

CHAPTER 90: ANIMALS

Section

Dogs and Other Domestic Animals

- 90.001 Definitions
- 90.002 Enforcement
- 90.003 Right of entry
- 90.004 Running at large prohibited
- 90.005 Wild or vicious animals prohibited
- 90.006 Animal Control Officer
- 90.007 Interfering with Animal Control Officer
- 90.008 Rabies vaccination requirements
- 90.009 Impoundment of rabies suspects
- 90.010 Confinement of animals with history of biting
- 90.011 Abandonment of animals
- 90.012 Dog license required
- 90.013 Dog license fee and application
- 90.014 Unauthorized use of dog license receipts, tags of inoculation certificates
- 90.015 Limit on number of dogs and cats
- 90.016 Dog tags
- 90.017 Impounding dogs
- 90.018 Impounding stray dogs
- 90.019 Disposition of certain diseased or dangerous dogs or other animals
- 90.020 Redemption of dogs and other animals
- 90.021 Possession of nuisance animals
- 90.022 Dogs disturbing the peace; enforcement
- 90.023 Cleaning up litter
- 90.024 Dangerous or potentially dangerous dogs
- 90.025 Permits for commercial dog kennels; permits for keeping more than three dogs over the age of six months

Animals; Fowl

- 90.040 Animals kept within city limits
- 90.041 Stables
- 90.042 Animals, fowl within city limits; permits
- 90.043 Application for permit

- 90.044 Duration of permit; fee
- 90.045 Conditions for keeping animals; revocation
- 90.046 Refusal to grant permit
- 90.047 Pens; yards
- 90.048 Animals, fowl at large
- 90.049 Manure

Beekeeping

- 90.060 Definitions
- 90.061 Purpose
- 90.062 Colony location
- 90.063 Colony density
- 90.064 Required conditions
- 90.065 Registration
- 90.066 Inspections
- 90.067 Appeal and hearing procedure

Trapping

- 90.080 Purpose
- 90.081 Definitions
- 90.082 Violations
- 90.083 Exceptions

- 90.999 Penalty

DOGS AND OTHER DOMESTIC ANIMALS

§ 90.001 DEFINITIONS.

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

ANIMAL CONTROL OFFICER. The person contracted with by the City Council, designated as such by it, to perform the duties prescribed by this subchapter as an independent contractor.

AT LARGE. When a dog it is off the property of the person owning, harboring, or keeping a dog and it is not under restraint.

CITATION. A notice or complaint issue by the Animal Control Officer to the owner of any animal apprising the owner of one or more violations of this subchapter.

COMMERCIAL KENNEL. A place where more than three dogs of over six months age are kept for purposes of breeding, sale, or boarding.

DOG KENNEL. Any place, building, tract of land, boat, or vehicle wherein or whereupon dogs are kept, congregated, or confined, the dogs having been obtained from municipalities, dog pounds, dog auction, or by advertising for unwanted dogs, or dogs abandoned or stolen.

OWNER. Any person owning, keeping, harboring, or acting as custodian of a dog or other domesticated animal.

PERSON. Any individual, firm, partnership, or corporation.

PREMISES. Any building, structure, shelter, or land whereon dogs or other animals are kept or confined.

PUBLIC NUISANCE ANIMAL OR ANIMALS. Any animal or animals which:

- (1) If dog or dogs is/are repeatedly found at large;
- (2) Damages the property of anyone other than its owner;
- (3) Is/are vicious animal(s);
- (4) Causes fouling of the air by odor;
- (5) Causes unsanitary conditions of enclosures or surroundings;
- (6) By virtue of number of types of animals maintained are offensive or dangerous to the public health, safety, or welfare;
- (7) Excessively makes disturbing noises;
- (8) Molests passer(s)by or passing vehicles; or
- (9) Attacks other domestic animals.

UNDER RESTRAINT. On the premises of the person harboring or keeping the dog; within a private motor vehicle of a person owning, harboring, or keeping the dog; or controlled by a leash not exceeding six feet in length.

VETERINARY HOSPITAL. Place for the treatment, hospitalization, surgery, care, and boarding of animals or birds, which place is owned and operated by a licensed veterinarian.

VICIOUS ANIMAL OR ANIMALS. Any animal or animals which constitute a physical threat to human beings or other animals by virtue of one or more attacks of such severity as to cause property damage or physical injury, however slight.

(Prior Code, § 6-2-1)

§ 90.002 ENFORCEMENT.

The provisions of this subchapter shall be enforced by the Animal Control Officer and those officers designated in this subchapter. The Animal Control Officer and Wright County Sheriff's office may issue citations for violations of this subchapter.

(Prior Code, § 6-2-2)

§ 90.003 RIGHT OF ENTRY.

The Animal Control Officer shall have the right to enter upon any premises at all reasonable times, in accordance with § 10.20, for the purpose of discharging the duties imposed by this subchapter where there is a reasonable belief that a violation of this subchapter has been committed.

(Prior Code, § 6-2-3)

§ 90.004 RUNNING AT LARGE PROHIBITED.

No dog shall be allowed by its owner to run at large, and every owner of a dog shall cause the same to be:

(A) Confined to the owner's property by training, fencing, or leashing, and females in heat shall be confined in an enclosure and so kept and confined therein during the entire period and until the dogs shall not attract other dogs on account thereof;

(B) While in any public place such as a school, playground, or a park, to be on a leash, chain, or cord of not more than

six feet in length and in the custody of a person of sufficient age to adequately control the dog at all times; and

(C) While in all other areas such as on a public street or in an automobile, to be in the custody of a person of sufficient age to adequately control the dog at all times and to have and keep the dog under control.

(Prior Code, § 6-2-5) Penalty, see § 90.999

§ 90.005 WILD OR VICIOUS ANIMALS PROHIBITED.

No person shall keep or allow to be kept any place in the city an animal of a ferocious or vicious character, habit, or disposition, or any animal which is wild by nature.

(Prior Code, § 6-2-6) Penalty, see § 90.999

§ 90.006 ANIMAL CONTROL OFFICER.

(A) The City Council may appoint or designate an Animal Control Officer to enforce the provisions of this subchapter and to perform the duties in connection with the enforcement thereof as the City Administrator or the code of ordinances may direct. The City Administrator may authorize, at the times as he or she may deem necessary, persons designated under Animal Control Officer to purchase equipment for the purpose of capturing and conveying to an animal pound all animals in violation of this code.

(B) The designee shall be under the supervision of the Animal Control Officer and the City Administrator and may be authorized to issue violation tags and to carry and display appropriate badges or identification.

(Prior Code, § 6-2-7)

§ 90.007 INTERFERING WITH ANIMAL CONTROL OFFICER.

No person shall in any manner molest, hinder, or interfere with the Animal Control Officer or designee employed directly or by contract with the city to capture animals and convey them to the animal pound while the person is engaged in the occupation. Whoever violates this section shall be guilty of a misdemeanor.

(Prior Code, § 6-2-8) Penalty, see § 90.999

§ 90.008 RABIES VACCINATION REQUIREMENTS.

(A) All dogs and cats, over the age of six months, kept, harbored, maintained, or transported within the city shall have current vaccinations given by a licensed veterinarian for rabies.

(B) A copy of certificate of vaccination shall be provided to the Animal Control Officer or designee.

§ 90.009 IMPOUNDMENT OF RABIES SUSPECTS.

(A) Any dog or cat not vaccinated in accordance with §§ 90.008 and 90.010 which has bitten any person and caused an abrasion or puncture of the skin of a person shall be seized and impounded under the supervision of a licensed veterinarian or at the city contract kennel facility for a period of not less than ten days. If, after a complete examination by a veterinarian the dog or cat has no clinical sign of rabies, it may be released to the owner upon the condition that the owner have the animal vaccinated as required by §§ 90.008 and 90.010 and licensed as required by § 90.013. 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 or cat not vaccinated in accordance with §§ 90.008 and 90.010 and which has bitten any person to refuse to release the dog or cat and make it immediately available to the Animal Control Officer for the purpose of quarantine.

(B) Any dog or cat vaccinated in accordance §§ 90.008 and 90.010 which has bitten any person shall be confined by the owner or other responsible person in such manner as the Animal Control Officer may direct and for a period of not less than ten days. The Animal Control Officer or authorized representative shall conduct a mid-term and terminal

examination of the animal. If no signs of rabies are observed by the Animal Control Officer, 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 or cat which has bitten any person to refuse or fail to quarantine the dog or cat as required by this division (B). The Animal Control Officer or his or her agent shall seize any dog or cat not quarantined in accordance with this division (B).

(C) Any other animal which has bitten any person and caused an abrasion or puncture of the skin of a person shall be seized and impounded under the supervision of a licensed veterinarian or at the city contract kennel facility for a period of not less than ten days. If after a complete examination by a veterinarian the animal has no clinical signs of rabies, the animal may, with the approval of the Animal Control Officer, 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 the animal and make it immediately available to the Animal Control Officer 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 Animal Control Officer by the attending veterinarian or operator of the quarantine facility. The Animal Control Officer shall then take possession of the animal for the purposes of determining if it is suffering from rabies.

(Prior Code, § 6-2-11) Penalty, see § 90.999

§ 90.010 CONFINEMENT OF ANIMALS WITH HISTORY OF BITING.

Every fierce, dangerous, or vicious animal, including dogs, that has a history of biting a human or any domestic animal, shall be confined by the owner within a building or secure, covered enclosure. The animal shall not be taken out of the building or secure, covered enclosure unless muzzled and on a leash.

(Prior Code, § 6-2-12) Penalty, see § 90.999

§ 90.011 ABANDONMENT OF ANIMALS.

It shall be unlawful to abandon any dog or other animal within this city.

(Prior Code, § 6-2-13) Penalty, see § 90.999

§ 90.012 DOG LICENSE REQUIRED.

(A) No person shall own, harbor, or keep a dog over six months of age within the city unless a current license for the dog has been obtained. The license shall be issued for a two-year period and shall expire on December 31 of the last year of the license issued. A late payment charge, in the amount set by the City Council from time to time, shall be assessed for failure to apply for a renewal license by March 1 of the year of expiration of the current license. The City Administrator may pro-rate the amount of the license fee of one who owns, harbors, or keeps a dog over six months of age for less than a full two-year period.

(B) The license fee for the keeping of a dog over six months of age may be waived on application by a person who shall certify that he or she is over the age of 65 years and has an annual income not in excess of \$5,000.

(Prior Code, § 6-2-14) Penalty, see § 90.999

§ 90.013 DOG LICENSE FEE AND APPLICATION.

(A) It shall be required of each person owning, keeping, or harboring a dog to pay a license fee to the City Administrator or Animal Control Officer as imposed by this section, except as provided in § 90.011 herein. The license fee for any dog shall be computed at the rate duly set by the City Council. Each application for the license shall include a statement, signed by the person applying for the license, which certifies that the dog has been inoculated for rabies not more than 24 months preceding the date of application. Receipt of license which includes the color, breed, age, sex, and weight of the dog shall be provided by the owner for inspection upon the request of the Animal Control Officer or Wright County Sheriff.

(B) The provisions of this section shall not apply to service dogs or dogs used for police activity.

(Prior Code, § 6-2-15)

§ 90.014 UNAUTHORIZED USE OF DOG LICENSE RECEIPTS, TAGS OF INOCULATION CERTIFICATES.

It shall be unlawful for any person to use for any dog a license receipt, license tag, or a rabies inoculation certificate issued to another person or dog.

(Prior Code, § 6-2-16) Penalty, see § 90.999

§ 90.015 LIMIT ON NUMBER OF DOGS AND CATS.

(A) *Generally.* Except for kennels licensed under this section the following limits on animals will apply. For the purposes of this section, the term **HOUSEHOLD** refers to a single-family residence or single unit of a town home, condominium, apartment, or comparable structure which is rented, leased, or used as a single unit. This section shall not be construed to limit the ability of apartment managers, landlords, town home associations, or other representative of property owners to impose greater restrictions.

(B) *Dogs.* No household shall keep, maintain, or otherwise house more than a total of three dogs over the age of six months within any household in the city.

(C) *Cats.* No household shall keep, maintain, or otherwise house more than a total of four cats over the age of six months within any household in the city.

(D) *Congregate limit.* No household shall keep, maintain, or otherwise house more than five domestic animals - combination of dogs and cats unless authorized by a residential or commercial kennel license.

§ 90.016 DOG TAGS.

The City Administrator or designee shall procure a sufficient number of metallic tags for delivery of one such tag to the person paying the license fee. It shall be the responsibility of the owner of the dog for which the tag was obtained to permanently attach the tag to the collar of the dog in a manner that the tag may be readily seen. The tag is not transferrable to any other dog or to a new owner of the dog. If a tag is lost or stolen, the owner may obtain a new tag by surrendering the license receipt for the first tag and by paying an additional fee as duly set by the City Council from time to time.

(Prior Code, § 6-2-17)

§ 90.017 IMPOUNDING DOGS.

The Animal Control Officer shall seize and impound any dogs found in the city without the tag provided for by this subchapter or dogs running at large. To enforce this subchapter, the Animal Control Officer may enter upon any private premises in pursuit of a dog running at large, in accordance with § 10.20. It shall be unlawful for any person or persons to interfere with the Animal Control Officer engaged in taking a dog hereunder for impounding or to refuse to surrender a dog to the Animal Control Officer for confinement as required.

(Prior Code, § 6-2-18) Penalty, see § 90.999

§ 90.018 IMPOUNDING STRAY DOGS.

(A) The Animal Control Officer may seize or impound any dog found astray on public property or claimed to be astray by the owner of the premises upon which the animal may be found, provided that the owner of the premises demands the seizure or impoundment and agrees in writing to indemnify and hold harmless the city from any claim for damages by the owner of the dog.

(B) Disposition of the impounded stray shall thereafter be pursuant to the provisions as found in this chapter.

(Prior Code, § 6-2-19)

§ 90.019 DISPOSITION OF CERTAIN DISEASED OR DANGEROUS DOGS OR OTHER ANIMALS.

(A) Any dog or other animal displaying symptoms of being rabid may be seized at any place or time and shall be confined in the city dog pound or other appropriate place designated for the purpose by the City Council from time to time at the expense of the owner until found to be free from rabies.

(B) If any dog or other animal appears to be diseased, vicious, dangerous, rabid, or has been exposed to rabies, and the dog or other animal cannot be taken up and impounded without serious risk, the dog or other animal may be killed if reasonably necessary for the safety of any person or persons.

(C) When any dog or other animal has bitten any person wherein the skin has been punctured or the services of a doctor are required, a report of the incident shall be made to the Wright County Sheriff's office and Animal Control Officer by the owner or custodian of the biting dog or animal or the person bitten, or his or her parent or guardian, within 24 hours of the bite.

(Prior Code, § 6-2-20)

§ 90.020 REDEMPTION OF DOGS AND OTHER ANIMALS.

(A) The city, upon the impounding of any dog or other animal, may condition redemption of the dog from impounding upon payment of the required impounding fee as duly set by the City Council from time to time, plus the cost of boarding for each day of said dog or other animal that has been confined in the pound, together with the payment for a current license for the dog if no current license has been issued.

(B) If at the end of six days after the impounding the dog or other animal has not been redeemed, it may be sold at private sale, or the keeper of the pound may dispose of the dog or other animal in a humane manner or pursuant to the terms of M.S. § 346.37, as it may be amended from time to time.

(Prior Code, § 6-2-21)

§ 90.021 POSSESSION OF NUISANCE ANIMALS.

No person shall keep, own, harbor, or otherwise possess within the city an animal which is a public nuisance animal or vicious animal.

(Prior Code, § 6-2-22) Penalty, see § 90.999

§ 90.022 DOGS DISTURBING THE PEACE; ENFORCEMENT.

It shall be unlawful for any person to own, keep, have in possession, or harbor any canine which howls, yelps, or barks to the reasonable annoyance of another person or persons. Any person violating this section who, upon first requested by an Animal Control Officer or any duly authorized assistant to stop or prevent the annoyance and refuses to comply with the request, will be issued a citation and, if the officer deems it necessary to stop the annoyance, may have the canine taken to the city animal pound. Any canine placed in the pound may be reclaimed by the owner upon payment of the fee prescribed. If not reclaimed, it may be disposed of in the proper manner.

(Prior Code, § 6-2-23) Penalty, see § 90.999

§ 90.023 CLEANING UP LITTER.

(A) The owner of any dog, or any person having the custody or control of any dog, shall be responsible for cleaning up any feces of the animal and disposing of the feces in a sanitary manner. More than six piles of feces in the yard may result in a violation tag being issued.

(B) It is unlawful for any person owning, keeping, or harboring a dog to cause or permit the dog to be on property, public or private, not owned or possessed by the person without having in his or her immediate possession a device for the removal of feces and depository for the transmission of excrement to a proper receptacle located on the property owned or possessed by the person.

(C) It is unlawful for any person in control of, causing, or permitting any dog to be on any property, public or private, not owned or possessed by the person, to fail to remove feces left by the dog to a proper receptacle located on property owned or possessed by the person. The provisions of this section shall not apply to service dogs or dogs used for police activity.

(D) Any Animal Control Officer or any duly authorized officer or agent authorized by the City Administrator may issue citations.

(Prior Code, § 6-2-24) Penalty, see § 90.999

§ 90.024 DANGEROUS OR POTENTIALLY DANGEROUS DOGS.

(A) *Adoption by reference of state law and county ordinance.* The provisions of M.S. Ch. 347 (§§ 347.50 through 347.65), as it may be amended from time to time, and county Ord. 10-01, as they may be amended from time to time, are hereby adopted by reference as fully as if set out herein, and shall be administered and enforced by the city's Animal Control Officer and Wright County Sheriff's office and designated pursuant to that law and ordinance.

(B) *Conflict of laws.* When any provisions of this subchapter, county ordinance, or state laws applicable to dangerous or potentially dangerous dogs are in conflict, the provisions that impose the greater restrictions or protections shall apply.

(Prior Code, § 6-2-25) (Ord. 511, passed 4-12-2010)

§ 90.025 PERMITS FOR COMMERCIAL DOG KENNELS; PERMITS FOR KEEPING MORE THAN THREE DOGS OVER THE AGE OF SIX MONTHS.

(A) *Definition.* For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

COMMERCIAL KENNEL. A place where more than three dogs thereof are kept for the business of selling, boarding for a fee, breeding for sale, or some other enterprise intended primarily for profit-making purposes. The term **COMMERCIAL KENNEL** shall not include pet stores, pet grooming shops, or animal hospitals.

(B) *License required.*

(1) No person shall own, harbor, or keep upon a premises more than three dogs over the age of six months unless in a commercial kennel duly licensed under this section.

(2) No person shall keep or maintain a commercial kennel in the city except upon obtaining a permit from the City Council. Commercial kennel licenses shall only be granted in an agricultural zoning district as a conditional use.

(C) *Applications.* The application shall be made to the City Zoning Administrator and shall contain the following:

(1) The location of the premises of the kennel along with the home and work telephone numbers of the licensee and one other person who could be contacted in the absence of the licensee;

(2) The maximum number and species of adult dogs to be kept on the premises. The term **ADULT** as used herein shall include any animal over six months of age;

(3) A site plan showing the location, size, and type of all structures for housing, fencing, and runs for dogs. Separate housing and runs for dogs shall be a minimum of 50 feet from any neighboring habitable dwelling and a minimum of ten feet from any property line. If dogs are kept primarily within a building, the applicant shall so state;

(4) Whether the applicant anticipates breeding the animals and, if so, how often and the expected size of the litters;

(5) The method to be used to keep the premises in a sanitary condition;

(6) The method used to keep the animals quiet; and

(7) An agreement by the applicant that the premises may be inspected by the Animal Control Officer at all reasonable times. An inspection of the premises prior to licensing and during the licensing period shall be required.

(D) *Issuance and conditions.* The City Zoning Administrator shall refer the application to the Animal Control Officer for review and recommendation to the Planning Commission and City Council prior to Council and Planning Commission

action. The Planning Commission shall conduct a public hearing. The issuance of a license shall take into consideration the following: adequacy of housing and runs for the animals; the methods to be used for sanitation and to maintain quiet; the quality and height of the fencing; and, with particularity, any violations during the previous license period, if applicable. The Council and Planning Commission may impose such conditions as it shall deem necessary and appropriate to carry out the intent of this subchapter.

(E) *Design.*

(1) Kennels or shelter floors and walls shall be constructed of impervious and easily cleanable materials and all structures, areas, and appurtenances so designed as to facilitate frequent and easy cleaning. With regard to private kennels where dogs are kept indoors, this shall apply to the portions of the principal structure to which the dogs are confined, fed, and cleaned.

(2) All areas shall be adequately and properly ventilated and have ample light and heat, either natural or artificial.

(3) Every kennel or shelter shall be suitably enclosed or fenced in such a manner as to prevent the running at large or escape of the animals confined therein. No dogs may be tethered.

(4) Doors, windows, and other openings shall be screened.

(5) The premises shall be provided with adequate, safe, and approved sewer, water, and plumbing facilities.

(6) Enclosure shall be of sufficient size to allow each dog to turn around fully and stand, sit, and lie in a comfortable, normal position. The floors of the enclosure shall be constructed so as to prevent injury to the dog's legs and feet.

(7) Disposal facilities shall be provided to minimize vermin, infestation, odors, and disease hazards.

(8) Adequate storage and refrigeration shall be provided to protect food supplies against contamination and deterioration.

(F) *Operation and conditions.* All kennels and shelters shall be maintained in a clean, healthful, sanitary, and safe condition so as not to create a health hazard or public nuisance. Kennels shall be operated in a humane manner.

(G) *Revocation.* If a license fails to comply with the statements made in the application or with any reasonable conditions imposed by the City Council, or violates any other provision of this subchapter, the licensee shall be notified by mail and given ten days to remedy any defects or defaults. If the condition be not remedied in the ten days, the Council may revoke the license.

(H) *Tags.* Licensees shall affix an identification tag to all dogs owned by or under the control of the licensee. The identification tags shall at a minimum contain the name, address, and telephone number of the licensee.

(I) *Rabies vaccination.* A licensee shall cause every dog in the kennel to be vaccinated by a licensed veterinarian with anti-rabies vaccine. Puppies shall be so vaccinated at or before the age of 16 weeks and again at the age of one year. Adult animals shall be so vaccinated at least once in every 24-month period or as often as needed under the type of vaccine used to ensure immunity.

(J) *License fees.* The license is non-transferable. The fee for kennel license shall be at a rate as set by the City Council.

(Prior Code, § 6-2-26) (Ord. 169, passed 3-13-1989; Ord. 277, passed 3-25-1996; Ord. 358, passed 1-8-2001; Ord. 494, passed 1-26-2009)

ANIMALS; FOWL

§ 90.040 ANIMALS KEPT WITHIN CITY LIMITS.

(A) No members of the equestrian family (horses, mules), bovine family (cows, bulls), sheep, poultry, or fowl (chickens, turkeys, ducks) unless permitted, swine (including Vietnamese pot-bellied pigs), goats, bees unless permitted, and other animals associated with a farm, ranch, or stable shall be kept within the city limits, except in an outlying district where there are not more than three residences, other than that occupied by the owner or occupant of the premises upon which the animals are kept, within a distance of 500 feet of the structure housing or enclosing the animal, unless a special written permit therefor is issued by the Animal Control Officer and the City Clerk after an inspection of the premises and a finding of fact to the effect that no nuisance shall be created thereby. The special permit shall be issued for the keeping of

any such animals on any lot only in the following two cases:

(1) Where the animals were being lawfully kept on the lot prior to enactment hereof; and

(2) Where the animals were being lawfully kept on the lot after the enactment hereof in an area in which there were not three residences within a distance of 500 feet of the structure enclosing the animals, and subsequently other residences were built bringing the structure housing the animals within a restricted district. The permit shall be for the term of one year and shall not be renewed without a re-inspection.

(B) All animals, other than those specifically allowed and permitted by this subchapter, shall be prohibited within the city limits.

(Prior Code, § 6-3-1) Penalty, see § 90.999

§ 90.041 STABLES.

(A) Every stable or other building wherein any animal listed in § 90.040 is kept shall be constructed of such material and in such manner that it can be kept clean and sanitary at all times.

(B) Every stable or other building occupied by authority of a special permit shall, if located within 200 feet of any tenement or apartment house, hotel, restaurant, boarding house, retail food store, building used for school, religious, or hospital purposes, or residence other than that occupied by the owner or occupant of the premises upon which the creatures are kept, be provided with a water-tight and fly-tight receptacle for manure of such dimension as to contain all accumulations of manure, which receptacle shall be emptied sufficiently often and in a manner as to prevent its becoming a nuisance. The receptacle shall be kept securely covered at all times except when open during the deposit or removal of manure or refuse. No manure shall be allowed to accumulate except in the receptacle.

(C) The Animal Control Officer shall, if he or she deems the measures necessary in order to avoid a nuisance, require that any building be screened tightly against flies and/or that it be provided with running water, drain sewer connection, flooring impervious to water, and that other measures be taken as may be necessary to ensure proper protection to public health and safety as conditions precedent to the issuance of any special permit.

(Prior Code, § 6-3-2)

§ 90.042 ANIMALS, FOWL WITHIN CITY LIMITS; PERMITS.

(A) No person shall anywhere in the city keep, harbor, or maintain care, custody, or control over any small animal such as a rabbit or any fowl, such as a chicken, turkey, or duck, or any pigeon, without obtaining a permit therefor issued by the Animal Control Officer and the City Clerk.

(B) The Animal Control Officer and the City Clerk may grant any permit pursuant to this section after the applicant has sought the written consent of the property owners adjoining the applicant's real estate. The written consent shall be required on the first and initial application and as often thereafter as the Animal Control Officer deems necessary.

(C) Roosters are prohibited within the city.

(D) No permit shall be issued for more than six hen fowl.

(E) 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 or more dwelling units.

(F) This section shall not apply to dogs or cats or to veterinarians or licensed pet shops or licensed kennels.

(Prior Code, § 6-3-3) (Ord. 615, passed 4-27-2015) Penalty, see § 90.999

§ 90.043 APPLICATION FOR PERMIT.

Any person desiring a permit under this chapter shall make written application therefor to the City Clerk upon a form prepared by the City Clerk, which application shall describe the real estate upon which it is desired to keep the animals and shall require the giving of such information by the applicant as the city may request. The application shall contain a statement by the applicant that he or she will at all times keep the animals in accordance with all conditions prescribed by

the Animal Control Officer, and failure to obey the conditions shall be a violation of this chapter and shall be cause for cancellation of the permit by the Animal Control Officer and the City Clerk.

(Prior Code, § 6-3-4)

§ 90.044 DURATION OF PERMIT; FEE.

(A) Each permit issued hereunder shall expire one year after the issuance unless revoked.

(B) The annual fee for a permit shall be as stated in the fee schedule, which shall be paid at the time the application is submitted.

(Prior Code, § 6-3-5)

§ 90.045 CONDITIONS FOR KEEPING ANIMALS; REVOCATION.

The Animal Control Officer may prescribe general conditions for the keeping of animals or fowl and specific conditions as to a particular animal or fowl or particular premises as in his or her judgment is necessary to safeguard public health and the general welfare. The Animal Control Officer may revoke any permit granted pursuant to this chapter if any condition is violated or if any pet becomes a public nuisance.

(Prior Code, § 6-3-6)

§ 90.046 REFUSAL TO GRANT PERMIT.

The Animal Control Officer and City Clerk 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 in his or her judgment the animals or fowl should not be kept upon the premises described in the application for permit. If any permit be refused, the fee paid with the application shall be retained by the city to pay its expenses in the investigation and consideration thereof.

(Prior Code, § 6-3-7)

§ 90.047 PENS; YARDS.

All structures, pens, coops, or yards wherein animals or fowl are kept or permitted to be shall be maintained in a clean and sanitary condition, devoid of all rodents and vermin, and free from objectionable odors. The interior walls, ceilings, floors, partitions, and appurtenances of all the structures shall be whitewashed or painted as the Animal Control Officer shall direct. The Animal Control Officer, upon the complaint of any individual, shall inspect any structure or premises and issue any order as may be necessary to carry out the provisions hereof.

(Prior Code, § 6-3-8)

§ 90.048 ANIMALS, FOWL AT LARGE.

No person shall permit any horses, mules, donkeys, ponies, cattle, sheep, goats, swine, rabbits, chickens, geese, ducks, or turkeys of which he or she is the owner, caretaker, or custodian to be at large within the city. Any creature shall be deemed to be **AT LARGE** when it shall be off the premises owned or rented by its owner and unaccompanied by the owner or an agent or employee of the owner.

(Prior Code, § 6-3-9) Penalty, see § 90.999

§ 90.049 MANURE.

No manure shall be dumped or left on any street, alley, sidewalk, or on any open area or lot in any inhabited portion of the city. Manure shall not be used to grade in whole or in part any sidewalk, street, open area, or lot in the section unless the

manure is completely covered with at least four inches of dirt.

(Prior Code, § 6-3-10) (Ord. 170, passed 3-13-1989; Ord. 557, passed 4-9-2012) Penalty, see § 90.999

BEEKEEPING

§ 90.060 DEFINITIONS.

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

APIARY. The assembly of one or more colonies of bees on a single lot.

BEEKEEPER. A person who owns or has charge of one or more colonies of honey bees or a person who owns or controls a lot on which a colony is located whether or not the person is intentionally keeping honey bees.

BEEKEEPING EQUIPMENT. Anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.

COLONY. An aggregate of honey bees consisting principally of workers, but having, when perfect, one queen and at times drones, brood, combs, and honey.

FLYWAY BARRIER. A barrier that raises the flight path of bees as they come and go from a hive.

HIVE. The receptacle inhabited by a colony.

HONEY BEE. All life stages of the common domestic **HONEY BEE**. This definition does not include wasps, hornets, African subspecies, or Africanized hybrids.

NUCLEUS COLONY. A small quantity of honey bees with a queen housed in a smaller than usual hive box designed for a particular purpose, and containing no supers.

SUPER. A box that holds the frames where bees will store the honey.

SWARMING. The process where a queen bee leaves a colony with a large group of worker bees in order to form a new honey bee colony.

UNUSUAL AGGRESSIVE BEHAVIOR. Any instance in which unusual aggressive characteristics such as stinging or attacking without provocation occurs.

(Prior Code, § 6-8-1) (Ord. 634, passed 4-11-2016)

§ 90.061 PURPOSE.

(A) Honey bees are an asset to the community and important in the pollination of plants and in the production of honey and other products.

(B) The purpose and intent of this subchapter is to permit and establish requirements for the keeping of honey bee colonies, hives, and equipment within the city.

(Prior Code, § 6-8-2) (Ord. 634, passed 4-11-2016)

§ 90.062 COLONY LOCATION.

(A) Hives cannot be located in the front yard and must be located a minimum of ten feet from the rear or side property lines and 25 feet from public rights-of-way unless further restricted elsewhere in this code. A corner lot shall be considered to have two front yards. Hive openings shall face in toward subject property's backyard.

(B) Honey bee colonies shall be kept in removable frames, which shall be kept in sound and usable condition.

(C) For each colony permitted to be maintained under this section, there may also be maintained upon the same apiary

lot, one nucleus colony in a hive structure not to exceed one standard nine and five-eighths-inch depth, ten-frame hive body with no supers.

(D) A flyway barrier at least six feet in height shall shield any part of a property line that is within 30 feet of a ground hive. The flyway barrier shall consist of a wall, fence, dense vegetation, or a combination thereof, and it shall be positioned to transect both legs of a triangle extending from an apex at the hive to each end point of the part of the property line to be shielded.

(E) Rooftop apiaries are allowed but shall not be located closer than 15 feet from a principal building on an abutting lot.

(Prior Code, § 6-8-3) (Ord. 634, passed 4-11-2016)

§ 90.063 COLONY DENSITY.

(A) Every lot or parcel of land in the city shall be limited to the following number of colonies based on the size of the apiary lot:

- (1) One-half acre or smaller is allowed two colonies;
- (2) More than one-half acres to three-quarters of an acre is allowed four colonies;
- (3) More than three-quarters of an acre to one acre is allowed six colonies;
- (4) More than one acre to five acres is allowed eight colonies; and
- (5) More than five acres, there is no restriction on the number of colonies and no registration is required.

(B) If any beekeeper removes honey bees from locations where they are not desired, that person shall not be considered in violation if the person temporarily houses the honey bees on the apiary site of a beekeeper registered under this section for no more than 30 days and remains at all times in compliance with the other provisions in this section.

(Prior Code, § 6-8-4) (Ord. 634, passed 4-11-2016)

§ 90.064 REQUIRED CONDITIONS.

(A) Honey bee colonies shall be kept in hives with removable frames, which shall be kept in sound and useable condition.

(B) A constant supply of water shall be provided for all hives, except during the dormant period.

(C) Materials from a hive or colony which might encourage the presence of honey bees, such as wax comb, shall be promptly disposed of in a sealed container or placed within a building or other bee-proof enclosure.

(D) Beekeeping equipment shall be maintained in good condition. Unused beekeeping equipment must be protected to prevent occupancy by swarming honey bees.

(E) Hives shall be continuously managed to provide adequate living space for their resident honey bees in order to prevent swarming.

(F) In any instance in which a colony exhibits unusual aggressive behavior, it shall be the duty of the beekeeper to promptly implement appropriate actions to address the behavior.

(G) Honey may not be sold from any residential property unless a permit has been obtained and required conditions met in accordance with the city's zoning code.

(Prior Code, § 6-8-5) (Ord. 634, passed 4-11-2016)

§ 90.065 REGISTRATION.

(A) Residents seeking approval to keep and raise honey bees shall submit an application, application fee, and site plan. Registration is not required for sites over five acres in size.

(B) If the beekeeper relocates a hive or colony to a new apiary site, the beekeeper shall apply for an updated registration, prior to the relocation, on the form provided by the city.

(C) The beekeeping registration shall be valid January 1 through December 31 of each calendar year following initial issuance and must be renewed by the registrant prior to expiration each year by submitting a renewal form to the City Clerk.

(D) The applicant for the license must notify all residents of the property if the applicant is not the owner or operator and the owner or operator must be an additional signatory on the license application. Notification is not required for renewal of the license.

(E) (1) Upon receipt of application, the city will send written notice to property owners living within 200 feet of applicant.

(2) Any objections to the registration must be made in writing and received within ten days.

(3) If any written objection is received, the application must be referred to the City Administrator.

(4) The application must be denied if the city receives a written objection from an adjacent property owner that includes medical documentation by a licensed physician of an allergy to honey bee venom.

(F) Applicants for a beekeeping license shall provide proof of applicable training or provide a waiver indicating how required experience has been obtained.

(G) The fees for the registration will be determined by the City Council in the city's fee schedule.

(Prior Code, § 6-8-6) (Ord. 634, passed 4-11-2016)

Cross-reference:

Fees, see Chapter 36

§ 90.066 INSPECTIONS.

(A) Upon initial registration, annual renewal, or any updated registration, each beekeeper must allow for an inspection by the Animal Control Officer of the site.

(B) Upon prior notice to the owner of the apiary site, city staff or Animal Control Officer shall have the right to inspect any apiary, in accordance with § 10.20.

(C) In the case of a complaint regarding the apiary, the apiary site may be inspected without prior notice.

(D) The Animal Control Officer or designated city staff may refuse to grant or revoke a license if the honey bees become a nuisance as determined by the city or the Animal Control Officer.

(Prior Code, § 6-8-7) (Ord. 634, passed 4-11-2016)

§ 90.067 APPEAL AND HEARING PROCEDURE.

(A) Registrations issued under this section may be denied, revoked, or non-renewed due to any of the following:

(1) The keeping of honey bees in a manner which constitutes a nuisance to the health, safety, or general welfare of the public as determined by the Animal Control Officer;

(2) Fraud, misrepresentation, or a false statement contained in the registration application or during the course of the registered activity; and/or

(3) Any violation of the applicable provisions in this subchapter.

(B) (1) Notice of approval, denial, revocation, or non-renewal must be made in writing to the registrant and to any person opposing the application for initial registration specifying the reason(s) for the action.

(2) The registrant or any person opposing the application may request a hearing with the City Council within 14 days of the date of the notification letter.

TRAPPING

§ 90.080 PURPOSE.

It is the purpose of this subchapter to preclude the potential harm that may be inflicted upon people, particularly children, and to prevent the maiming, unselective catching, and destruction of wild animals and birds and domestic animals that come in contact with traps.

(Prior Code, § 7-8-1)

§ 90.081 DEFINITIONS.

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

TRAP. Any mechanical device or snare which seeks to hold, capture, or kill an animal.

TRAPPING. The setting or laying or otherwise using of a trap in the platted residential areas and parks of the city.

(Prior Code, § 7-8-2)

§ 90.082 VIOLATIONS.

Trapping in all areas within the city, including parks areas, is prohibited.

(Prior Code, § 7-8-3) Penalty, see § 90.999

§ 90.083 EXCEPTIONS.

(A) The provisions of this subchapter do not apply to the use of any trap specifically designed to kill rats, mice, gophers, or moles.

(B) The provisions of this subchapter do not apply to the use of cage type live traps employed for the control of nuisance animals as long as the traps are tended each 12 hours.

(C) The provisions of this subchapter do not apply to representatives of the city, county, or state who may, in the course of their duties, be required to use a trap to trap, snare, kill, or otherwise restrain the free movement of any wildlife, animal, or bird for humane or authorized purposes.

(D) The provisions of this subchapter do not apply to teachers trapping for educational programs or scientists for the purpose of studying animals, wildlife, or birds which will be returned to their natural environment uninjured.

(Prior Code, § 7-8-5) (Ord. 204, passed 2-11-1991)

§ 90.999 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) Whoever violates § 90.017 shall be guilty of a misdemeanor.

(C) Any person who violates § 90.024, a county ordinance, or state law applicable to dangerous and potentially dangerous dogs shall be guilty of a misdemeanor.

(Prior Code, § 6-2-25)

(D) Any person who maintains a kennel without first obtaining a license therefor in violation of § 90.025 shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished not more than the maximum penalty for a misdemeanor as prescribed by state law.

(Prior Code, § 6-2-26)

(E) Any person violating any provision of §§ 90.080 through 90.083 is guilty of a misdemeanor and, upon conviction, shall be punished not more than the maximum penalty for a misdemeanor as prescribed by state law.

(Prior Code, § 7-8-4)

(Ord. 358, passed 1-8-2001; Ord. 511, passed 4-12-2010)