owner or person having control of said dog. (Ord. No. 210, Sec. 12, 2/27/73; Ord. No. 281, Sec. 6, 6/18/79; Ord. No. 304, Sec. 1, 1/19/81)

**Section 29. Interference with officers.**

It shall be unlawful for any person to break open the pound or to attempt to do so, or to take or let out any animal therefrom, or to take or attempt to take from any officer any animal taken up by him in compliance with this article, or in any manner to interfere with or hinder such officer in the discharge of his duties under this article. (Ord. No. 281, Sec. 7, 6/18/79)

**Section 30. Authority of officers to enter private property.**

Any police or animal control officer of the City may enter upon the private property of any person in pursuit of any animal under probable cause to believe that such animal has bitten a person or animal, or that such animal is rabid. (Ord. No. 281, Sec. 8, 6/18/7)

**Section 31. Proceedings for destruction of certain animals.**

Upon sworn complaint to a court of proper jurisdiction that any one of the following facts exists:

(a) That any animal at any time has destroyed property or habitually trespasses in a damaging manner on property of persons other than the owner;

(b) That any animal at any time has attacked or bitten a person at a place away from the owner's or custodians' premises;

(c) That any animal is vicious or shows vicious habits or molests pedestrians or interferes with vehicles on the public rights-of-way or highways;

(d) That any animal is a nuisance as hereinbefore defined; or

(e) That any animal is running at large in violation of this chapter;

said court may issue a summons directed to the owner or custodian of said animal commanding him to appear before said court to show cause why said animal should not be seized and destroyed by any police or animal control officer, or otherwise disposed of in the manner authorized in this article. Such summons shall be served not less than five (5) days before the time of the appearance mentioned therein. Upon hearing and finding the facts true as complained of, the court may either order the animal destroyed or order the owner or custodian to remove it from the City, or may order the owner or custodian to keep it confined to a designated place. If the owner or custodian violates such order, any police or animal control officer may impound or destroy any animal described in such order. The provisions of this section are in addition to and supplemental to other provisions of this chapter. Costs of the proceedings specified by this section shall be assessed against the owner or custodian of the animal if the facts in the complaint are found to be true, or to the complainant if the facts are found to be untrue. (Ord. No. 281, Sec. 9, 6/18/79)

**Section 32. Authority to destroy animals.**

Except as expressly authorized by statute, it shall be unlawful for any person other than an officer or agent of the City acting pursuant to this article, to destroy any animal which has bitten any person, dog, or other animal unless such dog or other animal has been determined to be or is rabid. (Ord. No. 281, Sec. 10, 6/18/79)

**Section 33. Muzzling proclamation.**

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 muzzle it securely so that it cannot bite. No person shall violate such proclamation, and any animal running at large during the time fixed in the proclamation shall be killed by the police or animal control officer without notice to the owner. (Ord. No. 281, Sec. 11, 6/18/79)

**Section 34. Abandonment prohibited.**

No person, firm or corporation shall abandon any animal within the City. (Ord. No. 281, Sec. 12, 6/18/79; Ord. No. 437, Sec. 1, 8/29/88)

**DIVISION 2. LICENSES**

**Section 35. Required.**

Every person owning or keeping a dog over the age of six (6) months within the City shall, on or before the first day of January each and every year, cause such dog to be registered, licensed and numbered; provided, however, that if any dog shall have come into the person's possession or ownership after the first day of January of the then current year, the owner or the person entitled to its possession shall cause said dog to be registered, licensed and numbered at such time as such dog shall come into his possession. (Ord. No. 210, Sec. 12, 2/27/73; Ord. No. 437, Sec. 1, 8/29/88)

**Section 35.1. Vaccination required prior to issuance.**

No license shall be issued for a dog which does not have current rabies vaccination covering the entire license period. Vaccinations shall be performed only by a doctor of veterinary medicine licensed to practice in the state in which the dog is vaccinated. No license shall be issued unless documentary evidence of said vaccination signed by the veterinarian who made the vaccination accompanies the application for a license. This section shall be mandatory for licenses issued October 1, 1973 and thereafter. (Ord. No. 210, Sec. 13, 2/27/73; Ord. No. 437, Sec. 2, 8/29/88)

**Section 36. Contents of registration.**

The registration shall contain the sex, breed and name of the dog and the name and address of the owner. (Ord. No. 210, Sec. 2, 2/27/73)

**Section 37. Terms of license and Fees.**

Every license required by this division shall be valid for one (1) year from and after the first day of January of each year with the payment of an eighteen dollar (\$18.00) annual fee or for two (2) years from and after the first of January with payment of a thirty dollar (\$30.00) fee. A license for a new dog license in Chaska after June 30<sup>th</sup> may be prorated for one half (1/2) the annual rate for the year. (Ord. No. 750, dated 06-30-03)

(a) Dog licenses shall be provided to owners of guide dogs for either hearing or seeing impaired individuals at no charge. (Ord. No. 210, Sec. 2, 2/27/73; Ord. No. 226, Sec. 1, 9/2/75; Ord. No. 281, Sec. 13, 6/18/79; Ord. No. 437, Sec. 4, 8/29/88; Ord. No. 520, Sec. 1, 1/4/93; Ord. No. 556, Sec. 2, 8/1/94)

**Section 38. Reserved.**

**Section 39. Issuance of tag.**

Upon compliance with the requirements of this division a tag shall be issued to the applicant.

**Section 40. Tag to be fastened to dog.**

It shall be the duty of the owner or keeper of every dog to cause the license tag issued pursuant to this division to be securely attached around the dog's neck and kept there at all times during the license period. (Ord. No. 210, Sec. 2, 2/27/73)

**Section 41. Removal of tag prohibited.**

It shall be unlawful for any person to remove the collar or tag from any dog licensed or tagged as herein provided, or to entice or carry away any such dog. (Ord. No. 210, Sec. 2, 2/27/73)

**Section 42. Animal tags non-transferable; fees nonrefundable.**

Animal tags shall not be transferred from one animal to another, and no refund shall be made of any animal license fee because of death of the animal, or because of the leaving of the City by the owner prior to the expiration date. (Ord. No. 281, Sec. 14, 6/18/79)

**Sections 43 through 47. Reserved.**

**DIVISION 3. IMPOUNDMENT**

**Section 48. Authority to impound.**

Dogs found running at large in violation of this article shall be impounded by the poundkeeper or any officer of the City authorized to enforce this chapter whether such dog is licensed or not. (Ord. No. 210, Sec. 7, 2/27/73)

**Section 49. Fees for impounding and keeping.**

The fees and charges for impounding and keeping any dog impounded under the provisions of this article and disposing of impounded animals shall be as set forth in that contract between the City and the appointed poundkeeper, which contract is on file in the office of the City Clerk. (Ord. No. 210, Sec. 8, 2/27/73)

## **Section 50. Records to be kept; contents.**

Within twenty-four (24) hours after impounding any dog hereunder it shall be the duty of the poundkeeper to enter upon the records of the pound, in a book to be kept by him for such purpose, the date of impounding, a description of the dog impounded, the general area where said dog was found at the time of impounding, any record as to whether or not such dog has been licensed and tagged as required by this article. (Ord. No. 210, Sec. 10, 2/27/73)

## **Section 51. Public notice.**

Public notice of the impounding of any dog shall be given by posting one (1) copy of the description of such dog and date of impounding on the bulletin board at the front door of the City Hall. (Ord. No. 210, Sec. 10, 2/27/73)

## **Section 52. Redemption of Impounded dogs.**

The owner of any dog impounded pursuant to this article may redeem the same by securing a license for such dog if a current license has not been issued for the dog, and paying all the costs and charges required herein that may have accrued up to the time of making the redemption pursuant to Section 49 of this article. Such costs, together with an impoundment fee as hereinafter set forth shall be paid to the poundkeeper.

(a) Twenty dollars (\$20.00) for the first impoundment;

(b) Forty dollars (\$40.00) for the second impoundment;

(c) Eighty dollars (\$80.00) for the third impoundment and each successive impoundment within a twelve (12) month period from the first impoundment. (Ord. No. 210, Sec. 9, 2/27/73; Ord. No. 281, Sec. 15, 6/18/79; Ord. No. 392, Sec. 1, 3/17/86)

## **Section 53. Disposal of unredeemed dogs.**

Any dog impounded and not redeemed within five (5) days after the date of impoundment may be destroyed in a humane manner, sold or disposed of in such other way as the poundkeeper or City shall determine.

Any unredeemed dog may be surrendered to any licensed educational or scientific institution pursuant to Minnesota Statutes, Section 35.71. (Ord. No. 210, Sec. 14, 2/27/73)

## **Sections 54 through 69, Reserved.**

### **DIVISION 4. KENNELS**

## **Section 70. Reference.**

The provisions of Minnesota Statutes, 1992, Section 347.35 and 347.37 are hereby incorporated herein and adopted by reference. (Ord. No. 281, Sec. 16, 6/18/79; Ord. No. 556, Sec. 4, 8/1/94)

## **Section 71. Definitions.**

Dog: Means a canine of either male or female gender.

Cat: Means a feline of either male or female gender.

Owner: Means any person owning, keeping or harboring a dog or cat.

Private kennel: Means a place where more than two dogs or two cats over six months of age are kept by their owner for no commercial purpose. Provided that the combined total number of dogs and cats over six (6) months of age shall not exceed five (5) in any private kennel.

Commercial kennel: Means a place where any number of dogs and/or cats of any age are kept, confined, or congregated for the purpose of selling, boarding, breeding, training, treating or grooming. (Ord. No. 556, Sec. 5, 8/1/94)

## **Section 72. Kennels restricted to certain areas.**

Commercial kennels shall be allowed by Special Use Permit only in the R-Rural District as authorized by the Chaska Zoning Ordinance and subject to the conditions set forth therein. (Ord. No. 281, Sec. 16, 6/18/79; Ord. No. 556, Sec. 6, 8/1/94)

## **Section 73. Maintenance of kennels, dogs in kennels.**

All kennels, private or commercial, shall be maintained in the following manner:

(a) Kennels shall be kept in a clean, sanitary and well ventilated condition at all times, and shall be open to inspection by the Community Services Officer of the City at all reasonable times.

(b) All dogs kept outside shall be provided with access to shelter protecting them from the sun, rain and snow, together with adequate bedding when the temperature falls below fifty (50) degrees Fahrenheit.

(c) All dogs and cats confined by chains shall have the chain so attached that they cannot become entangled with the chains of other dogs, cats or any other objects. Such chains shall be attached to the dog or cat by means of a well-fitted collar and shall be of such length as to allow said animal to enjoy a reasonable amount of freedom and to obtain access to food, water and shelter. (Ord. No. 281, Sec. 16, 6/18/79; Ord. No. 556, Sec. 8, 8/1/94)

## **Section 74. Kennel license required.**

No person, firm or corporation shall own, harbor, keep or allow the keeping of more than two dogs or more than two cats over the age of six (6) months on his or her premises without first obtaining either a commercial or private kennel license from the City of Chaska. (Ord. No. 281, Sec. 16, 6/18/79; Ord. No. 556, Sec. 8, 8/1/94)

## **Section 75. Kennel license fee.**

(a) The license fee for a private kennel shall be fifty dollars (\$50.00) per year.

(b) The license fee for a commercial kennel shall be one hundred dollars (\$100.00) per year. (Ord. No. 556, Sec. 9, 8/1/94)

## **Section 76. Kennel license restrictions.**

(a) An application for a kennel license shall be submitted to the City of Chaska accompanied by the appropriate fee. The applicant must also submit an acknowledgment form signed by each of the surrounding property owners. The form shall state that the applicant has notified the property owners of the application and that they may contact the City with any comments they might have.

(b) A kennel license may be issued after an inspection shows that adequate safeguards are present to protect the surrounding neighborhood from nuisances and to insure compliance with this section. A license may not be issued if the kennel does not comply with the applicable State health and maintenance standards promulgated pursuant to Minnesota Statutes, 1992, Section 347.35.

(c) A license may be issued for one or two years and shall expire on December 31. A license may be revoked by the City because of a violation of this section, or any other relevant law, ordinance or regulation.

(d) All licensed commercial kennels within the City are subject to inspections as provided in Minnesota Statutes, 1992, Section 347.37. A license violation not corrected within ten (10) days after notice will be grounds for revocation of the license. (Ord. No. 556, Sec. 10, 8/1/94)

In other cases, the kennel license shall be renewed only upon City Council approval. (Ord. No. 281, Sec. 16, 6/18/79)

## **Sections 77 through 80. Reserved.**

# **ARTICLE III. DANGEROUS AND NON-DOMESTIC ANIMALS**

## **Section 81. Definitions.**

Domestic animal: Means and includes dogs (*Canis Familiaris*) and specifically excludes wolves or other members of the dog family (*Canidae*); cats (*Felis Catus*) and specifically excludes any other feline or member of the cat family; birds kept indoors-, hamsters, gerbils and such other small rodents; chinchillas, rabbits; non-poisonous lizards except crocodiles and alligators, and non-poisonous snakes, which animals or reptiles are capable of being maintained continuously in cages; and other living creatures generally referred to as domestic pets. The term "domestic animal" shall also mean animals of husbandry when maintained in connection with a bona fide farming operation or otherwise permitted under the Zoning Ordinance of the City of Chaska.

Non-domestic animals: Shall include all other animals and reptiles not included in Subsection(a) above. (Ord. No. 292, Sec. 1, 11/19/79)

## **Section 82. Keeping non-domestic animals prohibited.**

Except as provided in Section 84 of this chapter, the maintaining, keeping or harboring of non-domestic animals in the City of Chaska is hereby declared a nuisance and therefore prohibited. (Ord. No. 292, Sec. 1, 11/19/79)

## **Section 83. Impounding of non-domestic creatures.**

Any non-domestic creature kept in violation of Section 82 of this chapter may be impounded by the City and, after being so impounded for five (5) days or more without being reclaimed by the owner, may be destroyed or sold. Any person reclaiming any such impounded animal shall pay the costs of impounding and keeping the same. (Ord. No. 292, Sec. 1, 11/19/79)

## **Section 84. Exceptions.**

The prohibitions set forth in Section 82 of this chapter shall not be applicable in the following:

(a) The keeping of such animals for exhibition to the public by a circus, carnival or other exhibit or show possessing a permit issued by the Commissioner of Natural Resources pursuant to Minnesota Statutes 97.611, and possessing such other permits as required pursuant to the ordinances of the City of Chaska.

(b) The keeping of such animals in a licensed veterinary hospital for treatment.

(c) Dangerous or poisonous reptiles maintained by a bona fide educational or medical institution for the purpose of instruction or study, provided such reptiles are securely confined and are properly cared for in a manner satisfactory to the health officer and Chief of Police. (Ord. No. 292, Sec. 1, 11/19/79)