

ORDINANCE NO. 2021-07

AN ORDINANCE AMENDING ORONOCO CITY CODE,
CHAPTER 91 – ANIMALS

THE CITY OF ORONOCO DOES ORDAIN:

SECTION 1. That Oronoco City Code, Chapter 91 – Animals, be amended as follows:

91. ANIMALS

CHAPTER 91: ANIMALS

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GENERAL PROVISIONS

§ 91.001 DEFINITIONS.

For the purpose of this chapter, the following definitions apply unless the context clearly indicates or requires a different meaning.

ANIMAL shall mean any mammal, reptile, amphibian, fish, bird (including all fowl and poultry), or other member commonly accepted as a part of the animal kingdom.

AT LARGE. Off the premises of the owner and not under the custody and control of the owner or other person, either by leash, cord, chain, or otherwise restrained or confined.

CAT. Both the male and female of the felidae species commonly accepted as domesticated household pets.

CHICKEN COOP. A completely enclosed and roofed-housing structure where hens are kept.

CHICKEN RUN. An outdoor space connected to the chicken coop or hen house that is completely bounded on all sides, including overhead, by a fence, cage, or wire.

DOG. A member of the canine species, commonly accepted as domesticated household pets.

DOMESTIC ANIMALS. Animals commonly accepted as domesticated household pets. Unless otherwise defined, **DOMESTIC ANIMALS** shall include dogs; cats; caged birds; domesticated chickens, as defined in this ordinance; gerbils; hamsters; guinea pigs;

domesticated rabbits; domesticated mice or rats; non-game fish; nonpoisonous, nonvenomous, and nonconstricting reptiles or amphibians; and other similar animals.

DOMESTICATED CHICKEN. A member of any subspecies of the species *Gallus domesticus*.

FARM ANIMALS. Any animal used for commercial sale or. Animals commonly associated with a farm or performing work in an agricultural setting. Unless otherwise defined, **FARM ANIMALS** shall include members of the equine family (horses, mules), bovine family (cows, bulls), sheep, poultry (chickens, other than those permitted in this chapter, turkeys), fowl (ducks, geese), swine (including Vietnamese pot-bellied pigs), goats, and other animals associated with a farm, ranch, or stable.

HEN. A female domesticated chicken.

NON-DOMESTIC ANIMALS. Any wild or exotic animal, reptile, or fowl which is not naturally tame or gentle, but is of a wild nature or disposition, and which, because of its size, vicious nature, or other characteristics would constitute a danger to human life or property.² Unless otherwise defined, **NON-DOMESTIC ANIMALS** shall include:

(A) Any member of the large cat family (family Felidae) including lions, tigers, cougars, bobcats, leopards, and jaguars;

(B) Any naturally wild member of the canine family (family Canidae) including wolves, foxes, coyotes, dingoes, and jackals;

(C) Any crossbreeds such as the crossbreed between a wolf and a dog, unless the crossbreed is commonly accepted as a domesticated house pet;

(D) Any member or relative of the marsupial or rodent family including any skunk (whether or not descended), raccoon, opossum, sugar glider, squirrel, or ferret;

(E) Any poisonous, venomous, constricting, or inherently dangerous member of the reptile or amphibian families including rattlesnakes, boa constrictors, pit vipers, crocodiles, and alligators; and

(F) Any other animal which is not explicitly listed above but which can be reasonably defined by the terms of this section, including but not limited to, bears, deer, monkeys, and game fish.

OWNER. Any person or persons, firm, association, or corporation owning, keeping, or harboring an animal.

ROOSTER. A male domesticated chicken.

(Prior Code, § 503.1)

§ 91.002 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. Any owner of a non-domestic animal at the time of adoption of this code shall have 30 days in which to remove the animal from the city after which time the city may impound the animal as provided for in this chapter. 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.

(Prior Code, § 503.3) Penalty, see § 10.99

§ 91.003 FARM ANIMALS.

It shall be illegal for any person to own, possess, harbor, or offer for sale any farm animal within the city. Notwithstanding the previous provision, it shall not be illegal to own, possess, harbor, or offer for sale farm animals within the city in the following circumstances:

(A) When animals are part of an operating zoo, are being treated at a veterinarian clinic, or being shown at a licensed exhibition.

(B) When animals are being housed on a property of at least three (3) acres in size. Farm animals shall be housed in a manner not to create a public or private nuisance. Multiple contiguous parcels owned by the same person or entity shall constitute one property for the purposes of this section.

(Prior Code, § 503.4) Penalty, see § 10.99

§ 91.004 NUISANCES.

(A) *Habitual barking.* It shall be unlawful for any person to keep or harbor a dog which habitually barks or cries. Habitual barking means barking audible off of the owner's or caretaker's premises for at least three intervals of at least five minutes each with less than one minute of interruption.

(B) *Damage to property.* It shall be unlawful for any person's animal to damage any lawn, garden, or other property, whether or not the owner has knowledge of the damage.

(C) *Running at large.* It shall be unlawful for the owner or person in possession of any animal to allow the animal to run at large in the city.

(D) *Domestic animal excrement.* It is unlawful for any person who owns or has custody of a domestic animal to defecate on any private property without the consent of the property owner or on any public property, unless such person immediately removes the excrement and places it in a proper receptacle. The provisions of this subsection shall

not apply to Seeing-Eye dogs under the control of a blind person or dogs while being used in city police activity.

(E) *Other.* It is unlawful for any person to keep any animal contrary to this Chapter.

(Prior Code, § 503.6) Penalty, see § 10.99

§ 91.005 SEIZURE OF ANIMALS.

Any licensed peace officer may seize any animal found to be in violation of this Chapter with permission of the owner of the property upon which the animal is found. No licensed peace officer shall enter private property to seize an animal, unless the officer has first obtained the permission of the property owner to do so or has obtained a warrant issued by a court of competent jurisdiction to search for and seize the animal. Any animals seized must be either returned to their owner or brought to the pound.

(Prior Code, § 503.7)

§ 91.006 DISEASED ANIMALS.

(A) *Danger to health and safety.* No person shall keep or allow to be kept on his or her premises, or on premises occupied by him or her, any animal which is diseased so as to be a danger to the health and safety of the city.

(B) *Confinement.* Any animal reasonably suspected of being diseased and presenting a threat to the health and safety of the public may be apprehended and confined in the pound by any authorized person or police officer, without need for a warrant. The officer shall have a qualified veterinarian examine the animal. If the animal is found to be diseased in a manner so as to be a danger to the health and safety of the city, the officer shall cause the animal to be painlessly killed and shall properly dispose of the remains. The owner or keeper of the animal killed under this section shall be liable to the city for the cost of maintaining and disposing of the animal, plus the costs of any veterinarian examinations.

(C) *Release.* If the animal, upon examination, is not found to be diseased, the animal shall be released to the owner or keeper free of charge.

(Prior Code, § 503.9) Penalty, see § 10.99

§ 91.007 BASIC CARE.

All owners or possessors of animals shall treat the animal humanely, provide appropriate housing to protect the animal from inclement weather, and provide sufficient food and water for the animal's health and comfort. Any person not treating her or his pet in a humane manner is guilty of a misdemeanor. (Prior Code, § 503.12) Penalty, see § 10.99

§ 91.008 BREEDING MORATORIUM.

Every non-spayed female dog or female cat in estrus shall be confined in a building or other enclosure in a manner that it cannot come in contact with another dog or cat except for planned breeding. Upon capture and failure to reclaim the animal, every dog or cat shall be neutered or spayed prior to being transferred to a new owner.
(Prior Code, § 503.13)

§ 91.009 ENFORCEMENT ING OFFICER.

The City Clerk or designee or any licensed peace officer may enforce the provisions of this chapter.
(Prior Code, § 503.14)

§ 91.010 POUND.

Council may designate an official pound or facility to which animals found in violation of this chapter shall be taken for safe treatment and, if necessary, for destruction.
(Prior Code, § 503.15) Penalty, see § 10.99

§ 91.011 INTERFERENCE WITH ENFORCEMENT OFFICERS.

No person shall in any manner molest, hinder, or interfere with any person authorized in this Chapter to capture dogs, cats, or other animals and convey them to the pound while engaged in that operation. Nor shall any unauthorized person break open the pound, or attempt to do so, or take or attempt to take from any agent any animal taken up by him or her in compliance with this section or in any other manner to interfere with or hinder the officer in the discharge of his or her duties under this chapter.
(Prior Code, § 503.16) Penalty, see § 10.99

DOMESTIC ANIMALS

§ 91.025 RUNNING AT LARGE PROHIBITED.

It shall be unlawful domestic animal to run at large. A person who owns, harbors, or keeps a domestic animal which runs at large shall be guilty of a misdemeanor.
(Prior Code, § 503.2) Penalty, see § 10.99

§ 91.026 DOGS ON LEASH.

Dogs on a leash and accompanied by a responsible person or accompanied by and under the control and direction of a responsible person, so as to be effectively restrained by command as by leash, shall be permitted on streets or on public land unless the city has posted an area with signs reading "Dogs Permitted in Playground Area Only If on Leash."
(Ord. 2017-5, passed 10-17-2017)

§ 91.027 VACCINATION.

(A) All dogs and cats kept, harbored, maintained, or transported within the city shall be vaccinated at least once every two years by a licensed veterinarian for rabies with a live modified vaccine and a certificate of vaccination must be kept by the owner 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.

(B) Upon demand made by the City Clerk, or designee, 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 City Clerk or designee. Failure to do so shall be deemed a violation of this section.

(Prior Code, § 503.2) Penalty, see § 10.99

§ 91.028 BITING ANIMALS.

(A) Any animal that has not been inoculated by a live modified rabies vaccine and which has bitten any person, wherein the skin has been punctured or the services of a doctor are required, shall be confined for a period of not less than ten days, at the expense of the owner. The animal may be released at the end of the time if healthy and free from symptoms of rabies, and the owner has paid all costs of confinement.

(B) If the owner of the animal shall elect immediately upon receipt of notice of need for the confinement by the officer to voluntarily and immediately confine the animal for the required period of time in a veterinary hospital of the owner's choosing, and provide immediate proof of confinement in the manner as may be required, the owner may do so.

(C) If a biting animal has been inoculated with a live modified rabies vaccine and the owner has proof of the vaccination by a certificate from a licensed veterinarian, the owner may confine the dog or other animal to the owner's property.

(Prior Code, § 503.5) Penalty, see § 10.99

§ 91.029 STOPPING AN ATTACK.

If any licensed peace officer is witness to an attack by an animal upon a person or another animal, the officer may take whatever means the officer deems appropriate to bring the attack to an end and prevent further injury to the victim.

§ 91.030 INJURING ANIMALS PROHIBITED.

Except as otherwise provided in this Chapter, it shall be unlawful to kill, destroy, or otherwise cause injury to any animal, including dogs and cats running at large.

IMPOUNDING

§ 91.040 NOTICE TO OWNER.

(A) The City Clerk or designee must notify the owner, if known, of any animal brought to the pound by first class mail or by personal service of any animal impounded in accordance with (C) of this section.

(B) In case the owner is unknown, the officer shall post notice at the City Hall that if the dog or other animal is not claimed within the time specified, it will be sold or otherwise disposed of.

(C) The notice shall set forth:

- (1) Where and when the animal was seized;
- (2) The animal's gender, color, breed, and approximate age;
- (3) The name of owner (if known); and
- (4) The date and approximate time that the animal will be sold, transferred for adoption, or destroyed unless claimed and redeemed.

§ 91.041 RECLAIMING.

(A) All animals conveyed to the pound shall be kept, with humane treatment and sufficient food and water for their comfort, for the periods of time provided in this section, unless sooner reclaimed by their owner or keeper in accordance with this section. For all animal, at least six (6) regular business days. Dangerous animals shall be kept for seven (7) regular business days. Cruelly-treated animals shall be kept for ten (10) regular business days.

(B) In case the owner or keeper shall desire to reclaim the animal from the pound, the following shall be required, unless otherwise provided for in this code or established from time to time by resolution of the City Council or in the City's established fee schedule.

- (1) Payment of the release fee and receipt of a release permit as established by the City Council; and
- (2) Payment of maintenance costs, per day or any part of a day, while animal is in the confined.

(Prior Code, § 503.5) Penalty, see § 10.99

§ 91.042 UNCLAIMED ANIMALS.

(A) If an animal has not been reclaimed within the time allotted in accordance with the provisions of this section, the officer appointed to enforce this chapter may let any person claim the animal by complying with all provisions in this chapter or the officer may sell the animal to the University of Minnesota, or cause the animal to be destroyed in a proper and humane manner and shall properly dispose of the remains thereof.

(B) Any money collected under this section shall be payable to the City Clerk.

(Prior Code, § 503.5) Penalty, see § 10.99

DANGEROUS ANIMALS

§ 91.055 ATTACK BY AN ANIMAL.

It shall be unlawful for any person's animal to inflict or attempt to inflict bodily injury to any person or other animal whether or not the owner is present. This section shall not apply to an attack by a dog under the control of an on-duty law enforcement officer or to an attack upon an uninvited intruder who has entered the owner's home with criminal intent.

(Prior Code, § 503.10) Penalty, see § 10.99

§ 91.056 DEFINITIONS.

For the purpose of this subchapter, the following definitions apply unless the context clearly indicates or requires a different meaning.

DANGEROUS ANIMAL. An animal which has:

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

GREAT BODILY HARM. "Great bodily harm" has the meaning given it under M.S. § 609.02, subdivision 8, as amended from time to time.

POTENTIALLY DANGEROUS ANIMAL. An animal which has:

- (1) when unprovoked, inflicts bites on a human or domestic animal on public or private property;
- (2) when unprovoked, chases or approaches a person, including a person on a bicycle, upon the streets, sidewalks, or any public or private property, other than the animal owner's property, in an apparent attitude of attack; or
- (3) has a known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.

PROVOCATION. An act that an adult could reasonably expect may cause a dog to attack or bite.

PROPER ENCLOSURE. A proper enclosure means:

- (A) Securely confined indoors or in a securely enclosed and locked pen or structure suitable to prevent the animal from escaping and providing protection from the elements for the animal. A proper enclosure does not include a porch, patio, or any part of a house, garage, or other structure that would allow the animal to exit of its own volition,

or any house or structure in which windows are open or in which door or window screens are the only obstacles that prevent the animal from exiting.

(B) A pen or kennel shall meet the following minimum specifications to be a **PROPER ENCLOSURE**:

- (1) Have a minimum overall floor size of 32 square feet;
- (2) Sidewalls shall have a minimum height of five feet and be constructed of 11 gauge or heavier wire. Openings in the wire shall not exceed two inches and support posts shall be 13-inches or larger, steel pipe buried in the ground 18 inches or more. When a concrete floor is not provided, the sidewalls shall be buried a minimum of 18 inches in the ground; and
- (3) A cover over the entire pen or kennel shall be provided. The cover shall be constructed of the same gauge wire or heavier as the sidewalls and shall also have no openings in the wire greater than two inches.

(C) An entrance/exit gate shall be provided and be constructed of the same material as the sidewalls and shall also have no openings in the wire greater than two inches. The gate shall be equipped with a device capable of being locked and shall be locked at all times when the animal is in the pen or kennel.

SUBSTANTIAL BODILY HARM. "Substantial bodily harm" has the meaning given it under M.S. § 609.02, subdivision 7a, as amended from time to time.

UNPROVOKED. The condition in which the animal is not purposely excited, stimulated, agitated, disturbed, or otherwise provoked.
(Prior Code, § 503.10)

§ 91.057 DESIGNATION AS POTENTIALLY DANGEROUS ANIMAL.

The City Clerk or designee shall designate any animal as a potentially dangerous animal upon receiving evidence that the potentially dangerous animal has, when unprovoked, bitten, attacked, or seriously threatened the safety of a person or a domestic animal. When an animal is declared potentially dangerous, the City Clerk or designee shall cause one owner of the potentially dangerous animal to be notified in writing that the animal is potentially dangerous.

(Prior Code, § 503.10)

§ 91.058 DANGEROUS ANIMAL DESIGNATION.

(A)The City Clerk or designee have the authority to designate any animal as a dangerous animal upon receiving evidence of the following:

- (1) The animal has, when unprovoked, bitten, attacked, or threatened the safety of a person or domestic animal; or
- (2) The animal has been declared potentially dangerous and the animal has then bitten, attacked, or seriously threatened the safety of a person or domestic animal.

(B) *Exceptions.* An animal may not be declared dangerous if the threat, injury, or damage was sustained by a person:

(1) who was committing, at the time, a willful trespass or other tort upon the premises occupied by the owner of the animal;

(2) who was provoking, tormenting, abusing, or assaulting the animal or who can be shown to have repeatedly, in the past, provoked, tormented, abused, or assaulted the animal; or

(3) who was committing or attempting to commit a crime.

(C) *Designation review.* Beginning six months after an animal is declared a dangerous animal, an owner may request annually that the City Clerk or designee review the designation. The owner must provide evidence that the animal's behavior has changed due to the animal's age, neutering, environment, completion of obedience training that includes modification of aggressive behavior, or other factors. If the City Clerk or designee finds sufficient evidence that the animal's behavior has changed, the authority may rescind the dangerous animal designation.

(Prior Code, § 503.10)

§ 91.059 PROCEDURE.

(A) *Notice.* After an animal is designated dangerous, the City Clerk or designee shall notify the owner of the dangerous animal in writing by either certified mail or personal service that the animal is dangerous. Service upon one owner shall be effective as to all owners. This notice shall comply with all requirements of M.S. § 347.541, subdivision 3.

(B) *No appeal.* If no appeal is filed, and the City Clerk or designee does not receive an application for registration for the dangerous animal or proof of the death or transfer of ownership of the animal, a licensed peace officer shall obtain an order or warrant authorizing the seizure and the destruction of the animal from a court of competent jurisdiction, unless the animal is already in custody or the owner consents to the seizure and destruction of the animal.

(C) *Hearing.* If an owner requests a hearing, the hearing shall be held before a hearing officer. The hearing officer shall be an impartial City employee, a person retained by the City to conduct the hearing, or the City Council. The hearing officer shall set a date for hearing not more than three weeks after demand for the hearing. The records of the City Clerk officer shall be admissible for consideration by the hearing officer without further foundation. After considering all evidence and testimony the hearing officer deems proper, the hearing officer shall issue a decision on the matter within ten days after the hearing. The decision must be delivered to the animal's owner by hand delivery or registered mail as soon as practical and a copy must be provided to the City Clerk or designee. The hearing officer's order may order a licensed peace officer take the adjudicated dangerous animal into custody for destruction, if the animal is not currently in custody. In the event that the dangerous animal declaration or order to destroy is upheld by the hearing officer, actual expenses of the hearing up to a maximum of \$1,000 will be the responsibility of the animal's owner.

(D) *Destruction*. If the animal is ordered into custody for destruction, the owner shall immediately make the animal available to the City Clerk or designee. If the owner does not immediately make the animal available, the licensed peace shall obtain an order or warrant authorizing the seizure and the destruction of the animal from a court of competent jurisdiction. No person shall harbor an animal after it has been found to be dangerous and ordered into custody for destruction.
(Prior Code, § 503.10) Penalty, see § 10.99

§ 91.060 AUTHORITY TO ORDER DESTRUCTION.

(A) Order and findings. The City Clerk or designee upon finding that an animal is dangerous hereunder, may also order the dangerous animal be destroyed by issuing a written order containing one or more of the following findings of fact:

- (1) the animal inflicted substantial or great bodily harm on a human on public or private property without provocation;
- (2) the animal inflicted multiple bites on a human on public or private property without provocation;
- (3) the animal bit multiple human victims on public or private property in the same attack without provocation; or
- (4) the animal bit a human on public or private property without provocation in an attack where more than one animal participated in the attack.

(B) A copy of said order shall be served on the owner with a notice giving the owner fourteen (14) days to comply with the order or appeal the decision. After fourteen (14) days the owner waives the right to an appeal hearing, and a licensed peace officer shall obtain an order or warrant authorizing the seizure and destruction of the animal from a court of competent jurisdiction.

(C) An order for destruction under this section shall not be carried out until the owner of the dangerous animal has an opportunity to be heard at an appeals hearing conducted by a hearing officer, under the same process found in §91.059 (C)-(D).

§ 91.061 REGISTRATION

(A) No person may own a dangerous animal in the City unless the animal is registered as provided in this section.

(B) The City Clerk or designee shall issue a certificate of registration to the owner of a dangerous animal if the owner presents sufficient evidence that:

(1) a proper enclosure exists for the dangerous animal and a posting on the premises with a clearly visible warning sign that there is a dangerous animal on the property, including a warning symbol to inform children;

(2) a surety bond issued by a surety company authorized to conduct business in Minnesota in a form acceptable to the City Clerk or designee in the sum of at least \$300,000, payable to any person injured by the dangerous animal, or a policy of liability

insurance issued by an insurance company authorized to conduct business in Minnesota in the amount of at least \$300,000, insuring the owner for any personal injuries inflicted by the dangerous animal;

(3) the owner has paid an annual dangerous animal registration fee of not more than \$500, set in the City fee schedule, as it shall be amended from time to time;

(4) if the animal is a dog, the owner has had microchip identification implanted in the dangerous dog as required under M.S. § 347.515.

(D) The owner of a dangerous animal must register the animal with the City Clerk or designee until the animal is deceased. If the animal is removed from the jurisdiction, it must be registered as a dangerous animal in its new jurisdiction.

(E) An owner of a dangerous animal must notify the City Clerk or designee in writing of the death of the animal or its transfer to a new location where the animal will reside within 30 days of the death or transfer, and must, if requested by the City Clerk or designee, execute an affidavit under oath setting forth either the circumstances of the animal's death and disposition or the complete name, address, and telephone number of the person to whom the animal has been transferred or the address where the animal has been relocated.

(F) A person who transfers ownership of a dangerous animal must notify the new owner that the City Clerk or designee has identified the animal as dangerous. The current owner must also notify the City Clerk or designee in writing of the transfer of ownership and provide the City Clerk or designee with the new owner's name, address, and telephone number.

§ 91.062 REQUIREMENTS.

(A) An owner of a dangerous animal shall keep the animal, while on the owner's property, in a proper enclosure. If the animal is outside the proper enclosure, the animal must be restrained by a substantial chain or leash and under the physical restraint of a responsible person and, if a dog, muzzled. The muzzle must be made in a manner that will prevent the dog from biting any person or animal but that will not cause injury to the dog or interfere with its vision or respiration.

(B) A dangerous animal must be sterilized at the owner's expense. If the owner does not have the animal sterilized within 30 days of declaration as a dangerous animal, a licensed peace officer shall seize the animal and have it sterilized at the owner's expense.

(C) An owner of a dangerous animal who rents property from another where the animal will reside must disclose to the property owner prior to entering the lease agreement and at the time of any lease renewal that the person owns a dangerous animal that will reside at the property.

(D) An owner of a dangerous animal must post front and the rear of the premises with clearly visible warning signs, including a warning symbol to inform children, that there is a dangerous animal on the property as specified in M.S. § 347.51, as it may be amended from time to time;

(E) If the animal is a dog, it must have an easily identifiable, standardized tag identifying the dog as dangerous affixed to its collar at all times as specified in M.S. § 347.51, as it may be amended from time to time.

(F) The animal must be up to date on rabies vaccination.

(Prior Code, § 503.11)

§ 91.063 SEIZURE.

As authorized by M.S. § 347.54, as it may be amended from time to time, a licensed peace officer shall immediately seize any dangerous animal if the owner does not meet each of the above requirements within fourteen (14) days after the notice is sent to the owner that the animal is dangerous. Seizure may be appealed to district court by serving a summons and petition upon the city and filing it with the district court.

(Prior Code, § 503.11)

§ 91.064 RECLAIMING ANIMALS.

A dangerous animal seized may be reclaimed by the owner of the animal upon payment of impounding and boarding fees and presenting proof to the City Clerk or designee that each of the requirements under § 91.064 is fulfilled. An animal not reclaimed under this section within 14 days may be disposed of as provided, and the owner is liable to the city for costs incurred in confining and impounding the animal.

(Prior Code, § 503.11)

§ 91.065 SUBSEQUENT OFFENSES.

(A) If an owner of an animal has subsequently violated the provisions with the same animal, the animal must be seized by the City Clerk or designee. The owner may request a hearing.

(B) If the owner is found to have violated the provisions for which the animal was seized, the City Clerk or designee shall order the animal destroyed in a proper and humane manner and the owner shall pay the costs of confining the animal.

(C) If the person is found not to have violated the provisions for which the animal was seized, the owner may reclaim the animal under the provisions of § 91.066.

(D) If the animal is not yet reclaimed by the owner within 14 days after the date the owner is notified that the animal may be reclaimed, the animal may be disposed of and the owner is liable to the City Clerk or designee for the costs incurred in confining, impounding, and disposing of the animal.

(Prior Code, § 503.11)

KENNELS

§ 91.080 REQUIREMENT.

In order to keep three or more of any one species on one premise with the intent of breeding, raising primarily for the purpose of sale, training, or boarding for gain or profit, a kennel permit is required. Applications for kennel permits shall be processed and approved through the City Clerk or designee.

(Prior Code, § 503.17)

§ 91.081 ISSUANCE OF KENNEL PERMITS.

An annual kennel permit shall be issued at a fee as determined by the City Council pursuant to resolution, or pursuant to Oronoco City Code § 33.01. Permits shall be prorated monthly.

(Prior Code, § 503.17)

§ 91.082 STIPULATIONS.

All premises issued a kennel permit must be maintained in such way that animals are: kept free of all contamination and diseases, provided sufficient enclosures and housing so as to keep the pets on the owner's premises; kept in a clean and sanitary manner, devoid of rodents and vermin; and free from objectionable odors, noises, and other nuisances affecting the public.

(Prior Code, § 503.17)

§ 91.083 REVOCATION.

The City Council may revoke a kennel permit for violation of any of the requirements contained in this chapter or the violation of any other code provision pertaining thereto. Before revoking any permit, the city shall notify the owner by personal service or certified mail of its intention to do so stating the grounds upon which the permit is being revoked and giving the permit holder the right to a hearing before the City Council. Any request for hearing by a permit holder must be submitted in writing to the City Clerk no later than ten days following service of the notice of revocation. If the permit holder within the ten days requests a hearing in compliance with the provisions established herein, a hearing shall be held before the City Council to determine whether the permit should be revoked. Following the hearing, the City Council shall, by resolution, make a determination whether the revocation should occur and the basis for it. If no request for a hearing is received by the City Clerk within the ten days as set forth above, then the revocation shall be effective on the tenth day following-service of the revocation notice.

(Prior Code, § 503.17)

DOMESTIC CHICKENS

- 91.090 Purpose
- 91.091 Permit Required
- 91.092 Permit Term and Fee
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§ 91.090 PURPOSE.

The purpose of the Oronoco Domestic Chicken Ordinance is to permit the clean and sanitary keeping of up to five (5) hens in a manner that is not a nuisance to the public health, safety, and welfare of the community.

§ 91.091 PERMIT REQUIRED.

No person shall keep chickens in the City without a permit. The permit shall be subject to all terms and conditions of this chapter and any additional conditions deemed necessary by the council to protect the public health, safety, and welfare. Chicken permits may only be issued to single family residences in any zoning district. Coops and runs under this section will be exempt from and not counted towards the limits of detached accessory building as provided by Chapter 151 of the City Code of Ordinances.

§ 91.092 PERMIT TERM AND FEE.

The annual fee for a chicken permit must be paid at the time of initial application and annually at the time of renewal thereafter. The annual chicken permit fee is \$20. Said fee is non-refundable and will not be pro-rated. Each permit issued under this ordinance shall expire on December 31 in the year of issuance, unless sooner revoked, in accordance with the procedures in this chapter.

§ 91.093 APPLICATION.

An applicant must complete an application form provided by the City Clerk. The application must contain: the name of the applicant; the address where chickens are to be kept; a copy of any Housing Owner Association bylaws, if applicable to the proposed property; and a statement certifying the applicant will follow all rules and regulations of this chapter. No permit shall be issued to a residence subject to a Housing Owner Association bylaw forbidding chickens.

§ 91.094 PERFORMANCE STANDARDS.

Chickens must be kept in accordance with the following standards:

- (A) A maximum of five (5) hens are allowed at one time.
- (B) Roosters are not allowed.
- (C) Butchering and or slaughtering of chickens is not allowed.
- (D) Chickens shall not be kept in residence, porch or attached garage.
- (E) Chickens must be confined in a coop or run. Chickens shall be secured in the chicken coop during non-daylight hours. During daylight hours, chickens may be in the run or coop.
- (F) The coop and run must be properly designed and constructed to provide adequate security from rodents, wild birds, and predators while also providing sufficient ventilation.

(G) The chicken coop and run must meet the following standards:

1. The chicken coop and run must be located in the backyard of the residence, at least ten (10) feet from any property line and at least twenty (20) feet from any neighboring residence.
2. The combined maximum area for the coop and run structures is five hundred (500) square feet.
3. The maximum height for a coop and run is seven (7) feet measured from the ground to the top of the structure.
4. The chicken coop shall provide a minimum of one (1) square foot of area per chicken, in addition to a single, separate one (1) square foot area for roosting or egg-laying.

(H) Adequate feed and water shall be continuously provided for the chickens, with protection against freezing. Feed supplies shall be stored in rodent proof containers.

(I) Owners must prevent unwanted odor in the chicken coop, by using the deep bedding method or other similar odor-control measures. Noxious odors shall not spread to neighboring properties.

(J) The owner must dispose of waste materials (feed, manure and litter) in an environmentally responsible manner. The materials can be composted or bagged and disposed of in the trash. Piling waste materials on the property is not acceptable.

(K) Dead chickens must be removed from the property within 24 hours of death and in accordance with the MN Board of Animal Health guidelines found in the Livestock Disposal Guide (<https://www.bah.state.mn.us/media/Carcass-Disposal-Guide.pdf>).

§ 91.095 ENFORCEMENT.

The City Clerk or designee must obtain permission of the property owner to inspect any chicken coop and/or run in response to any complaints of: unlicensed chickens; excess chickens; excess odor or noise; unsanitary conditions; the presence of roosters; or any other violation of this subchapter. If the owner refuses, a licensed peace officer must obtain a warrant to enter the property and search for and seize any evidence of violations, including, but not limited to, seizing roosters, unlicensed chickens, excess chickens, or chickens kept in unsanitary conditions.

The City Council may revoke a chicken permit for any violation of this ordinance following written notice to the permit holder. Before revoking any chicken permit, the City shall notify the owner by personal service or certified mail of its intention to do so by stating the grounds upon which the permit is being revoked and giving the permit holder the right to a hearing before the City Council. Any request for hearing by a permit holder

must be submitted in writing to the City Clerk no later than ten days following service of the notice of revocation. If the permit holder within the ten days requests a hearing in compliance with the provisions established herein, a hearing shall be held before the City Council to determine whether the permit should be revoked. Following the hearing, the City Council shall, by resolution, make a determination whether the revocation should occur and the basis for it. If no request for a hearing is received by the City Clerk within the ten days as set forth above, then the revocation shall be effective on the tenth day following service of the revocation notice.

Any person whose permit is revoked shall, within ten days thereafter, humanely dispose of all chickens being owned, kept, or harbored by such person. Failure to comply with these conditions may result in the removal and destruction of all chickens from the premises.

Any person violating any conditions of this permit shall reimburse the city for all costs incurred by the city to enforce the conditions of the permit.

SECTION 2. That this ordinance shall take effect upon its publication.

Passed by the City Council of the City of Oronoco, Minnesota, this 22nd day of September, 2021.

Ryland Eichbaum
Mayor

Attested By:

Jeulyn Horton
City Clerk