

CHAPTER 9 : ANIMAL REGULATION AND LICENSING

Section 1: Definitions

As used in this ordinance, the terms defined in this section shall have the following meanings ascribed to them:

Animal Control Officer - means any employee of the City of Lambertton who holds that employment position or member of law enforcement.

Cat - means both male and female of the Felidae species.

Dangerous Dog - means any dog that has:

1. without provocation, inflicted substantial bodily harm on a human being on public or private property; or
2. killed a domestic dog without provocation while off the owner's property; or
3. been found to be potentially dangerous, and after the owner has been sent notice that the dog is potentially dangerous, the dog aggressively bites, attacks, or endangers the safety of humans or other domestic dogs.

Dog - means both male and female of the canine species.

Domestic Animals - shall mean those animals commonly accepted as domesticated household pets. Unless otherwise defined, such animals shall include dogs, cats, caged birds, gerbils, hamsters, guinea pigs, domesticated rabbits, fish, non-poisonous, non-venomous and non-constricting reptiles or amphibians, and other similar animals.

Farm Animals – shall mean animals commonly kept on farms or raised for commercial food consumption such as cattle, horses, hogs, sheep, goats, donkeys, chickens, fowl, bison.

Kennel - The keeping of six or more dogs and or cats on the same premises, whether owned by the same person or not and for whatever purpose kept, shall constitute a "kennel;" except that a fresh litter of pups or kittens may be kept for a period of three months before such keeping shall be deemed to be a "kennel."

Non-Domesticated Animals - shall mean those animals commonly considered to be naturally wild and not naturally trained or domesticated, or which are commonly considered to be inherently dangerous to the health, safety, and welfare of people. Unless otherwise defined, such animals shall include:

1. Any member of the large cat family (family Felidae) including lions, tigers, cougars, bobcats, leopards and jaguars, but excluding commonly accepted domesticated house cat.
2. Any naturally wild member of the canine family (family Canidae) including wolves, foxes, coyotes, dingoes, and jackals, but excluding commonly accepted domesticated dogs.
3. Any crossbreeds such as the crossbreed between a wolf and a dog, unless the crossbreed is commonly accepted as a domesticated house pet.
4. Any member or relative of the rodent family including any skunk (whether or not de-scented), raccoon, squirrel, or ferret, but excluding those members otherwise defined or commonly accepted as domesticated pets.
5. Any poisonous, venomous, constricting, or inherently dangerous member of the reptile or amphibian families including rattlesnakes, boa constrictors, pit vipers, crocodiles and alligators.
6. Any other animal which is not explicitly listed above but which can be reasonable defined by the terms of this subpart, including but not limited to bears, deer, monkeys and game fish.

Owner - means any person owning, keeping, harboring or maintaining a domestic animal within the City. A domestic animal shall be deemed to be harbored if it is fed or sheltered for three days or more.

Potentially Dangerous Dog - means any dog that:

1. when unprovoked, inflicts bites on a human or domestic dog on public or private property; or
2. when unprovoked, chases or approaches a person upon the streets, sidewalks or any public or private property, other than the dog owner's property, in an apparent attitude of attack; or

3. has a known propensity, tendency or disposition to attack without provocation causing injury or otherwise threatening the safety of humans or other domestic dogs.

Premises – means any building, structure, or land wherein or whereon dogs or cats are kept confined.

Section 2: Dog & Cat Regulation & Licensing

A. Running at Large

It is unlawful for the owner of any dog or cat to permit such dog or cat to run at large. Any dog or cat shall be deemed to be running at large with the permission of the owner unless it is on a durable leash secured to an object which it cannot move and on the premises of the owner, or on a leash and under the control of an accompanying person of suitable age and discretion, or effectively confined within a motor vehicle, building, enclosure or underground fencing system.

B. Licensing

It is unlawful for the owner of any dog or cat, three months of age or more, to fail to obtain a license from the City.

All dog and cat licenses shall expire on April 30 of each year.

Licensing fee for dog and cat licenses shall be set by the council with the annual fee schedule.

To obtain a license for a dog or cat, owner must present a completed City Pet License Application, accompanied by a veterinarian's certificate showing expiration dates of required vaccinations. If the application is for an initial license for a spayed/neutered dog or cat, a statement from a licensed veterinarian shall accompany the application stating that such dog or cat has been spayed/neutered.

C. Number of Animals

It is unlawful to have more than 5 total cats and/or dogs on any premises.

D. Vaccinations

All dogs and cats kept, harbored, maintained, or transported within the City shall be vaccinated at least once every three years by a licensed veterinarian for rabies, with a live modified vaccine, and distemper.

A certificate of vaccination must be kept, on which is stated the date of vaccination, owner's name and address, the animal's name (if applicable), sex, description and weight, the type of vaccine, and the veterinarian's signature. Upon demand made by the Clerk-Treasurer or a police officer, the owner shall present for examination the required certificate(s) of vaccination for the animal(s). In cases where certificates are not presented, the owner or keeper of the animal(s) shall have seven days in which to present the certificate(s) to the Clerk-Treasurer or police officer. Failure to do so shall be deemed a violation of this Section, and any license issued for said animal shall not be valid.

E. Collar & Tag Requirement

All licensed dogs and cats shall wear a collar and have current license affixed thereto. A duplicate for a lost tag may be purchased at City Hall for a cost set in the annual FEE Schedule. Tags shall not be transferable, and no refund shall be made on any license fee because of leaving the City or death of the dog or cat before the expiration of the license. It is unlawful for the owner of any dog or cat to fail to have the license tag issued by the City firmly attached to a collar worn at all times by the licensed dog or cat.

A violation of this section shall be deemed a petty misdemeanor.

F. Proper Care

Owner Obligation for Proper Care. No owner shall fail to provide any domestic animal with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering and with

humane care and treatment. No person shall beat, treat cruelly, torment or otherwise abuse any domestic animal or cause or permit any dog or cat fight. No owner shall abandon any domestic animal.

The premises where cats and or dogs are kept must be maintained in a healthy and sanitary condition and in a manner to prevent noxious or offensive odors being carried to the adjacent property.

G. Barking Dogs

It shall constitute a nuisance and be unlawful if any dog barks, whines, howls, bays, cries, or makes other noise excessively so as to cause annoyance, disturbance or discomfort to any individual provided that such noise lasts for a period of more than five minutes continuously or intermittent barking that continues for more than one hour and is plainly audible from a distance of 100 feet or more from the premises where the dog is kept. It shall not be a violation of this section if the dog was barking, crying, or making other noise due to harassment or injury to the dog or a trespass upon the premises where the dog is located.

Seizure of Barking Dogs for Noise Abatement. Any police officer or animal control officer may enter onto private property and seize any barking dog, provided that the following conditions exist:

- a. There is an identified complainant other than the police or animal control officer making a contemporaneous complaint about the barking.
- b. The officer reasonably believes that the barking meets the criteria set forth above;
- c. The officer can demonstrate that there has been at least one previous complaint of a dog barking at this address on a prior date;
- d. The officer has made reasonable attempts to contact the owner of the dog(s) or the owner of the property and those attempts have either failed or have been ignored.
- e. The seizure will not involve forced entry into a private residence. Use of a passkey obtained from a property manager, landlord, innkeeper, or other person authorized to have such a key shall not be considered as a forced entry.
- f. No other less intrusive means to stop the barking is available; and,
- g. Written notice of the seizure is left in a conspicuous place if personal contact with the owner of the dog is not possible.

Any dog seized for noise abatement shall be taken to the animal pound and kept there to be reclaimed by the owner. No impound fee shall be charged unless the circumstances indicate that the owner failed to cooperate with or obstructed the animal control or police officer's attempts to abate the noise through other less intrusive means and the dog has a current City license. Any dog or cat seized under Subdivision B which is unclaimed may be disposed of according to the provisions of Section H of this ordinance.

H. Animal Pound

The City Animal Pound shall be established by resolution.

I. Impoundment

Any dog or cat found in the City without a license tag, running at large, or otherwise in violation of this Ordinance, shall be placed in the Animal Pound, and a record of the time of such placement shall be kept on each dog and cat. Every dog or cat so placed in the Animal Pound shall be held for redemption by the owner for at least five business days.

Impoundment records shall be preserved for at least six months and shall show (1) the description of the dog or cat by specie, breed, sex, approximate age, and other distinguishing traits; (2) the location at which the dog or cat was seized; (3) the date of seizure, (4) the name and address of the person from whom any dog or cat three months of age or over was received; and, (5) the name and address of the person to whom any dog or cat three months of age or over was transferred. If unclaimed, such dog or cat shall be humanely destroyed and the carcass disposed of, unless it is requested by a licensed educational or scientific institution under authority of Minnesota

Statutes, Section 35.71. Provided, however, that if a tag affixed to the dog or cat, or a statement by the dog's or cat's owner after seizure specifies that the dog or cat should not be used for research, such dog or cat shall not be made available to any such institution but may be destroyed after the expiration of the five-day period.

Upon impounding of any dog or cat, the owner shall be notified, or if the owner is unknown, a written Notice of Impoundment shall be posted for 5 (five) days at the Police Station and the City Hall.

Notice of Impoundment shall include date of impoundment, sex, color, breed, approximate age, and name of owner if known, date and time the animal must be claimed before said animal will be disposed of.

Impounded dog or cat will be released to the owner if the owner is a resident of the City of Lambertton, has a current animal license. If unlicensed the owner will have to obtain a license and pay all fees associated with the impoundment before the animal is released to them.

If the owner of the impounded animal is not a resident of the City of Lambertton, the animal will be released to them after the dog or cat has been immunized for rabies, payment with all fees associated with the impoundment and vaccinations.

J. Immobilization

For the purpose of enforcement of this Ordinance, any peace officer, or person whose duty is animal control, may use a so-called tranquilizer gun or other instrument for the purpose of immobilizing and catching a dog or cat.

K. Dangerous Dogs

Dangerous Dogs. No person may own, possess, keep, harbor, maintain or otherwise have a dangerous dog in the City.

1. **Notice of Potentially Dangerous or Dangerous Dogs.** If after an investigation conducted by the animal control officer or a Lambertton Police Officer, it is determined that a dog is potentially dangerous or dangerous according to the criteria described in Section 1, the animal control officer or Lambertton Police Department will serve a notice of intent to declare the dog potentially dangerous or dangerous dog on the owner of the dog in question. This notice shall inform the owner of this designation, the basis for the determination, the procedures for contesting the designation as described in Subdivision 2 below, and the result of the failure to contest the designation as described in Subdivision H. below.
2. **Contesting Declaration of Dangerous or Potentially Dangerous Dogs.** If the owner of a dog has received a notice of intent to declare a dog as a potentially dangerous or dangerous dog, the owner may request that a hearing be conducted to determine whether or not such a designation is justified. This request must be made in writing and delivered to the animal control officer or Lambertton Police Department within fourteen (14) days of receipt of the notice of intent to declare a dog as potentially dangerous or dangerous.
3. **Initial Review.** Upon receipt of such request, the animal control officer or Lambertton Police Department will forward the request along with all necessary supporting documentation to the City Attorney. The City Attorney will make an initial review of the evidence supporting the notice designation to convene a hearing of the Animal Control Review Panel. If there is insufficient evidence supporting the designation, the City Attorney shall withdraw the designation and none of the requirements of this ordinance applying to dangerous or potentially dangerous dogs shall apply to the dog in question. If there is sufficient evidence that the Review Panel could uphold the designation, the City Attorney will cause this notice to be brought to the attention of the Review Panel that will conduct the hearing.
4. **Hearing Procedure.** This Review Panel will consist of two council members as appointed by the Mayor, and an elector who resides within the City. The panel will schedule a hearing and may call witnesses and review documents as needed to make a determination on the issue. Owners shall have the right to present evidence on their behalf and to cross-examine any witnesses. A simple

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majority of the members of the panel is necessary for a finding that the dog is either dangerous or potentially dangerous. The burden of proof is on the animal control officer or Lambertton Police Department. A finding supporting a designation of dangerous or potentially dangerous dog must be proven by a preponderance of the evidence. The decision of the Panel shall be in writing and shall indicate the reasons for the findings. A copy of the findings shall be provided to the animal control officer, Lambertton Police Department, and the dog owner.

5. **Effect of Findings that Dog is Dangerous.** If the panel finds there is sufficient basis to declare a dog as potentially dangerous or dangerous, that finding will serve as notice to the owner that the dog is in fact a potentially dangerous or dangerous dog. Within fourteen (14) days after the owner has received notice that the dog is dangerous, the owner or the owner must cause the dog to be humanely destroyed or removed from the City limits.
6. **Appeal.** If the owner of the dog disputes the decision of the Review Panel, the owner shall have the right to appeal the decision to the Lambertton City Council. The appeal must be filed with the City Clerk within fourteen (14) days of the panel's ruling. If the owner of the dog disputes the findings of the City Council, the owner may appeal to the Minnesota Court of Appeals as provided by state law.
7. **Mayor to Appoint Veterinarian and Substitute Panel Members.** The Mayor of the City of Lambertton may appoint a veterinarian to serve on the hearing panel on a voluntary basis in lieu of the elector. Such appointment shall continue in effect until the appointee resigns or is replaced by the Mayor. In the event the veterinarian is temporarily unavailable or has a personal interest in the outcome of the proceeding, the Mayor may appoint another veterinarian to replace the initial appointee on the Panel. In addition, in the event either of the city council members are temporarily unavailable or have a personal interest in the outcome of the proceeding, the Mayor may appoint other members of the city council or city staff to sit in their place.
8. **Failure to Contest Notice of Intent to Declare.** If the owner of a dog receives a notice from the animal control officer or Lambertton Police Department of the intent to declare the dog as potentially dangerous or dangerous, and the owner fails to contest that notice within fourteen (14) days, the owner shall be considered as having forfeited the right to the hearing described in Subdivision D and as having consented to the designation of the dog as potentially dangerous or dangerous by default. The animal control officer or Lambertton Police Department will then issue a declaration of dangerous or potentially dangerous dog to the owner. Within fourteen (14) days after the owner has received notice that the dog is dangerous, the owner must cause the dog to be humanely destroyed or removed from the City limits;
9. **Seizure of Dangerous Dogs and Violations.** The animal control officer shall or any police officer may immediately seize any dangerous dog and/or issue a citation to the owner of any dangerous dog if within fourteen (14) days after the owner has received notice that the dog is dangerous, the dog is not humanely destroyed or removed from the City limits.
10. **Exemptions.** Dogs may not be declared dangerous if the threat, injury or damage was sustained by a person;
 - a) who was at the time of injury committing or attempting to commit a willful trespass or other tort or crime upon the premises occupied by the dog; or
 - b) who was provoking, tormenting, teasing, abusing, or assaulting the dog or who can be shown to have repeatedly, in the past, provoked, tormented, teased, abused, or assaulted the dog;
 - c) who was committing or attempting to commit a crime.
 - d) **Law Enforcement Exemption.** The provisions of this section do not apply to trained dogs used by law enforcement personnel officials for police work.

L - Kennels

No person shall keep or maintain a kennel within the City of Lambertton. Because the keeping of six or more dogs or six or more cats on the same premises is subject to great abuse, causing discomfort to persons in the

area by way of smell, noise, hazard, and general aesthetic depreciation, the keeping of six or more dogs or six or more cats on the premises is hereby declared to be a nuisance.

The animal control officer or police officer may enter upon private land where there is reasonable cause to believe this section is being violated.

M – Summary Destruction

Notwithstanding the provisions set forth in this ordinance establishing the procedure to declare a dog dangerous, whenever the animal control officer or a police officer has reasonable cause to believe that a particular dog or cat presents a clear and immediate danger to residents of the City because it is infected with rabies or because of a clearly demonstrated vicious nature, said officer, after making reasonable attempts to impound such dog or cat, may summarily destroy said dog or cat.

Section 3: Non-Domestic Animals

It shall be illegal for any person to own, possess, harbor, or offer for sale, any non-domestic animal within the City limits. Any owner of such an animal at the time of adoption of this Code shall have thirty days in which to remove the animal from the City after which time the City may impound the animal as provided for in this Ordinance. An exception shall be made to this prohibition for animals specifically trained for and actually providing assistance to the handicapped or disabled, and for those animals brought into the City as part of an operating zoo, veterinarian clinic, scientific research laboratory, or a licensed show or exhibition.

Section 4: Farm Animals

It is unlawful for any person to keep any Farm Animals on premises within the City for more than 24 hours.

Exceptions are as follows:

1. Chickens (See Section 5 for Fowl Regulation)
2. Animals kept in an animal hospital or clinic for treatment by a licensed veterinarian.
3. Animals kept as part of a show.
4. Animals used in a parade.

Any person violating any provision of this Ordinance is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$1,000.00 or imprisonment in the county jail for not more than 90 days, or both, plus the costs of prosecution in any case.

Section 5: Chickens & Fowl

The keeping of chickens and other fowl are allowed with the following provisions:

- a. No more than six (6) chickens, duck or other fowl are allowed on any premises.
- b. No roosters are allowed.
- c. All fowl must be confined at all times in a coop or run.
- d. Fowl are not allowed to roam freely.
- e. Fowl feed must be stored in a rodent and raccoon proof container.
- f. The premises where the fowl are kept must be maintained in a healthy and sanitary condition and in a manner to prevent noxious or offensive odors being carried to the adjacent property.

Coops and Runs: Coops and Runs must be constructed and maintained in a way that satisfies the minimum standards established in this section.

A separate coop is required to house the chickens. A coop may not be attached to or located inside of any other structure, such as a home or garage. No more than one coop is permitted per lot. The coop and any run must be located in the rear yard of the property and comply with all setback requirements established by the City for any structure. Coops and Runs must not be placed in a utility easement.

A coop must be fully enclosed. A coop's maximum height shall not exceed six feet. The maximum total square area of the coop shall not exceed 24 square feet and must have at least 4 square feet per chicken. A coop must be at least 24 inches off the ground or, alternatively, placed on a concrete pad. The coop must have sufficiently sized windows to permit natural light inside and windows must be able to be open for ventilation. Sufficient ventilation and insulation is required. Coop building materials and exterior colors shall be like or compatible with any primary structure on the premises. The coop must be kept well drained. The coop must be rodent and predator proof. Coop designs must meet basic humane needs of chickens, including heat, cooling, food, water, and protection from the elements.

Any Run must be attached to a coop. A run and coop together shall have a maximum area of 120 square feet. A run must be fenced in on all sides and include a roof. The height of the run fence shall not exceed six feet. The coop must be removed within 30 days if the permit is revoked or allowed to expire.

Fowl or animals kept contrary to the provisions of this Ordinance are hereby declared a public nuisance and may be abated according to law.

Section 6: Penalties

Unless otherwise provided, violation of this ordinance is a misdemeanor punishable by a fine of up to \$1000.00 or imprisonment for up to 90 days. Violation of Section 2A is a petty misdemeanor punishable by a fine up to \$300.00.

Section 7: Repealed Animal Ordinances

That Ordinance No. 131 is hereby repealed in its entirety.

That Ordinance No. 146 is hereby repealed in its entirety.

That Ordinance No. 153 is hereby repealed in its entirety.

That Ordinance No. 156 is hereby repealed in its entirety.

Section 8: Animal Ordinance History Adoption & Updates

This ordinance shall become effective upon its passage and publication as provided by law.

Passed by the Lambertton City Council on this 13th day of May, 2024



Lydell Sik, Mayor



Valerie Halter, Clerk

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