

2013-Or-____

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By: Lilligren

**Amending Title 4, Chapter 62 of the Minneapolis Code of Ordinances
relating to Animals and Fowl: In General.**

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 62.20 of the above-entitled ordinance be amended to read as follows:

62.20. Animal control officer; animal wardens. ~~Minneapolis Animal Care and Control may appoint or designate an inspector to be detailed as animal control officer to enforce the provisions of this chapter and to perform such duties in connection with the enforcement thereof as the Manager of Minneapolis Animal Care and Control or the Code of Ordinances may direct.~~ Minneapolis Animal Care and Control may employ, at such times as deemed necessary, persons to be designated as animal wardens and equipment for the purpose of capturing and conveying to an animal shelter all animals in violation of this Code. Such animal wardens shall be under the supervision of ~~the animal control officer and the Manager of Minneapolis Animal Care and Control.~~ Such animal wardens are authorized to issue violation tags and to carry and display appropriate badges or identification.

Section 2. That Section 62.30 of the above-entitled ordinance be amended to read as follows:

62.30. Interfering with animal wardens. No person shall in any manner molest, hinder or interfere ~~with the Manager of Minneapolis Animal Care and Control, his or her~~ its agents, any police officer, or any animal warden employed directly or by contract with the city to capture animals and convey them to the animal shelter while such person is engaged in such occupation.

Section 3. That Section 62.35 of the above-entitled ordinance be amended to read as follows:

62.35. Providing false information. No person shall provide false information ~~to the Manager of Minneapolis Animal Care and Control, nor to any of his or her~~ its

agents, concerning any license or permit, any application for a license or permit, or any actual or alleged criminal, civil or administrative offense.

Section 4. That Section 62.50 of the above-entitled ordinance be amended to read as follows:

62.50. Disposal of unclaimed animals. At the expiration of five (5) days from the time any animal is impounded, if the same has not been reclaimed in accordance with the provisions of the preceding sections, ~~the animal control officer~~ Minneapolis Animal Care and Control shall cause such animal to be disposed of in accordance with the provisions of federal law and state statutes governing the operation of pounds or kennel facilities.

Section 5. That Section 62.60 of the above-entitled ordinance be amended to read as follows:

62.60. Records. ~~The animal control officer~~ Minneapolis Animal Care and Control shall keep an accurate account of all animals received at the pound, and of all animals disposed of or released therefrom.

2013-Or-____

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By: Lilligren

**Amending Title 4, Chapter 64 of the Minneapolis Code of Ordinances
relating to Animals and Fowl: Dogs, Cats, Ferrets, and Rabbits.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 64.10 of the above-entitled ordinance be amended to read as follows:

64.10. License required. (a) No person shall keep, harbor, or maintain care, custody, or control over any dog or cat over four (4) months of age, for a period in excess of five (5) days, without first having obtained a dog or cat license from Minneapolis Animal Care and Control. This section shall not apply to any veterinarian or a licensed pet shop operator or during the first six (6) months of an animal being under the care, control, possession, or custody of an animal rescue group recognized by Minneapolis Animal Care and Control. Minneapolis Animal Care and Control may require the rescue organization to provide adequate documentation establishing that the person maintaining temporary care, custody or control over the animal is affiliated with the rescue organization and acting on its behalf. The rescue organization may further be required to provide photographs and other documents establishing the identity of such animals under its care, custody or control. ~~The manager of animal care and control~~ Minneapolis Animal Care and Control may deny the licensing exemption provided for in this section for good cause, including but not limited to the existence of previously sustained or established violations by the rescue organization or its agents of any ordinances, statutes, laws or regulations related to the licensing and care of animals. Violations of this provision may result in an administrative fine.

(b) Any dog not licensed in accordance with this section may be subject to immediate seizure by a Minneapolis Animal Care and Control Officer or a Minneapolis Police Officer in any of the following situations:

- (1) The owner or custodian of the unlicensed animal has not obtained a license despite having been previously cited by Minneapolis Animal Care and Control of the licensing requirement imposed by this section. Evidence of any prior citation issued after the effective date of this ordinance and provided to the same owner or custodian, even if related to

a different animal, shall constitute sufficient cause to subject the unlicensed animal to seizure; or

- (2) The unlicensed animal is present during the commission of a crime or the execution of a search warrant that leads to an arrest or ticket; or
- (3) The unlicensed animal is present when the owner or custodian of the unlicensed animal is arrested for a crime; or
- (4) The owner of the unlicensed animal has one (1) or more delinquent administrative citations, issued after the effective date of this ordinance, associated with the unlicensed animal; or
- (5) Investigation or observation by ~~the manager of animal care and control or the manager's designee~~ a Minneapolis Animal Care and Control officer discloses evidence that the unlicensed animal is being used by its owner or custodian to create an intimidating or threatening presence on any public sidewalk, right-of-way or upon any public property inclusive of parks.

If a dog is seized pursuant to this section, it shall be held a minimum of five (5) days in which the Minneapolis Animal Shelter is open to the public for not less than four (4) hours per day. The owner or custodian may reclaim the dog after first coming into compliance with all regulations including licensure and vaccination against rabies. If the dog is not properly licensed after five (5) days, its disposition may be at the discretion of ~~the manager of Minneapolis Animal Care and Control or the manager's designee~~.

Section 2. That Section 64.30 of the above-entitled ordinance be amended to read as follows:

64.30. License application and fee. (a) Every person required to obtain a license under this chapter shall make application to Minneapolis Animal Care and Control for a dog or cat license. The license shall be valid for one (1) year from the date of issuance. As a condition for the issuance of a dog or cat license, the applicant shall certify that the dog or cat has been vaccinated against rabies in conformance with the requirements of this Code.

(b) Minneapolis Animal Care and Control shall provide each dog and cat licensed with a metallic tag upon which shall be stamped or engraved the registration number of the dog or cat. The annual fee for a dog or cat license required by this Code shall be twenty-five dollars (\$25.00) for a spayed or neutered dog or cat; verification that the dog or cat has been spayed or neutered is required. The fee for a three-year pet license shall be seventy-five dollars (\$75.00) for a spayed or neutered dog or cat; verification that the dog or cat has been spayed or neutered is required. The annual fee for an unneutered or unspayed dog or cat shall be fifty dollars (\$50.00). Individuals sixty-five (65) years of age or older and individuals who receive means-tested public

assistance and/or households with limited income shall pay a discount on their annual license fee in the amount of fifteen dollars (\$15.00) for each dog or cat. A lifetime license is available for dogs and cats that are spayed or neutered and are microchipped. Certification by a licensed veterinarian that the animal is spayed or neutered is required for a lifetime license. The microchip number and manufacturer must be provided for the lifetime license to be issued. The fee for a lifetime license shall be two hundred dollars (\$200.00). There shall be no reimbursement of any license fee, including lifetime, upon the death or removal of the animal from the city and fees shall not be prorated. Animals declared dangerous and potentially dangerous are not eligible for lifetime licenses.

(c) Dogs in training with or trained by a recognized program with an established curriculum for training dogs for service to persons with disabilities, and dogs and cats awaiting adoption in foster homes under a recognized pet adoption program, shall be exempt from the license fees in this section. To qualify for an exemption, such programs shall be approved by ~~the Manager of~~ Minneapolis Animal Care and Control.

(d) *Transfer of license.* Licenses obtained under this chapter are not transferable from one owner to another owner. Licenses obtained under this chapter are not transferable from one animal to another.

(e) Minneapolis Animal Care and Control may contract with approved veterinary clinics, pet stores, animal day care centers and other businesses as approved by Minneapolis Animal Care and Control to receive dog and cat license applications and to remit the application and fee to Minneapolis Animal Care and Control.

(f) *Payment of outstanding fees and fines.* No license shall be issued or renewed until all outstanding fees, fines or other financial claims of the city have been remitted to Minneapolis Animal Care and Control.

Section 3. That Section 64.55 of the above-entitled ordinance be amended to read as follows:

64.55. Off leash dog areas; permits and regulations. (a) Dogs may be unrestrained by chain or leash in areas designated for off leash activities by the City or Minneapolis Park and Recreation Board. No person shall use a designated off leash area without first having obtained a permit for each dog using such an area from ~~the department of licenses and consumer services~~ Minneapolis Animal Care and Control. A dog deemed a dangerous animal under section 64.110 of this Code, or as a dangerous or potentially dangerous dog as defined under Minnesota Statute 347.50, is not permitted to use off leash areas.

(b) The annual fee for an off leash area permit shall be set by the Minneapolis Park and Recreation Board. A resident permit may only be issued upon verification that the dog has been issued a current Minneapolis dog license and verification of rabies vaccination. A non-resident permit may only be issued upon verification of rabies

vaccination. ~~The department of licenses and consumer services~~ Minneapolis Animal Care and Control shall provide a tag containing a registration number and the year registered for each permit. Permits shall be valid from the time they are issued until January thirty-first next after the date of issuance.

(c) Upon application for a permit, the applicant shall be provided with the rules for use of off leash areas. As a condition for the issuance of a permit, the applicant shall sign and agree to abide by these rules. A permit may be revoked for failure of the applicant, or any person who takes the dog into an off leash recreation area, to abide by these rules, or for violation of any of the provisions of this chapter or park board ordinances that occur within an off leash area. Permits may be revoked by ~~the director of licenses and consumer services~~ Minneapolis Animal Care and Control.

(d) The person responsible for a dog must have the dog restrained when entering and leaving an off leash area. If so directed by a law enforcement officer, ~~animal control officer~~ Animal Care and Control Officer, or animal warden, persons using an off leash area must immediately restrain their dogs and remove them from the off leash area.

Section 4. That Section 64.100 of the above-entitled ordinance be amended to read as follows:

64.100. Maximum number animals of the dog, cat, ferret, or rabbit kind. (a) No occupant of any residential building or unit of a residential building shall allow more than three (3) animals of the dog, cat, ferret, or rabbit kind over the age of four (4) months to be kept within the residential building or unit without a permit.

(b) The number of dogs, cats, ferrets, or rabbits permitted in subsection (a) may be increased by obtaining a permit issued by Minneapolis Animal Care and Control. The permit shall specify any restrictions, limitations, conditions or prohibitions required by ~~the Manager of Minneapolis Animal Care and Control~~ The permit may be modified or revoked by ~~the Manager of Minneapolis Animal Care and Control~~ for failure to conform to such restrictions, limitations, conditions or prohibitions. Violations of this section may result in an administrative fine.

(c) ~~The Manager of Minneapolis Animal Care and Control~~ may grant permits pursuant to this section only after the applicant has gained the written consent of at least eighty (80) percent of the occupants of the several descriptions of real estate situated within one hundred (100) feet of the applicant's real estate.

(d) Any person desiring a permit shall make application to Minneapolis Animal Care and Control. Approval of application is subject to conditions prescribed by Minneapolis Animal Care and Control. The permit may be denied or cancelled at the discretion of ~~the Manager of Minneapolis Animal Care and Control~~. All permits issued shall expire on January 31 of the following year after its issuance unless sooner revoked. The application fee for such permit shall be seventy-five dollars (\$75.00) which

shall be paid at the time of application. The annual renewal fee thereafter for such permit shall be fifty dollars (\$50.00). Minneapolis Animal Care and Control shall inspect the premises annually or as deemed necessary. Should the permit be refused or cancelled, the fee paid with application shall be retained by Minneapolis Animal Care and Control. Violations may result in an administrative fine.

(e) Minneapolis Animal Care and Control shall enforce the provisions of this chapter.

Section 5. That Section 64.110 of the above-entitled ordinance be amended to read as follows:

64.110. Dangerous and potentially dangerous animals. Minneapolis Animal Care and Control is authorized to deem any animal as a dangerous animal or a potentially dangerous animal subject to the requirements under this Code and under Minnesota State Statute 347.50 subdivision (2), Dangerous Dogs and Minnesota State Statute 347.50 subdivision (3) potentially dangerous dogs. The owner or custodian of the animal must immediately comply with the confinement requirements as defined in this ordinance, even if appealing the declaration.

No off leash park permit as defined in section 64.55 shall be issued for any animal that has been declared potentially dangerous or dangerous under this Code or pursuant to state statute.

(a) For the purposes of this chapter, a person is peaceably and lawfully upon the private property of an owner or custodian when he or she is on the property in the performance of any duty imposed upon him or her by the laws of this state or any city or county, or by the laws or postal regulations of the United States, or when he or she is on the property upon express or implied invitation.

(b) Declarations shall be made by ~~the Program Manager of~~ Minneapolis Animal Care and Control, ~~or the manager's designee~~, based on this Code and state statute. If a declaration is made, the owner of the animal shall be notified in writing. Notification shall include a copy of ordinance and statute, the report (including supplemental reports, if any) and a statement of the declaration.

(c) ~~The manager of animal care and control~~ Minneapolis Animal Care and Control will consider the following factors in determining a dangerous or potentially dangerous animal declaration:

- (1) Whether any injury or damage to a person or domestic animal by the accused animal was caused or contributed to by the actions of that person, including acts of physical abuse, tormenting, teasing or assault.
- (2) Whether a person injured by the animal was committing a trespass or other tort upon the premises occupied by the owner or custodian of the

animal, or whether the person injured by the animal was committing or attempting to commit a crime.

- (3) Whether a person injured by the animal had gained uninvited and unauthorized entry onto fenced or indoor property of the owner or custodian of the animal. As used in this section, "unauthorized entry" does not include entry into a fenced residential front yard unless the yard is locked or posted to prohibit entry.
- (4) Whether any injury or damage to a person by the animal was caused while the animal was protecting or defending a person or the animal's offspring within the immediate vicinity of the animal from an unjustified attack or assault.
- (5) The size and strength of the animal (including jaw strength) and the animal's propensity to bite humans or other domestic animals.

(d) *Potentially dangerous animal.* "Potentially dangerous animal" means any animal, except an animal assisting a peace officer engaged in law enforcement duties and/or animals trained by a recognized program within an established curriculum for training animals for services such as rescue and recovery, that demonstrates any of the following behavior:

- (1) Any animal that engages in any unprovoked behavior that requires a defensive action by any person to prevent bodily harm when the person and the animal are on or off the property of the owner or custodian of the animal. "Bodily harm" means physical pain or injury, illness, or any impairment of physical condition.
- (2) Any animal that, when unprovoked, bites a person on public or private property, causing a minor injury not resulting in muscle tears or disfiguring lacerations or requiring multiple sutures, or corrective or cosmetic surgery.
- (3) Any animal that, when unprovoked, bites, inflicts injury, or otherwise causes injury to a domestic animal off the property of the owner or custodian of the attacking animal.
- (4) Any animal that, when unprovoked, engages in any behavior that constitutes a physical threat of bodily harm to a person or domestic animal or poses an immediate threat to public safety off the property of the owner or custodian of the animal.
- (5) Any animal that has a known propensity, tendency or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals as documented by law enforcement or Minneapolis Animal Care and Control.

(e) *Dangerous animal.* "Dangerous animal" means any animal, except an animal assisting a peace officer engaged in law enforcement duties and/or animals trained by a recognized program within an established curriculum for training animals for services such as rescue and recovery, that demonstrates any of the following behavior:

- (1) Any animal that, when unprovoked, inflicts substantial bodily harm on a human being who is conducting himself or herself peacefully and lawfully. "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.
- (2) Any animal previously designated as a potentially dangerous animal that, after the owner or custodian has been notified of such designation, exhibits any of the behaviors described in this subsection or subsection (d) of this section.
- (3) Any animal previously designated as a potentially dangerous animal, after the owner or custodian has been notified of such designation, if the owner or custodian subsequently violates any requirement of this section.
- (4) Any animal that kills or inflicts substantial bodily harm to another domestic animal without provocation while off or on the property of the owner or custodian of the attacking animal.
- (5) Any animal, when unprovoked, that repeatedly attacks or attempts to attack a person or domestic animal on private or public property. For purposes of this provision, "repeatedly" shall mean more than one (1) unprovoked attack or attempted attack occurring during the course of either a single encounter or separate encounters.
- (6) The dog's owner or custodian is in possession of training apparatus, paraphernalia or drugs intended to be used to prepare or train dogs to be fought and the dog displays evidence that it has been or will be fought.

(f) *Appeal hearing procedures.*

- (1) Potentially dangerous and dangerous animal. The owner or custodian of an animal that has been declared potentially dangerous or dangerous may appeal the declaration and request a hearing. The appeal request must be submitted in writing within ten (10) calendar days of notification. If a hearing is requested, ~~the program manager, or the manager's designee~~ Minneapolis Animal Care and Control, shall schedule a hearing within ten (10) business days. Appeals shall consist of a hearing before ~~the manager of animal care and control, or the manager's designee~~ Minneapolis Animal

Care and Control. The hearing officer shall be ~~the manager of animal care and control, or the manager's designee~~ an employee of Minneapolis Animal Care and Control.

- a. A hearing fee of two hundred fifty dollars (\$250.00) must be paid prior to scheduling the hearing.
 - b. Individuals receiving means-tested public assistance and/or households with limited income may receive a waiver of appeal fees.
 - c. ~~The manager of the program~~ Minneapolis Animal Care and Control and/or the hearing officer may set limits on the amount of evidence that may be submitted and the length of testimony offered.
 - d. The individual conducting the review shall have authority to amend the declaration or order as appropriate and to establish specific requirements.
- (2) Any time after a declaration has been issued, ~~animal care and control~~ Minneapolis Animal Care and Control may seize a declared animal. All applicable fees and costs shall be the responsibility of the owner or custodian of the animal. The animal shall not be released until all fees are paid in full and compliance with all provisions of this Code is achieved. All animals seized pursuant to this subsection may be disposed of by ~~animal care and control~~ Minneapolis Animal Care and Control after fourteen (14) calendar days of notification of declaration when either the animal is not properly registered or an appeal has not been properly submitted pursuant to this section.
- (3) In the event that the declaration is overturned, all fees will be reviewed by the hearing officer or the ~~manager of animal care and control~~ hearing officer's designee.
- 4) The owner of the animal shall be notified by telephone of the hearing results within three (3) business days and in writing within ten (10) business days.
- (5) All decisions may be appealed to the Minnesota Court of Appeals.

(g) *Annual review requests.* If there are no additional reports of the behavior described in subsections (d) or (e) of this section within a twelve-month period from the date of the designation as a dangerous animal or a six-month period from the date of the designation as a potentially dangerous animal, the animal's owner may request a review, in writing, of the declaration designation. The owner must provide documented evidence for review that the animal's behavior has changed due to environment, health, age, training, neutering or other relevant factor. The review request and supporting

documentation must be submitted to ~~the manager of animal care and control, and the manager, or the manager's designee~~ Minneapolis Animal Care and Control, which shall rule on the review request based on the record. The owner of the animal shall be notified in writing of the review results within ten (10) business days of receipt. An administrative fee of two hundred fifty dollars (\$250.00) shall be paid prior to the review. In cases where the owner has successfully completed a training program approved by ~~the manager of animal care and control~~ Minneapolis Animal Care and Control, the administrative fee may be reduced or waived ~~by the manager~~.

(h) *Potentially dangerous or dangerous animal requirements.* No person may own or house a potentially dangerous or dangerous animal in the City of Minneapolis unless the animal is registered as provided in this subsection. No person operating a day care, as that term is defined pursuant to the Zoning Code, or any other home occupation in which children are regularly present, shall own, house or otherwise have temporary or permanent custody upon the premises of any animal previously declared potentially dangerous or dangerous as a result of displaying aggression towards a person. Owners or custodians of potentially dangerous and dangerous animals may be required to comply with any or all of the following requirements, and any additional requirements established by a hearing officer, within fourteen (14) calendar days of notification of the declaration. Any imposed requirements are proper subjects for consideration by a hearing officer during a potentially dangerous or dangerous animal declaration appeal proceeding. Failure to comply shall constitute adequate grounds for confiscation of the animal and possible disposition under subsections (k) through (n).

- (1) Microchip (must be pre-paid if animal care and control implants the microchip).
- (2) Current rabies vaccinations (must remain current on rabies vaccinations).
- (3) Current annual license for a declared animal (regardless of current license status).
- (4) Muzzle (with three-foot leash to be held by an adult at all times the animal is outside and not inside a proper enclosure).
- (5) A proper enclosure may be required in order for the animal to be unleashed or unmuzzled. For a potentially dangerous animal, a proper enclosure shall consist of a securely fenced yard area and/or a proper kennel. A securely fenced yard area shall have a fence of sufficient height, strength and design to prevent the animal or the animal's muzzle from moving over, under or through the fence and a gate and locking mechanism of sufficient strength and design to prevent the animal or the animal's muzzle from moving through the gate without proper leash and muzzle. For a dangerous animal, a proper enclosure shall consist of a proper kennel. A proper kennel in all cases shall meet the following minimum specifications:

- a. A minimum of thirty-two (32) square feet in floor area per animal that will be kept in such enclosure.
 - b. The sidewalls shall have a minimum height of five (5) feet and be constructed of eleven (11) gauge or heavier wire. If the enclosure is on any permeable surface, the fence must be buried a minimum of eighteen (18) inches. Openings in the wire shall not exceed two (2) inches, support posts shall be one and one-quarter (1¼) inch or larger steel pipe buried a minimum of eighteen (18) inches into the ground.
 - c. A cover over the entire kennel shall be provided. The cover shall be constructed of the same gauge wire as the sidewalls or heavier and shall have no openings greater than two (2) inches.
 - d. An entrance/exit gate shall be provided and constructed of the same material as the sidewalls and shall also have no openings greater than two (2) inches. The gate shall be self closing, self locking and shall be locked at all times the animal is in the kennel.
 - e. The kennel shall comply with all zoning setbacks requirements unless variances are obtained.
- (6) Secured area maintained inside the home where the animal will stay when persons, other than family members, are present.
 - (7) Annual registration and payment of all applicable fees including submission of photographs of the required kennel and secured area and a current photograph of the animal. All fines shall be paid within thirty (30) days of the date they are due.
 - (8) The animal may not be possessed or maintained at any other location other than the owner's property.
 - (9) The owner or custodian of the animal may not be a minor under age eighteen (18).
 - (10) The animal shall not be subjected to neglect, suffering, cruelty, or abuse.
 - (11) The location where the animal is possessed or maintained shall be kept clean and sanitary with proper and adequate food, water, ventilation, shelter and care at all times.
 - (12) The owner of a potentially dangerous or dangerous animal may be required to complete an approved obedience class, at the direction of the

~~manager of animal care and control or the manager's designee~~
Minneapolis Animal Care and Control.

- (13) If the animal is to move from the approved location, written notification shall be provided to the manager of animal care and control within ten (10) business days prior to relocation.
- (14) ~~The manager of animal care and control, or the manager's designee,~~
Minneapolis Animal Care and Control shall be allowed at any reasonable time to inspect the animal, the animal's muzzle and leash, and the place where the animal is located.
- (15) Minneapolis Animal Care and Control may require that any animal deemed potentially dangerous and any puppies or offspring of the animal in the care and custody of the owner be sterilized at the owner's expense.

(i) *Additional dangerous animal requirements.* In addition to the requirements of subsection (h), all owners or custodians of dangerous animals shall fully comply with the following requirements within fourteen (14) calendar days of notification of the declaration. Failure to comply shall lead to confiscation of the animal and possible disposition under subsections (k) through (n).

- (1) The animal and any puppies or offspring of the animal in the care and custody of the owner shall be sterilized at the owner or custodian's expense and adequate proof of sterilization shall be submitted.
- (2) Proof of a current insurance policy or surety bond in the amount of at least three hundred thousand dollars (\$300,000.00) to cover any personal injuries inflicted by the animal and payable to the injured party or parties.
- (3) A clearly visible sign posted in the front and rear of the property indicating that a "dangerous animal" is on or in the premises, meeting any requirements as designated by ~~the manager of animal care and control~~
Minneapolis Animal Care and Control.

(j) *Declared animal from other jurisdictions.* No animal that has previously been determined to be potentially dangerous, dangerous or vicious by another jurisdiction shall be kept, owned or harbored in the City of Minneapolis unless the animal's owner or custodian complies with the requirements of the applicable declaration level as defined in subsections (h) and/or (i) of this section. Potentially dangerous or dangerous animal requirements must be met prior to bringing the animal into the city. Animals in violation of this subsection are subject to impoundment and humane destruction by lethal injection after notice and a hearing (if requested) under subsection (n) of this section.

(k) *Impoundment.*

- (1) Any animal which bites a person or domestic animal and/or is subject to potentially dangerous or dangerous animal proceedings may be impounded at the discretion of ~~animal care and control~~ Minneapolis Animal Care and Control pending hearings and compliance.
 - (2) All animals that have been previously declared potentially dangerous or dangerous shall be impounded at the ~~animal care and control~~ Minneapolis Animal Care and Control facility for the quarantine period and held until the final disposition is determined.
 - (3) All animals found to be in violation of the requirements of this section shall be impounded.
 - (4) The impounded animal's owner shall be charged for all impoundment related costs and fees.
- (l) *Noncompliance, transfer, loss or death of declared animals.*
- (1) Failure to comply with the provisions of this section may result in seizure of the animal by animal care and control and disposition pursuant to subsection (n).
 - (2) The owner or custodian of any animal declared potentially dangerous or dangerous must notify Minneapolis Animal Care and Control in writing of the death of the animal within fourteen (14) days of the animal's death. If requested by animal care and control the owner or custodian must execute an affidavit under oath setting forth the circumstances of the animal's death and disposition.
 - (3) If the owner or custodian of any animal declared potentially dangerous or dangerous wishes to relocate the animal based solely upon the owner or custodian relocating his or her principle residence either within or without the City of Minneapolis, the owner or custodian shall notify Minneapolis ~~animal care and control~~ Animal Care and Control in writing prior to such relocation. If requested by ~~animal care and control~~ Minneapolis Animal Care and Control, the owner or custodian must execute an affidavit under oath setting forth the new address of the owner or custodian where the animal will be housed.
 - (4) The owner or custodian of any animal declared potentially dangerous or dangerous shall not transfer the ownership or custodianship of such an animal to another person or persons unless the owner or custodian receives prior written approval from ~~the manager of animal care and control~~ Minneapolis Animal Care and Control. If requested by ~~animal care and control~~ Minneapolis Animal Care and Control, the owner or custodian must execute an affidavit under oath setting forth the complete name,

address, and telephone number(s) of the person to whom the animal has been transferred. All applicable requirements of this section and this code must be met by the prospective new owner before the animal may be transferred.

- (5) Whenever any animal declared potentially dangerous or dangerous is lost or runs away, the owner or custodian of the animal shall provide written notification to the ~~manager of animal care and control~~ Minneapolis Animal Care and Control within ten (10) business days after the loss of the animal. ~~The manager of animal care and control~~ Minneapolis Animal Care and Control may require that the owner or custodian provide an affidavit under oath setting forth the nature and circumstances of the loss of the animal. Should the animal return or should the owner or custodian otherwise subsequently become aware of the location of the animal, the owner or custodian shall notify ~~the manager of animal care and control~~ Minneapolis Animal Care and Control within three (3) business days.

(m) *Restriction on future ownership.*

(1) Any person who:

- a. Has owned or owns or had custody of an animal declared potentially dangerous or dangerous or ordered destroyed and is found to be in violation of any requirement of this section; or
- b. Had owned a potentially dangerous or dangerous animal but never achieved compliance with the requirements of this section; or
- c. Has owned or had custody of more than one (1) animal declared potentially dangerous or dangerous and/or ordered destroyed within two (2) years; or
- d. Has owned or owns or had custody of an animal which has inflicted substantial bodily harm on a person and/or kills a domestic animal as a result of the intentional act or acts of that owner or custodian;
- e. Has been convicted of any violation of Minnesota Statute Section 609.226, Harm Caused by Dog, or amendments thereto;

may be subject to restrictions on ownership or custody of other animals of the same species for a period of five (5) years after the most recent declaration. For the purposes of this section, custody would include any animal in the dwelling in which the person subject to the ownership restriction lives. The animal found to be in violation shall be impounded until due process is completed.

(For the purposes of this section, custody means the presence of any animal on the property of any dwelling or residence in which the restricted persons lives or resides including, but not limited to, all surrounding grounds, outbuildings and/or garages.)

- (2) Any animal owner in violation of this subsection shall be notified in writing of the violation and may request a hearing in writing within five (5) business days of receipt of the notice. If a hearing is requested, ~~the program manager or the manager's designee~~ Minneapolis Animal Care and Control shall schedule a hearing within ten (10) business days. Violation appeals shall consist of an appearance before ~~the manager of animal care and control or the manager's designee~~ Minneapolis Animal Care and Control. An administrative fee of two hundred fifty dollars (\$250.00) shall be paid prior to the scheduling of the hearing. ~~The program manager~~ Minneapolis Animal Care and Control may set limits on the amount of evidence that may be submitted and the length of any testimony offered.
- (3) The owner of the animal shall be notified, in writing, of the hearing results within ten (10) business days.
- (4) Any person convicted of a violent felony, as defined in Minnesota Statute 624.712, subdivision 5, who owns, possesses, or controls an animal weighing more than twenty (20) pounds, or an animal that ~~the manager of animal care and control~~ Minneapolis Animal Care and Control designates as posing a danger to the public's health, safety or welfare if misused by a person convicted of a violent felony, must have a prohibited animal permit to own, keep or maintain that animal. For the purposes of this section, own, keep, or maintain would include any animal in the dwelling in which the person subject to the ownership restriction lives. If there is cause to believe that an animal poses a danger to the public's health, safety or welfare if misused by a person convicted of a violent felony, the animal may be impounded pending a determination made under this article and until a permit is obtained. If ~~the manager of animal care and control~~ Minneapolis Animal Care and Control designates an animal as posing a danger to the public's health, safety or welfare if misused by a convicted felon, written notice of this designation shall be mailed to the owner or custodian of the animal. The owner or custodian must pay an application fee and apply for the prohibited animal permit within fifteen (15) calendar days after the mailing of the written notice of designation. ~~The manager of animal care and control~~ Minneapolis Animal Care and Control may deny a prohibited animal permit if ~~he or she determines~~ it is determined that the animal poses a danger to the public's health, safety or welfare, or may condition the issuance of the permit upon the permittee's written agreement to comply with conditions of ownership to be determined by ~~the manager of animal care and control~~ Minneapolis Animal Care and Control. These conditions of ownership may include, but are not limited to, those

found under subsections (h) and (i). A prohibited animal may subsequently be revoked by ~~the manager of animal care and control~~ Minneapolis Animal Care and Control if there is probable cause to believe that the convicted violent felon's continued ownership of the animal poses a danger to the public's health, safety or welfare. Any person violating this subsection is guilty of a misdemeanor. A person convicted of a violent felony under this article shall not include persons whose convictions were set aside, or persons whose sentences were completed ten (10) years or more in the past. "Misuse" by a convicted felon means use of an animal in a threatening or aggressive manner, or in the commission or furtherance of the commission of a crime.

- a. Any animal whose owner or keeper is in violation of this subsection shall be impounded, or impounded subject to destruction, at the owner's expense.
- b. An animal that poses a danger to the public health, safety or welfare if misused by a convicted felon under this section means any of the following:
 1. An animal weighing more than twenty (20) pounds;
 2. An animal which has been designated a potentially dangerous or dangerous animal under subsections (d) or (e) of this section;
 3. An animal designated by ~~the manager of animal care and control~~ Minneapolis Animal Care and Control as posing a danger to the public's health, safety or welfare if misused by a convicted felon based upon the following factors:
 - i. The nature of any complaints regarding the animal.
 - ii. The strength of the animal, including jaw strength.
 - iii. The animal's tolerance for pain.
 - iv. The animal's tendency to refuse to terminate an attack.
 - v. The animal's propensity to bite humans or other domestic animals.
 - vi. The animal's potential for unpredictable behavior.
 - vii. The animal's aggressiveness.

viii. The likelihood that a bite by the animal will result in serious injury. This subsection shall not apply to any assistance animal, including guide animals, signal animals and service animals, trained or in training to assist a qualified individual with a disability.

(n) *Disposition of animals.*

(1) ~~The Program Manager at~~ Minneapolis Animal Care and Control is authorized to order the destruction or other disposition of any animal which:

- a. Kills a person, or
- b. Has bitten one (1) or more persons on two (2) or more occasions, or
- c. Has caused substantial bodily injury or disfigurement as defined in subsections (d) or (e) of this section, or
- d. Has engaged in an attack on or exhibited unusually aggressive behavior towards any person or domestic animal under circumstances that would indicate danger to the safety of the person or animal, or
- e. Is prohibited by or found to be in violation of subsections (g), (h), (i), (j) or (l) of this section, or
- f. Unprovoked, kills a domestic animal, or
- g. Is prohibited by section 74.50 of this Code.

(2) In determining the disposition of the animal ~~the manager of animal care and control~~ Minneapolis Animal Care and Control will determine the potential of the animal to pose a danger to the public's health, safety or welfare based upon the following factors:

- a. The animal weighing more than twenty (20) pounds;
- b. The strength of the animal, including jaw strength;
- c. The animal's tolerance for pain;
- d. The animal's tendency to refuse to terminate an attack;
- e. The animal's propensity to bite humans or other domestic animals;
- f. The animal's potential for unpredictable behavior;

- g. The animal's aggressiveness;
- h. The likelihood that a bite by the animal will result in serious injury.

This subsection shall not apply to any assistance animal, including guide animals, signal animals and service animals, trained or in training to assist a qualified individual with a disability.

(3) Procedure.

- a. The owner or custodian of the offending animal shall be notified in writing as to the reasons the animal is subject to disposition or destruction under this subsection and where applicable, copies of all reports received by ~~animal care and control~~ Minneapolis Animal Care and Control that were utilized to determine the disposition.
- b. The owner shall have three (3) business days after the date of notification to request a hearing to appeal a destruction order. If a hearing is requested, it shall be scheduled within ten (10) business days. The hearing officer shall be ~~the manager of animal care and control or the manager's designee~~ an employee of Minneapolis Animal Care and Control, or its designee, and shall have authority to amend the declaration or order as appropriate.
- c. If a hearing is not requested within three (3) business days of the notification, the animal may not be destroyed until a minimum of five (5) business days have passed since the issuance of the order.
- d. If the animal has bitten a person, it shall remain at a designated ~~animal care and control~~ Minneapolis Animal Care and Control facility through the end of the quarantine period as required pursuant to section 66.40. At the conclusion of the quarantine period the animal shall be subject to further disposition as defined in this Code and may be held at the owner's expense until a disposition is determined.
- e. Unclaimed animals shall be subject to disposition without notice to the owner or custodian after the mandatory hold period as established in section 62.40. Unclaimed animals shall include animals declared potentially dangerous or dangerous if in the custody of ~~animal care and control~~ Minneapolis Animal Care and Control and not in full compliance with the requirements of this section.
- f. All applicable fees are subject to payment within twenty (20) days for any identified owners and shall be invoiced. All unpaid fees may be forwarded to a collection agency for processing.

(o) *Concealing of dangerous animals.* Any person who harbors, hides or conceals an animal found to be potentially dangerous or dangerous by ~~animal care and control~~ Minneapolis Animal Care and Control which has been ordered into custody for disposition shall be guilty of a misdemeanor.

(p) *Conditioning and training equipment prohibited.* No person shall use or possess any device, equipment, treatment or products for the strengthening or conditioning of an animal with the intent to enhance the animal's ability to inflict bodily injury upon human beings or domestic animals on public or private property.

(q) *Fees.* Fees under this section may include, but are not limited to, impound, kennel, license, penalties, hearing, registration and euthanasia fees. All applicable fees shall be defined by this Code and/or included in the licenses and annual billing fees schedule or in the schedule of civil fines for administrative offenses resolution, and duly approved by city council.

Impound fee	\$100.00
Daily kennel fee, per day	25.00
Microchip fee	35.00
Euthanizing fee75.00
Rabies vaccination20.00
Sedation, if necessary20.00
Annual license fee	75.00
Annual registration:	
Potentially dangerous100.00
Dangerous	200.00
Appeal hearing fee:	
Potentially dangerous and dangerous	250.00
Prohibited animal permit	250.00
Annual County Registration fee— Determined by Hennepin County	

Section 6. That Section 64.130 of the above-entitled ordinance be amended to read as follows:

64.130. Concealing of dangerous animals. Any person who harbors, hides or conceals an animal found to be dangerous by the Minneapolis Animal Care and Control which animal has been ordered into custody for destruction or other proper disposition shall be guilty of a misdemeanor.

2013-Or-____

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By: Lilligren

Amending Title 4, Chapter 65 of the Minneapolis Code of Ordinances relating to Animal and Fowl: Ferrets.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 65.10 of the above-entitled ordinance be amended to read as follows:

65.10. License required. No person shall keep, harbor, or maintain care, custody, or control over any ferret or rabbit without first having obtained a license from ~~the director of operations and regulatory services~~ Minneapolis Animal Care and Control. This section shall not apply to any premises maintained by a licensed veterinarian or a licensed pet shop operator.

Section 2. That Section 65.20 of the above-entitled ordinance be amended to read as follows:

65.20. Application for license. (a) Every person required to obtain a license under this chapter shall make written application therefor to ~~the director of operations and regulatory services~~ Minneapolis Animal Care and Control upon a form ~~that shall require the giving of such information by the applicant as the director may require approved by Minneapolis Animal Care and Control.~~

(b) As a condition for the issuance of a ferret license, the applicant shall certify that the ferret has been vaccinated against rabies in conformance with the requirements of this Code.

Section 3. That Section 65.40 of the above-entitled ordinance be amended to read as follows:

65.40. Conditions for keeping ferrets or rabbits; revocation of license. ~~The director~~ Minneapolis Animal Care and Control may prescribe general conditions for the keeping of ferrets or rabbits as ~~in the director's judgment is~~ it deems necessary to safeguard public health and the general welfare. Subject to a hearing, if requested within five (5) days of the notification, to be held within ten (10) days of the request, ~~the~~

~~director~~ Minneapolis Animal Care and Control may revoke any license granted pursuant to this chapter if any such condition is violated or if any pet becomes a public nuisance.

2013-Or-____

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By: Lilligren

**Amending Title 4, Chapter 66 of the Minneapolis Code of Ordinances
relating to Animals and Fowl: Rabies Control.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 66.40 of the above-entitled ordinance be amended to read as follows:

66.40. Impoundment of rabies suspects. (a) Any dog, cat or ferret not vaccinated in accordance with sections 66.10, 66.20 and 66.25 which has bitten any person and caused an abrasion or puncture of the skin of such person shall be seized and impounded under the supervision of a licensed veterinarian or at the ~~city animal care and control~~ Minneapolis Animal Care and Control center for a period of not less than ten (10) days. If, after a complete examination by a veterinarian, the dog, cat or ferret has no clinical signs of rabies, it may be released to the owner upon the condition that the owner has the animal vaccinated and licensed as required by this Code. In the case of a stray, the animal shall be disposed of in accordance with applicable laws. It shall be unlawful for any owner or person having custody or control of any dog, cat or ferret, not vaccinated in accordance with sections 66.10, 66.20 and 66.25, which has bitten any person, to refuse to release such dog, cat, or ferret and make it immediately available to ~~the manager of animal care and control or the manager's designee~~ the Minneapolis Animal Care and Control center for the purpose of quarantine.

(b) Any dog, cat, or ferret vaccinated in accordance with sections 66.10, 66.20, or 66.25 which has bitten any person shall be confined by the owner or other responsible person in such manner as the ~~commissioner of health, manager of animal care and control or the manager's designee~~ Minneapolis Health Department or Minneapolis Animal Care and Control may direct and for a period of not less than ten (10) days. The ~~commissioner of health or the manager of animal care and control or an authorized representative~~ Minneapolis Health Department or Minneapolis Animal Care and Control shall conduct a terminal examination of the animal. If no signs of rabies are observed, the domestic animal may be released from confinement. It shall be unlawful for any owner or person in custody or control of any vaccinated dog, cat, or ferret that has bitten any person to refuse or fail to quarantine such dog, cat, or ferret as required by this subsection. ~~The manager of animal care and control or the manager's designee~~

Minneapolis Animal Care and Control shall seize any dog, cat, or ferret not quarantined in accordance with the subsection.

(c) Any other animal which has bitten any person and caused an abrasion or puncture of the skin of such person shall be seized and impounded under the supervision of a licensed veterinarian or at the ~~city animal care and control center~~ Minneapolis Animal Care and Control center for a period of not less than ten (10) days. If, after a complete examination by a veterinarian, the animal has no clinical sign of rabies, the animal may, with the approval of the ~~commissioner of health or the manager of animal care and control or a designee~~ Minneapolis Health Department or Minneapolis Animal Care and Control, be released to the owner. In the case of an unclaimed animal, it shall be disposed of in accordance with applicable laws. It shall be unlawful for any owner or person in custody or control of any animal which has bitten any person to refuse to release such animal and make it immediately available to ~~the manager of animal care and control or the manager's designee~~ Minneapolis Animal Care and Control for the purpose of quarantine.

(d) Any rabies suspect impounded or confined under this section which is found to be sick or diseased shall be reported immediately in writing to the ~~commissioner of health and the manager of animal care and control~~ Minneapolis Health Department and Minneapolis Animal Care and Control by the attending veterinarian or operator of the quarantine facility. ~~The manager of animal care and control or the manager's designee~~ Minneapolis Animal Care and Control shall then take possession of such animal for the purpose of determining if it is suffering from rabies.

(e) ~~The commissioner of health or the manager of animal care and control or the manager's designee~~ Minneapolis Health Department or Minneapolis Animal Care and Control may, for good cause, order the immediate testing for rabies of an animal that is owned by an individual that has bitten one (1) or more individuals. The owner of the animal that is to be tested is entitled to a hearing as set forth in section 64.120(b) of this title. The time periods set forth in section 64.120(b) do not apply to requests for immediate testing of an owned animal. A hearing must be requested by the owner of the animal within twenty-four (24) hours of notification of the owner of the intent to test the animal for rabies. If a hearing is not requested by the owner within twenty-four (24) hours of notification of intent to test for rabies ~~the manager of animal care and control~~ Minneapolis Animal Care and Control shall make appropriate order to test the animal for rabies. If a hearing is requested, the owner must be available to attend the hearing and the hearing completed within twenty-four (24) hours of the time that the hearing was requested or the hearing will be deemed to have been waived. The owner shall immediately make the animal available to ~~the animal control officer~~ Minneapolis Animal Care and Control for rabies testing. In determining whether good cause exists to order rabies testing of an owned animal the ~~commissioner or the manager of animal care and control~~ Minneapolis Health Department or Minneapolis Animal Care and Control may consider:

- (1) The physical location of the bite on the body of the victim.

- (2) The medical condition of the victim.
- (3) The medical necessity of immediate testing of the animal for rabies.
- (4) The age and health of the victim.
- (5) The vaccination records of the animal for which testing is sought.
- (6) Potential harm to the victim of the bite by delays in the testing procedure.
- (7) Potential harm to the victim of the bite by engaging in the course of post exposure rabies shots.
- (8) The request of qualified medical personnel.
- (9) Any other factors bearing on the necessity for immediate testing of the suspect animal.

(f) Nothing in this section shall be read so as to conflict with the requirements of section 64.110 as it pertains to destruction of dangerous animals.

Section 2. That Section 66.50 of the above-entitled ordinance be amended to read as follows:

66.50. Handling of dogs, cats, or ferrets bitten by rabid animals. For the purposes of this section, any bat, skunk, civet cat, raccoon or fox that bites a dog or cat shall be deemed to be a rabid animal. In the case of dogs, cats, or ferrets which have been bitten by a rabid animal, the following rules shall apply:

(a) In the case of a bitten (exposed) dog, cat, or ferret which has not been vaccinated in accordance with section 66.10 or 66.20 and which has been bitten by a rabid animal, said bitten (exposed) animal shall be immediately destroyed. If the owner is unwilling to destroy the bitten (exposed) animal, said animal may be placed under quarantine if quarantine is advisable after review by the Minnesota Board of Animal Health. The place and manner of quarantine shall be by order of the ~~manager of animal care and control or the commissioner of health~~ Minneapolis Health Department or Minneapolis Animal Care and Control.

(b) In the case of a bitten (exposed) animal which has been vaccinated in accordance with the provisions of section 66.10, 66.20, or 65.20(b), the animal shall be:

- (1) Immediately revaccinated and confined for a period of forty (40) days following vaccination, or

- (2) It shall be confined in strict isolation in a kennel for six (6) months under the supervision of a veterinarian. Before release of the dog, cat, or ferret to its owner, it shall be vaccinated for rabies one (1) month prior to its release, or
- (3) It shall be destroyed if the owner does not comply with paragraph (1) or (2) of subsection (b).

Section 3. That Section 66.60 of the above-entitled ordinance be amended to read as follows:

66.60. Reports of bite cases. It shall be the duty of every physician or any person to report to the ~~commissioner of health~~ Minneapolis Health Department the names and addresses of persons treated for bites inflicted by animals within the city, together with such other information as will be helpful in rabies control.

Section 4. That Section 66.70 of the above-entitled ordinance be amended to read as follows:

66.70. Responsibilities of veterinarians. It shall be the duty of every licensed veterinarian to report to the ~~commissioner of health~~ Minneapolis Health Department the diagnosis of any animal within the city observed by such veterinarian to be a rabies suspect.

2013-Or-____

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By: Lilligren

**Amending Title 4, Chapter 68 of the Minneapolis Code of Ordinances
relating to Animals and Fowl: Pet Shops, Kennels, Etc.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 68.10 of the above-entitled ordinance be amended to read as follows:

68.10. License required; application procedure; duration. (a) No person shall keep or maintain any place for the sale, grooming, breeding, treating, exhibition, or any other form of care for hire of any animal, reptile, fish or bird without a license therefor.

(b) No person shall operate or maintain a mobile pet care vehicle without a license for each such vehicle and no person shall conduct any business in a mobile pet care vehicle while that vehicle is parked on a public street. For purposes of this chapter, a "mobile pet care vehicle" is a motor vehicle used for the sale, grooming, breeding, treating, exhibition, or any other form of care for hire of any animal, reptile, fish or bird. A mobile pet care vehicle does not include a motor vehicle used solely for transporting animals, reptiles, fish or birds. No sales of animals shall be permitted from the vehicle.

(c) Any person desiring a license under either subdivision (a) or (b) shall file with ~~the department of licenses and consumer services~~ Minneapolis Animal Care and Control a written application for such license. The application shall state in full the name, place of residence of the applicant and, where applicable, the name and residence of the owners of the place, premises and location where the applicant desires to conduct said business. ~~The department of licenses and consumer services shall forward such application for a license to Minneapolis Animal Care and Control for~~ shall issue a report on the sanitary conditions and other requirements of the place where the applicant intends to carry on the business, including any mobile pet care vehicle, and a report from the zoning administrator where applicable. When said reports are completed, the license shall be issued or denied pursuant to section 259.30

(d) Such license shall expire on May first next after its issuance unless sooner revoked.

Section 2. That Section 68.20 of the above-entitled ordinance be amended to read as follows:

68.20. License fees; issuance procedure. The fee for each place of business and each mobile pet care vehicle license issued under this chapter shall be as established in Appendix J, License Fee Schedule.

Upon payment into the city treasury by the applicant of such license fee or, if application for such license is made after May first, upon payment of such part of the license fee as shall be proportionate to the portion of the year for which such license is issued in accordance with the provisions of section 261.40 of this Code, and upon presentation by the applicant to ~~the department of licenses and consumer services~~ Minneapolis Animal Care and Control of the receipt of the city finance officer for said license fee, ~~the department of licenses and consumer services~~ Minneapolis Animal Care and Control shall issue to the applicant the license authorized and directed to be issued by the city council.

Section 3. That Section 68.40 of the above-entitled ordinance be amended to read as follows:

68.40. Compliance with regulations. Each licensee under this chapter shall conform to all applicable regulations as the ~~commissioner of health~~ Minneapolis Health Department may prescribe.

Section 4. That Section 68.80 of the above-entitled ordinance be amended to read as follows:

68.80. Mobile pet care vehicle insurance. Each applicant for a mobile pet care vehicle license shall file with ~~the department of licenses and consumer services~~ Minneapolis Animal Care and Control a public liability policy or certificate of insurance from a company licensed to do business in the State of Minnesota insuring the applicant against any and all liability incurred in the use or operation of the vehicle licensed under this chapter. The policy of insurance shall be in the limits of not less than one hundred thousand dollars (\$100,000.00) for injury or death to one person, three hundred thousand dollars (\$300,000.00) for injury or death for each occurrence, and ten thousand dollars (\$10,000.00) for property damage.

2013-Or-____

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By: Lilligren

Amending Title 4, Chapter 70 of the Minneapolis Code of Ordinances relating to Animals and Fowl: Fowl, Pigeons, and Other Small Animals.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 70.10 of the above-entitled ordinance be amended to read as follows:

70.10. Permit required. (a) No person shall anywhere in the city keep, harbor, or maintain care, custody, or control over any small animal or any fowl such as a chicken, turkey, duck, or pigeon, without obtaining a permit issued by Minneapolis Animal Care and Control.

(b) ~~The Manager~~ of Minneapolis Animal Care and Control may grant permit pursuant to this section after the applicant has sought the written consent of at least eighty (80) percent of the occupants of the several descriptions of real estate situated within one hundred (100) feet of the applicant's real estate. Such written consent shall be required on the initial application and as often thereafter as ~~the Manager of~~ Minneapolis Animal Care and Control deems necessary.

(c) No permit shall be granted to keep any animal, fowl, or pigeon within a dwelling unit or part thereof, nor on any real estate which contains three (3) or more dwelling units.

(d) This section shall not apply to dogs, cats, ferrets, or rabbits nor to veterinarians or licensed pet shops or licensed kennels.

(e) *Application for permit.* Any person desiring a permit under this chapter shall make written application to Minneapolis Animal Care and Control. Approval of application is subject to conditions prescribed by Minneapolis Animal Care and Control. Failure to adhere to conditions is cause for cancellation of the permit and/or result in an administrative fine.

(f) *Duration of permit.* All permits issued shall expire on January 31 of the following year after its issuance unless sooner revoked. The application fee for such

permit shall be fifty dollars (\$50.00) which shall be paid at the time of application. The annual renewal fee thereafter for such permit shall be forty dollars (\$40.00). Minneapolis Animal Care and Control will inspect the premise annually or as deemed necessary.

(g) *Five-year permit.* The fee for a five-year permit will be one hundred fifty dollars (\$150.00). All five-year permits issued shall expire on January 31 of the year following the fifth year after its issuance unless sooner revoked. Minneapolis Animal Care and Control will inspect the premise annually or as deemed necessary.

(h) *Refusal to grant permit.* Minneapolis Animal Care and Control may refuse a permit to keep or maintain animals or fowl hereunder for failure to comply with the provisions of this chapter, and shall refuse a permit if such animals or fowl should not be kept upon the premises described in the application for the permit. If any such permit is refused, the fee paid with the application shall be retained by Minneapolis Animal Care and Control.

(i) *Enforcement.* Minneapolis Animal Care and Control shall enforce the provisions of this chapter.

2013-Or-____

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By: Lilligren

**Amending Title 4, Chapter 72 of the Minneapolis Code of Ordinances
relating to Animals and Fowl: Diseased, Injured or Dead Animals.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 72.30 of the above-entitled ordinance be amended to read as follows:

72.30. Quarantine. ~~The Commissioner of Health and/~~ Minneapolis Health Department or Minneapolis Animal Care and Control may order any diseased animal to be immediately quarantined. Upon certification by a licensed veterinarian that such animal is indeed suffering from one of the diseases enumerated in section 72.10, ~~the Commissioner and/~~ Minneapolis Health Department or Minneapolis Animal Care and Control may order that such animal be disposed of and direct the manner thereof.

Section 2. That Section 72.40 of the above-entitled ordinance be amended to read as follows:

72.40. Abandonment, care and destruction of diseased or injured animals. No person having the care, custody and control of any diseased, sickly, or injured animal shall abandon said animal anywhere in the city but instead shall provide care for said animal unless it is adjudged past recovery in which case said person shall cause said animal to be disposed of in such manner as the ~~commissioner of health or his designee~~ Minneapolis Health Department shall direct.

Section 3. That Section 72.50 of the above-entitled ordinance be amended to read as follows:

72.50. Unclaimed animals. Any sickly, injured or diseased animal found or abandoned upon any street, alley, lot or public place, which is adjudged by the ~~commissioner of health~~ Minneapolis Health Department or by any veterinarian summoned by the ~~Commissioner of Health and/~~ Minneapolis Health Department or Minneapolis Animal Care and Control to be past recovery, shall, if unclaimed and uncared for by the owner thereof, be disposed of pursuant to state law by order of the

~~Commissioner of Health and~~ Minneapolis Health Department or Minneapolis Animal Care and Control.

Section 4. That Section 72.60 of the above-entitled ordinance be amended to read as follows:

72.60. Burial or abandonment of dead animals prohibited. No person shall deposit or cause to be deposited upon any lot or in any street, alley, lake, river or other body of water, sewer or manhole or bury or conceal in any way, a dead animal or part thereof. The owner or other person having charge of an animal at the time of its death shall remove or cause to be removed the dead body of such animal within twelve (12) hours after death to a crematory, sanitary landfill, rendering factory or any other place designated by the ~~commissioner of health~~ Minneapolis Health Department.

2013-Or-____

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By: Lilligren

Amending Title 4, Chapter 74 of the Minneapolis Code of Ordinances relating to Animals and Fowl: Miscellaneous Regulations.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 74.65 of the above-entitled ordinance be amended to read as follows:

74.65. Class C permit requirements. (a) Applicants for Class C permits must be identifiable persons or organizations that will be responsible for compliance with all terms of this Chapter. Applicants for Class C permits shall file an application with Minneapolis Animal Care and Control no less than ninety (90) days prior to a scheduled or planned event in the city. The application shall include:

- (1) The names and addresses of all owners and operators of the applicant organization or individual.
- (2) All reasonably pertinent records related to the veterinary care for all of the applicant's animals. The records should represent adequate care provided as needed and/or to prevent suffering and/or disease transmission. The veterinarian's records must include the age, weight, height/length, and gender of the animal.
- (3) All reasonably pertinent records of training, transporting, breeding, importing, restraining, and housing for all of the applicant's animals to the extent possible.
- (4) A safety plan for the animals and the public, including all means of restraint of the animals, and all other information as required by Minneapolis Animal Care and Control.
- (5) A complete history for all owners or operators of citations, investigations, convictions, and/or sustained violations of any federal, state or local regulations pertaining to circuses or cruelty, abuse or neglect to animals by any regulatory authority.

(6) The scheduled locations for the ninety (90) days prior to a scheduled or planned event in the city of all of the animals that will be brought to the city for any reason for the planned event.

(7) Documentation satisfying the insurance requirements set by Minneapolis Animal Care and Control.

(8) All other reasonably pertinent information as required by Minneapolis Animal Care and Control.

(b) At least one (1) time prior to an event, and at the applicant's expense, Minneapolis Animal Care and Control shall travel to any of the scheduled locations prior to the event in the city for the purposes of inspecting all facilities and locations that are used to exhibit, train, transport, breed, import, restrain, house and care for all of the applicant's animals.

(c) Upon arrival of any of the applicant's animals in the city, Minneapolis Animal Care and Control shall inspect all of the applicant's animals and verify that all of the animals are in good health, that all animals have current vaccinations, that the applicant is in possession of current medical records for all animals, and that there are no signs of any abuse of the animals (including free of cuts, abrasions or other apparent injuries due to abuse). Minneapolis Animal Care and Control may reinspect and reverify all such information and records at any time the applicant's animals are in the city. Minneapolis Animal Care and Control shall make every effort to ensure that all of the animals are inspected each day that any of the applicant's animals are in the city.

(d) Upon arrival, Minneapolis Animal Care and Control shall review all plans and inspect all facilities to verify compliance with such plans in that all of the applicant's animals are properly restrained at all times while in the city and that adequate plans exist in the event of an emergency to protect the animals and the public in the event of fire, escape or other threat to the public's or the animals safety. Minneapolis Animal Care and Control may reinspect and reverify all such facilities and plans at any time the applicant's animals are in the city.

(e) While any of the applicant's animals are in the city, Minneapolis Animal Care and Control shall inspect all animals and verify all have adequate food, water, shelter, space, exercise, and care. All animals shall be kept clean at all times, all feces will be removed within one (1) hour of occurrence, fresh water will be provided to all animals at least every four (4) hours or more often as necessary to ensure the health of the animals, and all animals shall be housed at all times in temperatures considered suitable for each species in its natural environment.

(f) While any of the applicant's animals are in the city, Minneapolis Animal Care and Control shall inspect all animals to ensure none are subject to cruelty, neglect and/or abuse.

(g) The applicant shall provide for security posted to observe the animals at all times that any of the applicant's animals are in the city. Any personnel required as part of the emergency plan to protect the animals and the public shall be present and any identified tools, devices, or firearms shall be readily available.

(h) The applicant shall comply with all state and federal regulations pertaining to circuses or animals, and shall make all information related to such compliance available to Minneapolis Animal Care and Control upon request. Upon arrival in the city, the applicant shall provide a sworn affidavit representing that the applicant is in compliance with the terms of this section and with all other applicable state and federal regulations.

(i) Minneapolis Animal Care and Control shall make every effort to coordinate all inspection and enforcement efforts referred to herein with other departments in the city, with the Animal Humane Society, and other governmental organizations. Minneapolis Animal Care and Control is further authorized to contract with a veterinarian or any other person or organization with expertise in wild animal care to assist in investigating the applicant's care of the animals.

(j) It shall be unlawful for any person or organization intending to conduct an event requiring a Class C permit to bring the animals into the city without having first obtained a Class C permit. Minneapolis Animal Care and Control may enforce violations of this section through the administrative citation process in Chapter 2 of this Code, in addition to any other remedy available to the city for Code violations including permit revocation. Minneapolis Animal Care and Control is further authorized to make all other necessary orders and take all other necessary actions to protect the health and safety of the public and the animals.

(k) It shall be unlawful for any person to furnish false information for the purpose of obtaining a permit. Any permit obtained under fraudulent pretenses is void and shall be revoked.

(l) Any person applying for a permit shall provide evidence of surety bond or liability insurance in the amount set by Minneapolis Animal Care and Control which covers incidences or occurrences involving animals.

(m) Minneapolis Animal Care and Control may deny an application for a traveling animal exhibition permit for any of the following reasons:

- (1) Failure to comply with or supply any information or access requested and/or required; or
- (2) Falsification of any information required; or
- (3) Previous or current violations of any provisions of this chapter; or

(4) Previous or current citations, violations of any local, state, or federal law relating to cruelty to animals, public safety or animal exhibition permits.

(n) Minneapolis Animal Care and Control may revoke a permit for any of the following reasons:

(1) Failure to comply with the terms of this chapter; or

(2) Falsification of any information required; or

(3) Current violations of any provisions of this chapter; or

(4) Violation of any local, state or federal law applicable to animals and/or traveling animal exhibitions.

(5) Any instance of animal cruelty, abuse or neglect within the City of Minneapolis.

(o) Minneapolis Animal Care and Control may confiscate, order veterinarian care, and/or prevent from exhibition any animal which possess a threat to public safety (including, but not limited to animals not current with vaccinations) and/or is in immediate danger due to animal cruelty, abuse or neglect.

(p) In the event of a permit denial by Minneapolis Animal Care and Control, the applicant may, upon written request, have the denial reviewed by the ~~public safety and regulatory services~~ Regulatory, Energy and Environment committee of the city council no less than thirty (30) days prior to the scheduled or planned event in the city. The committee shall make a recommendation concerning the application to the full city council at the conclusion of the hearing. If the denial is affirmed by the city council, the applicant may seek such judicial review as permitted by law.

Section 2. That Section 74.80 of the above-entitled ordinance be amended to read as follows:

74.80. Keeping of honeybees. (a) No person shall keep, maintain, or allow to be kept any hive or other facility for the housing of honeybees on or in any property in the City of Minneapolis without a permit.

(b) The number and location of hives, colonies and/or facilities for the housing of honeybees permitted by this section shall be determined by a permit issued by Minneapolis Animal Care and Control. The permit shall specify any restrictions, limitations, conditions or prohibitions required by ~~the manager of animal care and control~~ Minneapolis Animal Care and Control as necessary to safeguard public health and the general welfare. Subject to a hearing to be held by a committee of the council or other designated hearing examiner, if requested within five (5) days of the notification, ~~the manager of animal care and control~~ Minneapolis Animal Care and Control may

deny, suspend or revoke any permit applied for or granted pursuant to this section if any condition or requirement is violated or if the keeping of honeybees becomes a public nuisance.

(c) ~~The manager of~~ Minneapolis Animal Care and Control may grant a permit pursuant to this section only after the applicant has met any educational requirements as established and published by the manager and received the written consent of at least eighty (80) percent of the occupants of the several descriptions of real estate situated within one hundred (100) feet of the applicant's real estate and one hundred (100) percent of the signatures of occupants of properties immediately adjacent to the applicant's real estate. When the proposed location of the hives, colonies and facilities is within a large real estate parcel greater than four (4) acres in size, the applicant must receive approval from eighty (80) percent of the occupants of the several descriptions of real estate situated within two hundred fifty (250) feet of the hives and one hundred (100) percent of the occupants of the several descriptions of real estate situated within one hundred fifty (150) feet of the hives. For the purposes of this subsection, the term "occupant" refers to any one (1) occupant for each of the real estate properties referenced. When the proposed location of the hives, colonies and facilities is located on a rooftop on a second or higher story of any building or structure and the proposed hives are at least five (5) feet from the nearest side of the building or structure and at least fifteen (15) feet from the nearest adjacent and occupied building or structure not owned or operated by the applicant, the written consent requirements imposed by this subsection shall not be required.

(d) Any person desiring a permit for the keeping of honeybees shall make application to Minneapolis Animal Care and Control. Approval of the application is subject to reasonable conditions prescribed by ~~the manager of~~ Minneapolis Animal Care and Control. All permits issued shall expire on January thirty-first of the year following issuance unless sooner revoked. The application fee for such permit shall be one hundred dollars (\$100.00) which shall be paid at the time of application. There shall be no fee for annual renewal. Minneapolis Animal Care and Control shall inspect the premises as deemed necessary. Should the permit be refused, denied or revoked, the fee paid with the application shall be retained by Minneapolis Animal Care and Control.

(e) Minneapolis Animal Care and Control shall enforce the provisions of this section.

(f) *Definitions.* As used in this section:

- (1) *Apiary* means the assembly of one (1) or more colonies of honeybees at a single location.
- (2) *Beekeeper* means a person who owns or has charge of one (1) or more colonies of honeybees.

- (3) *Beekeeping equipment* means anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.
- (4) *Colony* means an aggregate of honeybees consisting principally of workers, but having, when perfect, one (1) queen and at times drones, brood, combs, and honey.
- (5) *Hive* means the receptacle inhabited by a colony that is manufactured for that purpose.
- (6) *Honeybee* means all life stages of the common domestic honeybee, *Apis mellifera* species of European origin.
- (7) *Lot* means a contiguous parcel of land under common ownership.
- (8) *Nucleus colony* means a small quantity of honeybees with a queenhoused in a smaller than usual hive box designed for a particular purpose.
- (9) *Undeveloped property* means any idle land that is not improved or actually in the process of being improved with residential, commercial, industrial, church, park, school or governmental facilities or other structures or improvements intended for human occupancy and the grounds maintained in associations therewith. The term shall be deemed to include property developed exclusively as a street or highway or property used for commercial agricultural purposes.

(g) *Standards of practice.* Any person obtaining a permit pursuant to this comply with the following standards of practice:

- (1) Honeybee colonies shall be kept in hives with removable frames, which shall be kept in sound and usable condition.
- (2) Each beekeeper shall ensure that a convenient source of water is available to the colony prior to and so long as colonies remain active outside of the hive.
- (3) Each beekeeper shall ensure that no wax comb or other material that might encourage robbing by other bees are left upon the grounds of the apiary lot. Such materials once removed from the site shall be handled and stored in sealed containers, or placed within a building or other insect-proof container.
- (4) For each colony permitted to be maintained under this article, there may also be maintained upon the same apiary lot, one (1) nucleus colony in a

hive structure not to exceed one (1) standard nine and five-eighths (95/8) inch depth ten-frame hive body with no supers.

- (5) Each beekeeper shall maintain his beekeeping equipment in good condition, including keeping the hives painted, and securing unused equipment from weather, potential theft or vandalism and occupancy by swarms. It shall be a violation of this section for any beekeeper's unused equipment to attract a swarm, even if the beekeeper is not intentionally keeping honeybees.
- (6) Each beekeeper shall enclose their property and/or the apiary with a latching fence. A fence shall not be required if the hives are approved to be located on a rooftop on a second or higher story so as to be inaccessible to the general public so that bee movements to and from the hive do not interfere with the ordinary movements of persons on adjacent properties or the public right of way.

(h) *Colony density.* Any person obtaining a permit pursuant to this section shall comply with the following restrictions on colony density:

- (1) Except as otherwise provided in this ordinance, in each instance where a colony is kept less than twenty-five (25) feet from a property line of the lot upon which the apiary is located, as measured from the nearest point on the hive to the property line, and any entrances to the hive faces that lot line, the beekeeper shall establish and maintain a flyway barrier at least six (6) feet in height. The flyway barrier may consist of a wall, fence, dense vegetation or a combination thereof, such that honeybees will fly over rather than through the material to reach the colony. If a flyway barrier of dense vegetation is used, the initial planting may be four (4) feet in height, so long as the vegetation normally reaches six (6) feet in height or higher. The flyway barrier must continue parallel to the apiary lot line for ten (10) feet in either direction from the hive. All other sides of the area encompassing the colonies shall consist of fencing, a wall, dense vegetation or combination of at least four (4) feet tall. The area encompassing the colonies need not entail the entire property. A flyway barrier is not required if the property adjoining the apiary lot line is undeveloped, or is zoned agricultural or industrial, or is a wildlife management area or naturalistic park land with no horse or foot trails located within twenty-five (25) feet of the apiary lot line. A flyway barrier is not required if the hives are located on the roof of a structure containing at least one (1) full story if all hives are located at least five (5) feet from the side of the structure and at least fifteen (15) feet from any adjacent and occupied structure.

- (2) No person is permitted to keep more than the following numbers of colonies on any lot within the city, based upon the size or configuration of the apiary lot:
- a. *One-half (1/2) acre or smaller lot:* Two (2) colonies;
 - b. *Larger than one-half (1/2) acre but smaller than three-quarter (3/4) acre lot:* Four (4) colonies;
 - c. *Larger than three-quarter (3/4) acre lot but smaller than one (1) acre lot:* Six (6) colonies;
 - d. *One (1) acre but smaller than five (5) acres:* Eight (8) colonies;
 - e. *Larger than five (5) acres:* As determined by ~~the manager of~~ Minneapolis Animal Care and Control.
- (3) Regardless of lot size, so long as all lots within a radius of at least two hundred (200) feet from any hive, measured from any point on the front of the hive, remain undeveloped, the maximum number of colonies may be increased by ~~the manager of~~ Minneapolis Animal Care and Control. No grandfathering rights shall accrue under this subsection.
- (4) If a beekeeper serves the community by removing a swarm or swarms of honeybees from locations where they are not desired, a beekeeper shall not be considered in violation of the portion of this section limiting the number of colonies while temporarily housing the swarm on the apiary lot in compliance with the standards of practice established pursuant to this section if the swarm is so housed for no more than thirty (30) days from the date acquired.

2013-Or-____

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By: Lilligren

**Amending Title 4, Chapter 76 of the Minneapolis Code of Ordinances
relating to Animals and Fowl: Stables.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 76.40 of the above-entitled ordinance be amended to read as follows:

76.40. Stable and assembly/transfer facility to be used exclusively for licensed horse and carriage livery service. (a) A stable or assembly/transfer facility shall be used exclusively for the purpose of keeping horses used in a horse and carriage livery service licensed under Chapter 303 of this Code.

(b) No horse shall be stabled or otherwise kept in a stable or assembly/transfer facility unless it is registered with ~~the department of licenses and consumer services~~ licensing official pursuant to section 303.80 of this Code.

(c) Each horse shall meet the requirements in Chapter 303 of this Code for veterinary examination and certification, and care and maintenance of animals.

Section 2. That Section 76.60 of the above-entitled ordinance be amended to read as follows:

76.60. Stable operation. (a) Only one horse may be in a stall and the stable shall not contain any more horses than it has stall space to accommodate.

(b) Only city registered horses may be present in the stable unless prior approval has been granted by ~~the department of licenses and consumer services~~ Minneapolis Animal Care and Control.

(c) Water shall be available for horses at all times when they are in their stalls.

(d) If horses are to be tethered, they shall be tethered by a halter.

- (e) Odors and condensation shall be kept to a minimum.
- (f) The stable, including equipment and furnishings, shall be kept in good condition.
- (g) To prevent harborage or breeding of insects and rodents, the stable interior and surrounding property shall be kept neat and free of litter and clutter.
- (h) Effective pest control measures emphasizing preventative action shall be provided to prevent insect and rodent pests from being present in the stable or on stable property.
- (i) Feed shall be stored in rodentproof facilities or containers.
- (j) Straw, shavings or other bedding material shall be kept clean and dry and shall be changed as often as is necessary to keep it in that condition.
- (k) Manure, soiled bedding, barn sweepings and waste feed shall be removed from the premises twice a week. When stored prior to removal, these materials shall be kept in insect- and rodentproof facilities or containers.
- (l) A person who is capable of handling horses routinely and in emergencies shall be at the stable at all times when horses are on the premises.
- (m) Smoking shall not be allowed in stabling or storage areas.

Section 3. That Section 76.80 of the above-entitled ordinance be amended to read as follows:

76.80. Assembly/transfer facility operation. (a) The facility shall only be occupied by horses within a daily eighteen-hour time period. That time period shall be stated in writing by the licensee at the time the application is submitted for licensure.

(b) Only city registered horses may be present unless prior approval has been granted by ~~the department of licenses and consumer services~~ Minneapolis Animal Care and Control.

(c) Drinking water shall be provided to the horses according to their need while they are at the facility.

(d) If horses are to be tethered, they shall be tethered by a halter.

(e) The facility including equipment and fixtures shall be maintained clean and in good condition at all times. Odors shall be kept to a minimum.

(f) All feed and wastes shall be stored in secure rodentproof containers. Waste feed and manure shall be removed daily.

(g) Effective insect control measures shall be utilized at the site.

(h) A person who is capable of handling horses routinely and in emergencies shall be at the facility at all times when horses are present.