

Section 1040 –Animal Control Ordinance

Section 1040:00. Definitions.

Subd. 1. "Animal Control Officer" means the city staff charged with the duty of picking up and impounding unlicensed dogs, strays, and abandoned animals as herein provided.

Subd. 2. "Animal Shelter" or "City of St. Cloud Animal Shelter" means any premises designated by the City Council for the purpose or impounding or caring for animals held under the authority of this Section.

Subd. 3. "At Large" means off the premises of the owner and not under the control of the owner, or other competent person, by leash not exceeding eight feet in length.

Subd. 4. "Dangerous Animal" means an animal that has:

- a. without provocation, inflicted substantial bodily harm on a human being on public or private property;
- b. killed a domestic animal without provocation while off the owner's property; or
- c. been found to be potentially dangerous, and after the owner has notice that the animal is potentially dangerous, the animal aggressively bites, attacks, or endangers the safety of humans or domestic animals.

Subd. 5. "Domestic Animal" means any of various non-venomous animals domesticated so as to live and breed in a tame condition. Domestic animals do not include any animal considered "non-domestic" as defined by this ordinance section. Domestic animals are limited to:

- a. Dogs: *Canis lupus familiaris*
- b. Cats: *Felis catus*
- c. Rabbits: Order Lagomorpha
- d. Ferrets: *Mustela putorius furo*
- e. Any of the class of Aves (birds) that are caged and otherwise kept inside the residence;
- f. Any of the class of Aves (birds) kept under the owners or caretakers control and within properties that are zoned Rural Residential or Agricultural by the St. Cloud Land Development Code, further providing that those birds are not free to leave the property.
- g. Any of the order of Rodentia such as mice, rats, gerbils, hamsters, chinchillas & guinea pigs;
- h. Any of the class of Reptilia such as snakes, lizards, and turtles excepting those meeting the non-domestic animal definition;
- i. Any of the class of Amphibian such as salamanders, frogs, toads excepting those meeting the non-domestic animal definition;
- j. Any of the order of Erinaceomorpha such as hedgehogs and moon rats
- k. Sugar gliders: *Petaurus breviceps*

Subd. 6. "Kennel" means any place, building, tract of land, abode, or vehicle where three or more dogs are kept and maintained, with the exception of locations where the owners

have been issued a Multiple Animal Permit. Kennel does not include a veterinarian licensed to practice in the State of Minnesota who keeps, congregates or confines dogs in the normal pursuit of the practice of veterinary medicine. Kennel does not include an animal shelter owned and operated by any political subdivision of the State or providing animal sheltering services under contract with any political subdivision of the State.

Subd. 7. "Non-domestic Animal" means those animals considered to be naturally wild and not naturally trained or domesticated; or which are considered to be inherently dangerous to the health, safety, and welfare of people. Unless otherwise defined, non-domestic animals shall include:

- a. Any member of the cat family (felidae) including, but not limited to, lions, tigers, cougars, bobcats, leopards and jaguars, but excluding those recognized as domesticated house cats.
- b. Any naturally wild member of the canine family (canidae) including, but not limited to, wolves, foxes, coyotes, dingoes, and jackals, but excluding those recognized as domesticated dogs.
- c. Any hybrid or crossbreeds between an animal defined in clauses (a) or (b) and a domestic animal and offspring from all subsequent generations of those hybrids or crosses, such as the crossbreed between a wolf and a dog.
- d. Any member or relative of the rodent family including any skunk (whether or not descended), raccoon, or squirrel, but excluding those members otherwise defined or commonly accepted as domesticated pets.
- e. Any poisonous, venomous, constricting, or inherently dangerous member of the reptile or amphibian families including, but not limited to, rattlesnakes, boa constrictors, pit vipers, crocodiles and alligators.
- f. Goats, pigs, poultry, horses, cattle, llama, bison, except as allowed by the City of St. Cloud Land Development Code.
- g. Any other animal that is not explicitly listed above but which can be reasonably defined by the terms of this section including, but not limited to exotic animals, human primates, bear, deer, and game fish.

Subd. 8. "Owner" means any person, keeper, custodian or legal entity owning, harboring or keeping an animal, whether temporary or permanent

Subd. 9. "Potentially Dangerous Animal" A potentially dangerous animal is an animal which has:

- a. When unprovoked, bitten a human or a domestic animal on public or private property; or
- b. When unprovoked, chased or approached a person upon the streets, sidewalks, or any public or private property, other than the animal owner's property, in an apparent attitude of attack; or
- c. A known history or propensity, tendency or disposition to attack while unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.

Subd. 10. "Premises" shall mean any building, structure, shelter or land whereupon animals are kept or confined.

Subd. 11. "Proper enclosure" means securely confined indoors or in a securely enclosed and locked pen or structure suitable to prevent the animal from escaping and providing protection from the elements for the animal. A proper enclosure does not include a porch,

patio, or any part of a house, garage, or other structure that would allow the animal to exit of its own volition, or any house or structure in which windows are open or in which door or window screens are the only obstacles that prevent the animal from exiting.

Subd. 12. "Provocation" means an act that an adult could reasonably expect may cause a dog to attack or bite.

Subd. 13. "Substantial bodily harm" means 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.

Subd. 14. Unprovoked. Unprovoked means the condition in which the animal is not purposely agitated or disturbed. It is a rebuttable presumption that any attack on a child fourteen years of age or younger for which a reasonable person connotes an intent to inflict bodily harm will be considered to be unprovoked unless the child is engaged in the commission of a crime or illegal activity, including activities classified under Minnesota Statute 343 as cruelty to animals.

Section 1040:10. Dog License Required; Tags, Public Notice.

Subd. 1. License required. It will be unlawful for any person to own, keep or harbor any dog or dogs over six months of age within the City, without having obtained a license.

- a. Dog licenses. No license will be issued for any dog unless the applicant presents proof that the dog has been immunized against rabies as required.
- b. Information required. The owner is required to state the dog's name, sex, age, and breed and color on each license application.
- c. Date of Payment of License Fee. It is the duty of the owner of a dog required to be licensed to pay the license fee on or before the 31st day of May in each year, or upon acquiring ownership or possession of an unlicensed dog, or upon establishing residence in the City. All licenses will expire on the 31st day of May of the calendar year following its issuance
- d. Non-refundable. No refunds will be made on any dog license fee because of the removal of the dog from the city or because of the death of the dog before the expiration of the license period.

Subd. 2. Tags.

- a. Upon approval of a dog license application, the applicant will be provided with a tag which shall be permanently fastened to the collar of the dog in such manner that the tag may be seen easily, and the tag will be worn constantly by such dog.
- b. Duplicate Tags. When any dog tag is lost, a duplicate may be issued, upon presentation of a receipt showing the payment of the license fee for the then current year. Fees for duplicate tags will be established by City Council.

- c. **Offenses Involving Tags.** It is unlawful to counterfeit, or attempt to counterfeit, the tags provided for in this section or to remove from any dog a tag legally placed upon it with the intent of placing it upon another dog, or to place such tag upon another dog. It is unlawful for any person to transfer any tag issued, or to place a tag upon any dog other than the one for which it was issued, provided a tag may be transferred with the dog for which it was issued.

Subd. 3. **Public Notice.** The Animal Control Officer will cause a notice of the necessity of obtaining a dog license and paying such license fee to be published in the official newspaper of the City twice before the 31st day of May, in each year, the last publication to be at least one week prior such date. If any owner does not obtain a license for his/her dog by this date, a late license fee will be added onto the regular dog license fee.

Section 1040:20. **Limitations.** Except for kennels licensed under this ordinance and/or animal owners who have been issued a Multiple Animal Permit as designated in the ordinance, the following limits on animals will apply:

Subd. 1. **Properties with Single Family Homes and no other dwelling units.**

- a. No more than two dogs over six months of age shall be owned, kept or harbored on the premises.
- b. No more than four cats over six months of age shall be owned, kept or harbored on the premises.
- c. **Congregate limit.** No more than 10 domestic animals may be kept or harbored on the premises. Within the congregated total of 10 domestic animals, no more than any combination of dogs or cats exceeding 4 are allowed subject to the further limitations of Subd. 1a and 1b.

Example: 4 hamsters, 4 birds, 2 turtles = allowed

1 dog, 3 cats, 6 birds = allowed

3 dogs, 1 cat, 6 birds = not allowed due to violation of 1a.

2 dogs, 4 cats, 4 birds = not allowed due to violation of 1c.

2 dogs, 2 cats, 9 birds = not allowed due to violation of 1c.

Subd. 2. **Properties with more than one dwelling unit or commercial or industrial zoned properties:**

- a. No more than two dogs over six months of age shall be owned, kept or harbored within a dwelling unit or other premises.
- b. No more than two cats over six months of age shall be owned, kept or harbored within a dwelling unit or other premises.
- c. **Congregate limit.** No more than 6 domestic animals may be kept or harbored within a dwelling unit or other premises. Within the congregated total of 6 domestic animals, no more than any combination of dogs or cats exceeding 3 are allowed, subject to the further limitations of Subd. 2a and 2b. See examples cited above.

Subd 3. Multiple Animal Permits.

- a. Application. Prior to exceeding the animal limits set forth above, owners must make application to the Health Director for an annual animal permit that allows them to exceed the limits listed in this section by no more than two animals. Multiple Animal Permits will only be issued to residents that are experiencing extraordinary circumstances such as military deployment, or will be fostering animals for either the Tri-County Humane Society or City of St. Cloud Animal Shelter
 - i. Applicants must provide information for each animal in excess of the limit. Information must include: name, color, species, age and housing provided for each animal as well as other pertinent information required by the Health Director. An application fee as set by City Council shall be submitted with the application.
- b. Inspection required. Permit approval will be subject to inspection of the premises where the animal is to be located and a review of past animal related complaints or violations.
- c. Permit conditions. Multiple animal permits shall specify any restrictions, limitations, conditions or prohibitions which the Health Director deems reasonably necessary to protect any person or neighboring use from unsanitary conditions, unreasonable noise or odors, annoyance, or to protect the public health or safety.
- d. Modifications and revocation. A multiple animal permit may be modified from time to time or revoked by the Health Director for failure to conform to required restrictions, limitations or prohibitions. Such modification or revocation shall be effective from and after ten (10) days following the mailing of written notice to the person or persons keeping or maintaining such animals. Denial, modification or revocation of a permit issued under this section shall be appealable to the Health and Housing Advisory and Appeals Committee.
- e. Grandfathering. Owners who currently possess animals in excess of the limitations set forth in this ordinance section, and who meet licensing requirements prior to the date of enactment will be granted multiple animal permits without a permit fee or inspection. These permits shall be applied for and submitted by November 15, 2009. Animals possessed under these permits may not be replaced without an application, fee and inspection as set forth above.
- f. Fostering. Owners who provide foster care for animals through the Tri-County Humane Society or City of St. Cloud Animal Shelter may be granted annual permits without providing information regarding the identification of each animal fostered.
- g. Military deployment/other exceptions. Owners that possess animals in excess of the limitations set forth above for a deployed armed services member will be exempt from the permit fee. Proof of ownership and deployment will be required. Other exceptions due to extraordinary circumstances may be approved by the Health Director on a case by case basis.

1040:30. Keeping or harboring prohibited.

Subd. 1. No person shall own, care for, have custody or control of, within the city limits, any non-domestic animal as defined in this ordinance.

- a. Exceptions. An exception may be made to this prohibition for the following:
 - (1) non-domestic animals specifically trained for and actually providing assistance to the handicapped or disabled;
 - (2) animals permitted as provided by the Land Development Code of the City of St. Cloud
 - (3) for those non-domestic animals temporarily brought into the city as part of a licensed or permitted operating zoo,
 - (4) veterinarian clinics;
 - (5) licensed wildlife rehabilitators currently licensed by the Minnesota Department of Natural Resources, provided that the person has obtained a City of St. Cloud permit
 - (6) for traveling exhibitions which keep non-domestic animals for exhibition or show, provided that the person, traveling circus, zoo or show holds a valid USDA license, and has obtained a state permit and a City of St. Cloud permit, provided that such non-domestic animals are not kept in the city more than 14 days per year.
 - (7) for the City of St. Cloud Animal Shelter or the Tri-County Humane Society for the purpose of temporarily holding animals legally brought into their custody. Non-domestic animals may not be harbored for the purposes of animal adoption.
 - (8) for educational institutions, provided that a City of St. Cloud permit is obtained.
- b. Permits. Permits applications for the keeping of non-domestic animals will be made in writing upon a form provided by the Health Director and will state the name and address of the applicant, the kind and number of animals and the purpose for which the animals are to be kept and the location where the applicant proposes to keep the animals. Such permit shall specify any restrictions, limitations, conditions or prohibitions which the Health Director deems reasonably necessary to protect any person or neighboring use from unsanitary conditions, unreasonable noise or odors, or annoyance, or to protect the public health or safety. Such permit may require conditions to ensure the humane treatment of the animal. Such permit may be modified from time to time or revoked by the Health Director for failure to conform to such restrictions, limitations or prohibitions. Such modification or revocation shall be effective from and after ten (10) days following the mailing of written notice thereof to the person or persons keeping or maintaining such animals. Denial, modification or revocation of a permit issued under this section shall

be appealable to the Health and Housing Advisory and Appeals Committee. Fees for this permit will be set by City Council.

Subd. 2. Restrictions on Food and Drink Establishments. It is unlawful for the owner or operator of any establishment wherein the selling, handling, processing or preparation of food is done to permit any animal in such establishment except as allowed by State Statute.

Section 1040:40. Animals at Large.

Subd 1. It will be unlawful for any person having or maintaining any animal to permit the animal to be at large or to be upon any premises other than as provided in the permit whether or not a permit for such animals has been issued as provided under the licensing and permit provisions of this code or other ordinance of the City.

Subd. 2. It is unlawful for any owner to allow a domestic animal to be at large at any time.

Subd. 3. Dogs are permitted to be unleashed in off leash dog park areas as designated by the City of St. Cloud Park Department under the following conditions:

- a. The owner of the dog must be present; and
- b. The dog must be under the voice control of the owner at all times; and
- c. The owner of the dog must have in their possession a valid dog park permit as provided for in Ordinance Section 236 and
- d. Feces must be properly removed and disposed of in compliance with Park Department Rules.

Section 1040:50. Barking, nuisances, property damage and fecal clean-up.

Subd. 1. Barking. No person will keep or harbor a dog an animal which habitually barks or cries, howls or whines for a period of six minutes or longer.

Subd. 2. Nuisance noise. It is unlawful for any owner to maintain at any place within the City any animals which, by their habitual barking, howling, whining or other disagreeable noises, disturbs the people in the locality where kept.

Subd. 3. Damage to Property by Animals Prohibited. No person having the custody or control of a dog, cat or other animal will permit the animal to damage any lawn, garden or other property, public or private, or to defecate on private property, without the consent of the owner or possessor of the property.

Subd. 4. It is the duty of each person having the custody or control of a dog, cat or other animal to voluntarily and promptly remove any feces left by such dog animal on any sidewalk, gutter, street, park land or other public property, or any public area, and to dispose of the feces in a sanitary manner and to have in immediate possession a device or equipment for the picking up and removal of feces. For the purpose of this section,

"public area" will include any property open for public use or travel, even though it is privately owned.

- a. Exception. The provisions of this subdivision do not apply to a guide dog or service animal accompanying a blind person or to a dog when used in police or rescue activities by or with the permission of the City. This section will not be construed by implication or otherwise to allow dogs to be where they are otherwise prohibited by the ordinances of the City.

Section 1040:60. Rabies Control.

Subd. 1. Dogs, Cats and Ferrets Rabies Immunization Required. All dogs, cats and ferrets over the age of 6 (six) months harbored or maintained within the City shall be immunized against rabies by a licensed veterinarian. The vaccines used and their duration of immunity against rabies will be as recommended by the National Association of State Public Health Veterinarians (NASPHV) in their annual Compendium of Animal Rabies Prevention and Control.

- a. Exceptions. No dog, cat or ferret need be vaccinated when a licensed veterinarian has examined the animal and certified that, at such time, vaccination would endanger its health because of its age, infirmity, debility, illness, or other medical consideration; and such exception certificate is presented to the animal control officer. The animal shall be vaccinated against rabies as soon as its health and age permit.

Subd. 2. Dogs cats or ferrets or other animals known to have been bitten or exposed to a rabid animal must be euthanized immediately or the animal's owner must adhere to procedures as described in the NAHSPV Compendium of Animal Rabies Prevention and Control. Notification of exposure shall be made immediately to the Animal Control Officer. Costs associated with exposure are incurred at the animal owner's expense.

Subd. 3. Disposition of Diseased Dogs, Cats or other Animals. If a dog, cat or other animal quarantined under Section 1040:90 is found to be sick or diseased, the operator of the quarantine facility will immediately report in writing to the Health Director the condition of the dog or animal. The Health and Inspections Department may then take possession of the dog, cat or animal for the purpose of submitting it to determine if it is suffering from rabies. A diseased dog, cat or animal may be euthanized, if the Health Director determines such action necessary for the protection of public health and safety, as recommended by a licensed veterinarian.

Section 1040:70. Dangerous Animals.

Subd. 1. Designation as a Dangerous Animal. The Health Director or their designee will designate any animal as a dangerous animal upon receiving such evidence that such animal meets the definition set forth in this ordinance.

Subd. 2. Exemption. Animals may not be declared dangerous if the threat, injury, or damage was sustained by a person who was:

- a. committing, at the time, a willful trespass or other tort upon the premises occupied by the owner of the animal;

- b. provoking, tormenting, abusing, or assaulting the animal or who can be shown to have repeatedly, in the past, provoked, tormented, abused, or assaulted the animal; or
- c. committing or attempting to commit a crime.

Subd 3. Disposition of Dangerous Animals. The Health Director, after designation of an animal as dangerous has the authority to determine the disposition of the dangerous animal.

- a. The dangerous animal will be euthanized; or
- b. The dangerous animal will be subject to the following conditions:

(a) **Housed in a Proper Enclosure.** Proper enclosure means securely confined indoors or in a securely locked pen or structure suitable to prevent the animal from escaping and to provide protection for the animal from the elements. A proper enclosure does not include a porch, patio, or any part of a house, garage, or other structure that would allow the animal to exit of its own volition, or any house or structure in which windows are open or in which door or window screens are the only barriers which prevent the animal from exiting. Such enclosure will not allow the egress of the animal in any manner without human assistance. A pen or kennel for a dog designated as dangerous will meet the following minimum specifications:

- (1) Have a minimum overall floor size of thirty-two square feet.
- (2) Sidewalls will have a minimum height of five feet and be constructed of 11-gauge or heavier wire. Openings in the wire will not exceed two inches, support posts will be one-and-one quarter-inch or larger steel pipe buried in the ground eighteen inches or more. When a concrete floor is not provided, the sidewalls will be buried a minimum of eighteen inches in the ground.
- (3) A cover over the entire pen or kennel will be provided. The cover will be constructed of the same gauge wire or heavier as the sidewalls and will also have no openings greater than two inches.
- (4) An entrance/exit gate will be provided and be constructed of the same material as the sidewalls and will also have no openings in the wire greater than two inches. The gate will be equipped with a device capable of being locked and will be locked at all times when the animal is in the pen or kennel; and

(b) **Insurance.** The owner provides and shows proof annually of public liability insurance paid in full in the minimum amount of \$500,000. If the animal is impounded, proof of insurance must be demonstrated prior to the animal's release; and

(c) **Posting.** Post the front and rear of the premises with clearly visible warning signs including a warning symbol to inform children, that there is a dangerous animal on the property as specified in Minnesota Statute 347:51; and

(d) **Muzzle.** If the animal is a dog and is outside the proper enclosure, the dog must be muzzled and restrained by a substantial chain or leash not to exceed 6

feet in length and be under the physical restraint of a person eighteen years of age or older. The muzzle must be of such design as to prevent the dog from biting any person or animal, but will not cause injury to the dog or interfere with its vision or respiration; and

(e) Microchip Identification Required. The owner of a dangerous animal is required to have a microchip installed or injected on the animal, to the extent that the species of the animal allows placement of the chip. The microchip will be installed in or injected under the skin of the animal by a licensed veterinarian and will be designed so that, when scanned by an electronic reader, it is capable of providing the identification of the animal's owner. The identification number and microchip manufacturer shall be provided to the animal control officer. The owner shall maintain current address information with the manufacturer. All costs related to the installation and maintenance of the chip are the responsibility of the owner. If the animal is impounded, the microchip will be installed or injected prior to its release; and

(f) Annual Registration Fee. The owner of a dangerous dog is required to complete an annual registration form and pay annual registration fee as set forth in Section 565:00. Miscellaneous Licenses and Permit Charges, Subd. 3. Dog Kennels, Licenses, Impound and Quarantine Fees, in addition to the annual dog license. If the dog is impounded the fee will be paid prior to the animal's release.

(g) Spay/neuter: If the animal is a dog or cat, the owner shall provide proof of spay or neuter

(h) Tag. A dangerous dog registered under this section must have a standardized, easily identifiable tag identifying the dog as dangerous and containing the uniform dangerous dog symbol, affixed to the dog's collar at all times.

(i) The owner of a dog may be required to complete an approved dog obedience class;

Subd. 4. Appeal.

a. Appeal of the Health Director's dangerous animal designation will be a hearing before an independent hearing examiner not more than fifteen days after receipt of the appeal request. At the time of the hearing, the animal owner may appear and present any evidence which he or she may deem material to the investigation. The hearing officer will make a finding of facts as to whether a violation of the provisions of this section has been committed. The hearing officer will affirm or reject the Health Director's dangerous animal designation or may impose other sanctions as warranted.

Section 1040:80. Potentially dangerous animals.

Subd. 1. Designation as a Potentially Dangerous Animal. The Health Director or their designee will designate any animal as a potentially dangerous animal upon receiving evidence that the animal meets any of the criteria in 1040:00 subd. 9.

Subd. 2 Notification and Procedure. When an animal is declared potentially dangerous, the animal control officer shall cause the owner(s) of the potentially dangerous animal to be notified in writing or in person that such animal is potentially dangerous.

- a. Notice of Right to Appeal. This notice shall state the date, time, place, the animal bit, chased, attacked or threatened , and shall advise the owner that they have fourteen (14) days to appeal the determination or the imposition of conditions on maintaining the animal by requesting a hearing before the independent hearing officer.

Subd. 3. Animal Subject to Conditions. An animal that has been determined to be potentially dangerous must do the following:

- a. The animal may be required to be restrained by leash not to exceed six (6) feet in length, and/or muzzled, and under the control of a person eighteen (18) years of age or older at all times it is outdoors and not inside a proper enclosure; and
- b. If the animal is a dog or cat, the owner shall provide proof of spay or neuter; and
- c. The owner of a dog may be required to complete an approved dog obedience class, and;
- d. Microchip Identification Required. The owner of a potentially dangerous animal is required to have a microchip installed or injected on the animal, to the extent that the species of the animal allows placement of the chip. The microchip will be installed in or injected under the skin of the animal by a licensed veterinarian and will be designed so that, when scanned by an electronic reader, it is capable of providing the identification of the animal's owner. The identification number and microchip manufacturer shall be provided to the animal control officer. The owner shall maintain current address information with the manufacturer. All costs related to the installation and maintenance of the chip are the responsibility of the owner. If the animal is impounded, the microchip will be installed or injected prior to its release; and

Subd. 4. Noncompliance of order. If an owner fails to comply with any conditions specified in the order and fails to request a hearing under subdivision 5 the animal shall be seized. The animal may be reclaimed by the owner as set forth in this Section.

Subd. 5. Subsequent offenses. If an owner of an animal which has been declared potentially dangerous and is subject to the conditions of this section has allegedly failed to comply with the conditions, the animal may be seized by animal control. Notice shall be provided to the owner of the basis for the seizure and the right to request a hearing before an independent hearing officer to determine whether the conditions were violated. A request for hearing must be made within fourteen (14) days of the seizure. If the owner fails to request a hearing within fourteen (14) days, or is found to have violated the conditions, the animal control officer may order the animal destroyed in a proper and humane manner and the owner shall pay the costs of confining the animal. If the owner is found not to have violated the conditions, the owner may reclaim the animal under the provisions of this section.

Subd. 6. Review of designation. The animal control officer may review the status of an animal which has been determined to be potentially dangerous if a period of two years has passed without any further incidents under section (a) above and may use discretion in determining whether any conditions which have been ordered are still required.

Subd. 7 Limitation on additional animals. After an owner has had an animal designated as dangerous or potentially dangerous, the owner will not be eligible for additional animal permits or licenses until documentation is provided to the animal control officer that the

dangerous/potentially dangerous animal has either died, has been relocated to another suitable owner, or had the designation removed by the animal control officer.

Section 1040:90. Animal Biting; Quarantine.

Subd. 1. Animal biting. Whenever any animal capable of transmitting the rabies virus has bitten any person or domestic animal, the owner or custodian of the biting animal, upon being notified by the Health and Inspections Department, will immediately cause the animal to be quarantined at the City animal shelter, or by a veterinarian licensed to practice in the State of Minnesota and approved by the Health Director, for a period of ten days after the bite incident. The Animal Control officer may allow the owner to quarantine the animal if proof of current rabies vaccination is provided.

Subd. 2. Release from quarantine. At the end of ten days, a veterinarian shall examine the animal to ascertain whether symptoms of rabies exist. If the veterinarian diagnoses the animal to be free of the signs of rabies, the animal shall be released from quarantine.

- a. If a quarantined animal sickens or dies, it shall be sent to the Minnesota Department of Health for rabies testing. The owner of the animal is responsible for the cost of quarantine, veterinary fees and testing.

Section 1040:100. Animals subject to impoundment.

Subd. 1. Dogs. The Animal Control Officer or any duly authorized assistants, or any peace officer, may impound any dog found in the City without the currently effective tag provided for in this ordinance; or any dog found at large at any time within the City.

Subd. 2. Cats. It will be lawful for the Animal Control officer or any of their duly authorized assistants, or any peace officer, to take up and impound any cat or ferret found in the City without a currently effective rabies vaccination provided for in this ordinance; or any cat found at large at any time within the City.

Subd. 3. Other animals. Any animal considered at large is subject to impoundment. Any unrestrained, unlicensed or unpermitted animal required to be restrained, licensed or permitted.

Section 1040:110. Redemption. Animals may be redeemed from the Animal Shelter by the owner any time, during office hours, within five business days after seizure and impounding, upon a sworn statement of ownership, proof that a license has been issued for a dog, and presentation of a receipt showing payment to the City of the impounding fee. The animal will be released to the owner, unless it is being held for rabies observation. The amount of the redemption fee will be the amount established by the City Council.

Section 1040:120. Disposition of Unredeemed Animals. Any animal that is not redeemed by the owner becomes the property of the City of St. Cloud. Suitable animals may be placed for adoption. Animals may be euthanized or otherwise disposed of, as directed by the Health and Inspections Department.

Section 1040:130. Interference with Officers. It unlawful for any unauthorized person to break open the animal shelter, or to attempt to do so, or to take or let out any animal, or to take, or attempt to take, from any officer any animal taken by them in compliance with this ordinance, or

in any manner to interfere with or hinder such officer in the discharge of their duties under this ordinance.

Section 1040:140 Service animals. Nothing in this ordinance shall be construed to limit:

- (1) the right of a person with disabilities to access places of public accommodation while accompanied by a service animal as provided in Minnesota State Statute; or
- (2) the lawful use of a service animal by a licensed peace officer.

Section 1040:150. Kennels; License Required. No person will maintain a kennel within the City except in a location permitted by the zoning ordinance. The kennel license will be in addition to the license prescribed in preceding sections for each dog kept in such kennel, and the license fee will be fixed from time to time by the Council and will be obtained in the same manner as the dog license. The fee will be based upon the maximum number of dogs handled at the kennel. The license will expire annually on May 31st of each year.

Section 1040:200. Animal Cruelty

Subd. 1. Minnesota Statute 343.20 through 343.40 are incorporated here by reference.

Section 1040:300. Waterfowl.

Subd.1. Definitions.

- (a) Waterfowl. A general term referring to all “undomesticated birds” commonly known as geese, ducks, brants, swans, river and sea ducks, gulls and similar species.
- (b) Feed. To “feed” includes the provision or dissemination of food in any manner in the vicinity of waterfowl.
- (c) Waterways. A general term referring to lakes, ponds, streams, creeks and stormwater basins.

Subd. 2. Prohibited acts. It will be unlawful for any person to feed waterfowl on any publicly owned land or waterways within the City.

Subd. 3. Signs.

- (a) Signs will be conspicuously placed on publicly owned land and adjacent waterways alerting the public not to feed waterfowl. Signs will be constructed not less than twelve by eighteen inches (12”x18”) in size, bearing the words: “WARNING: FEEDING OF WATERFOWL PROHIBITED.”
- (b) Defacing, tampering, moving, or damaging such signs will constitute a misdemeanor.

1040:400. Deer.

Subd. 1. Definitions.

- (a) “Deer” means all mammals of the family Cervidae.
- (b) “Feed” means the provision or dissemination of food, including salt, in any manner in the vicinity of deer.

Subd. 2. Prohibited acts. It will be unlawful for any person to feed deer on any land not zoned agricultural within the City.

1040:500. Enforcement.

(a) This Section will be enforced by the Police Department and/or the Health and Inspections Department.

1040:600 Violations and Penalties.

Subd. 1 Any person violating this ordinance will be subject to a warning for the first violation with the exception of those ordinance sections that follow.

(a) Exception. No warning is required for violations of Sections 1040:40 Animals at Large; 1040:50 Barking, nuisances, property damage and fecal clean-up; 1040:70 Dangerous Animals; and 1040:80 Potentially Dangerous Animals; 1040:90 Animal Biting; Quarantine; 1040.130 Intereference with Officers; and 1040:400 Animal Cruelty

Subd. 2. Subsequent violations. A person violating this Section for a second and subsequent time will be subject to an administrative penalty in accordance with the administrative fine schedule and / or subject to criminal prosecution.

History: Ord. 2430 7/27/09, repealed and replaced ordinance in its entirety.