

ORDINANCE NO. 2023-01

AN ORDINANCE RELATING TO ANIMAL CONTROL REGULATIONS IN THE CITY OF ALTURA.

THE CITY COUNCIL OF THE CITY OF ALTURA DOES ORDAIN:

SECTION 1. DEFINIITIONS

- (A) As used in this ordinance, “Owner” shall mean any person, firm, corporation, organization or department possessing, harboring, keeping, having an interest in, or having care, custody or control of a dog or cat.
- (B) “At large” means off the premises of the owner and not under the control of the owner or a member of his immediate family, either by leash or kept under confinement of said owner. The running at large of dogs and cats is prohibited at all times.
- (C) “Residence” shall mean any dwelling, abode or apartment wherein a single family customarily resides.
- (D) “Proper Authority” shall mean any person authorized by the City of Altura to enforce the provisions of this ordinance.
- (E) “Proper enclosure” means securely confined indoors or in a securely enclosed and locked pen or structure suitable to prevent the animal from escaping and providing protection from the elements for the dog or cat. A proper enclosure does not include a porch, patio, or any part of a house, garage, or other structure that would allow the dog to exit of its own violation, or any house or structure in which windows are open or in which door or window screens are the only obstacles that prevent the dog from exiting.
- (F) No non-domesticated animals shall be kept in the City of Altura unless approved by the City Council.
- (G) Dangerous Dog - "Dangerous dog" means any dog that 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 dog is potentially dangerous, the dog aggressively bites, attacks, or endangers the safety of humans or domestic animals.
- (H) "Potentially dangerous dog" means any dog that:
  - (1) when unprovoked, inflicts bites on a human or domestic animal on public or private property; or
  - (2) has a known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.
- (I) “Domestic Animals” means any of various non-venomous animals, domesticated so as to live and breed in a tame condition. Domestic animals do not include any animals considered “non-domestic” as defined by this ordinance section. Domestic animals are limited to:
  - a. Dogs: *Canis lupus familiaris*
  - b. Cats: *Felis catus*
  - c. Rabbits: Order *Lagomorpha*
  - d. Ferrets: *Mustela putorius furo*
  - e. Any of the class of *Aves* (birds) that are caged and otherwise kept inside the residence;
  - f. Any of the order of *Rodentia* such as mice, rates, gerbils, hamsters, chinchillas & guinea pigs that are caged and otherwise kept inside the residence;

- g. Any of the class of Reptila such as snakes, lizards, and turtles excepting those meeting the non-domestic animal definition that are caged and otherwise kept inside the residence;
  - h. Any of the class of Amphibians such as salamanders, frogs, toads excepting those meeting the non-domestic animal definitions;
  - i. Any of the order of Erinaceomorpha such as hedgehogs and moon rats
  - j. Sugar gliders; Petaurus breviceps
- (J) “Non-domestic Animal” means those animals considered to be naturally wild and not naturally trained or domesticated; or which are considered to be inherently dangerous to the health, safety, and welfare of people. Unless otherwise defined, non-domestic animals include:
- a. Any member of the cat family (felidae) including, but not limited to, lions, tigers, cougars, bobcats, leopards and jaguars, but excluding those recognized as domesticated house cats.
  - b. Any naturally wild member of the canine family (canidae) including, but not limited to wolves, foxes, coyotes, dingoes, and jackals, but excluding those recognized as domesticated dogs.
  - c. Any hybrid or crossbreeds between an animal defined in clauses (a) or (b) and a domestic animal and offspring from all subsequent generations of those hybrids or crosses, such as the crossbreed between a wolf and a dog.
  - d. Any member or relative of the rodent family including any skunk (whether or not descended), raccoon, or squirrel, but excluding those members otherwise defined or commonly accepted as domesticated pets.
  - e. Any poisonous, venomous, constricting, or inherently dangerous member of the reptile or amphibian families including, but not limited to, rattlesnakes, boa constrictors, pit vipers, crocodiles and alligators.
  - f. Goats, pigs, cattle, llama, bison, ducks, geese except as allowed by the City of Altura’s Code Book.
  - g. Any other animal that is not explicitly listed above but which can be reasonably defined by the terms of this section including but not limited to exotic animals, human primates, bear, deer and game fish.

## SECTION 2. RESTRICTIONS ON CERTAIN DOGS AND CATS

The “owner” of any dog or cat shall prevent such animals from committing within the City any act, which constitutes a nuisance. It is a nuisance for any dog/cat to run at large, for a dog to habitually or frequently bark or cry or howl, to frequent school grounds, parks or public places, to chase vehicles, to molest or annoy any person away from the property of his owner or custodian. No person having the custody or control of a dog or cat shall permit the animal to damage any lawn, garden or other property, public or private, or to urinate or defecate on private property without the consent of the owner or possessor of the property. It shall be the duty of each person having the custody or control of a dog or cat to remove any feces left by such animal on any sidewalk, gutter street, park land or other public or private property, and to dispose of such feces in a sanitary manner.

Failure of the “owner” of a dog/cat to prevent the dog/cat from committing such a nuisance is a violation of this ordinance.

## SECTION 3. RESTRICTION OF NUMBER OF PETS

(A) It shall be unlawful for any householder or occupant to possess, harbor, keep or allow to be kept or to maintain for any purposes whatever, more than three dogs and /or four cats or a total of 7 animal units over the age of 45 days at his/her residence or at any other single unit of occupancy within the City of Altura.

Example:       3 dogs, 4 cats = allowed  
                   2 dogs, 2 cats, 1 hamster, 2 birds = allowed

4 dogs, 3 cats = not allowed, maximum dog limit is 3

(B) Temporary permission to keep dogs and cats exceeding this number over the age of 45 days may be granted for periods as determined by the City Council upon application being made thereto. The Council shall investigate all such applications and shall not grant such temporary permission unless it is satisfied that other residents of the City will not be annoyed thereby.

#### SECTION 4. LICENSE REQUIRED

No dog or cat owner shall keep any dog or cat within the City unless a license therefore has first been secured.

Licenses shall be issued by the City Clerk for dogs and cats in accordance with the rates defined within the Official Schedule of Fees set forth by the City Council.

Agricultural Zones Districts are responsible for maintaining and record keeping of rabies records, but are exempt from obtaining a license tag from the City.

#### SECTION 5. REQUIREMENT FOR LICENSE APPLICATION

No "owner" shall be issued a license for any dog or cat unless application therefore is accompanied by appropriate proof that such animal for which application is being made has been inoculated against rabies (hydrophobia) is up to date from the date of application for license or such that the last inoculation given such animal for rabies will be considered effective until January 31<sup>st</sup> of the year following the expiration date of the current licensing period. For purposes of this section, all inoculations against rabies shall be considered effective for a period of not more than two years, unless certificate of vaccination is provided otherwise.

#### SECTION 6. DANGEROUS DOGS; REGISTRATION

- (A) Requirement. No person may own a dangerous dog in the City unless the dog is registered as provided in this section.
- (B) Registration. The City shall issue a certificate of registration to the owner of dangerous dog if the owner presents sufficient evidence that a surety bond issued by a surety company authorized to conduct business in the State of Minnesota in a form acceptable to the City in the sum of at least \$50,000, payable to any person injured by the dangerous dog, or a policy of liability insurance issued by an insurance company authorized to conduct business in the State of Minnesota in the amount of at least \$50,000, insuring the owner for any personal injuries inflicted by the dangerous dog.
- (C) Fee. The City may charge the owner an annual fee, in addition to any regular dog licensing fees, to obtain a certificate of registration for a dangerous dog under this section.
- (D) Law enforcement exemption. The provisions of this section do not apply to dangerous dogs used by law enforcement officials for police work.
- (E) Exemption. Dogs 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 dog;
- (2) who was provoking, tormenting, abusing, or assaulting the dog or who can be shown to have repeatedly, in the past, provoked, tormented, abused, or assaulted the dog; or
- (3) who was committing or attempting to commit a crime.

#### SECTION 7. DANGEROUS DOGS; REQUIREMENTS

An owner of a dangerous dog shall keep the dangerous dog, while on the owner's property, in a proper enclosure. If the dog is outside the proper enclosure, the dog must be muzzled and restrained by a substantial chain or leash and under the physical restraint of a responsible person. 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 or interfere with its vision or respiration.

#### SECTION 8. DATE OF PAYMENT

It shall be the duty of each owner of a dog or at to pay the license fee imposed in Section 4 to the City Clerk on or before the January 31 each year or upon acquiring ownership or possession of any unlicensed dog, or upon establishing residence in the City. The City Clerk shall cause a notice of the necessity of paying such license fee to be posted at the official posting areas of the city one time prior to the first day of January each year. In the event that payment of license fee due on January 31 is not received, a penalty shall be added to the license fee and must be paid by February 10. The said penalty shall be collected at time of license fee is paid. The owner of a dog or cat newly acquired after January 31 shall not be subject to that penalty for that year, and must obtain a license within 30 days of ownership. However, failure of all other persons to obtain the required license is a violation of this ordinance.

#### SECTION 9. RECEIPTS AND TAGS

Upon payment of the license fee, the City Clerk shall execute a receipt in duplicate. The City Clerk shall deliver the original with the metal tag to the person who pays the fee and retain the duplicate.

#### SECTION 10. IMPOUNDMENT

Dogs running at large or impounded under this part may be taken by the Pound Master as designated below, impounded in an animal shelter, and confined in a humane manner. Impounded dogs shall be kept for not less than seven (7) days unless reclaimed by their owner as provided in Section 13 (Redemption). The Pound master may be any person designated by the City Council

#### SECTION 11. CONFISCATION

- (A) Seizure. (a) The City shall immediately seize any dangerous dog if:
- (1) after 14 days after the owner has notice that the dog is dangerous, the dog is not validly registered under MN State Statute Section 609.02;
  - (2) after 14 days after the owner has noticed that the dog is dangerous, the owner does not secure the proper liability insurance or surety coverage as required under section 6 (B); or
  - (3) the dog is not maintained in the proper enclosure; or
  - (4) the dog is outside the proper enclosure and not under physical restraint of a responsible person as required

(B) Reclaimed. A dangerous dog seized may be reclaimed by the owner of the dog upon payment of impounding and boarding fees, and presenting proof to the appropriate animal control authority that the requirements will be met. A dog not reclaimed under this subdivision within seven days may be disposed of and the owner is liable to the City for costs incurred in confining and disposing of the dog.

(C) Subsequent offenses; seizure. If a person has been convicted of a misdemeanor for violating a provision of this ordinance and the person is charged with a subsequent violation relating to the same dog, the dog must be seized by the City. If the owner is convicted of the crime for which the dog was seized, the court shall order that the dog be destroyed in a proper and humane manner and the owner pay the cost of confining and destroying the animal. If the person is not convicted of the crime for which the dog was seized, the owner may reclaim the dog upon payment to the City of a fee for the care and boarding of the dog. If the dog is not reclaimed by the owner within seven days after the owner has been notified that the dog may be reclaimed, the dog may be disposed of and the owner is liable to the City for the costs incurred in confining, impounding, and disposing of the dog.

#### SECTION 12. NOTICE OF IMPOUNDMENT

Within one (1) day of taking and impounding any dog, the Pound Master shall post an impoundment notice in three (3) or more conspicuous places in the City.

If the owner of an impounded dog is known, written notice of impounding, shall be given to the owner, in lieu of posted notice, either by mail or personal service. The date of sale or destruction of the dog shall be the sixth (6th) day after the notice was posted or given unless that date falls on a Sunday or holiday, in which case the sale or destruction shall be the following day.

#### SECTION 13. REDEMPTION

Any dog may be reclaimed from the animal shelter by its owner within the time specified in the notice by paying the City Clerk the license fee (if not paid for the current year) and the cost of boarding and administration. Notwithstanding this section, the owner shall remain subject to all other penalties contained in this Code.

#### SECTION 14. INTERFERENCE WITH POUNDMASTER

No unauthorized person shall take or attempt to take from the Pound Master or other authorized City representative any dog taken or apprehended in compliance with this Code, or interfere in any manner with or hinder such representative in the discharge of duties under these ordinances.

#### SECTION 15. CHICKENS

Chicken permit applications are available only to home owners of single family dwellings. Any person desiring to obtain a backyard chicken permit must make written application to the City Clerk on a form provided by the City and pay an application fee. Fees to be charged for the issuance of a permit to keep chickens shall be set by the City Council on the fee schedule. The permit application shall contain a scaled diagram of the property, size of the coop, proximity to adjoining properties, and distance from all structures on the property. Only 1 coop will be permitted on the property. Yearly permits are required and will expire on January 31.

No more than six (6) hen chickens are allowed. No roosters are allowed. No chickens shall be housed within any part of a residential dwelling or garage.

Chicken coops must be elevated with a clear open space of at least 24 inches between the ground surface and framing/floor of the coop and solid rodent proof floor. The structure must be permanently anchored. The total height should not exceed 6 feet. The total square feet of the coop should not exceed 24 square feet.

Coops must be in the rear of the lot, 25 feet from the primary dwelling and 25 feet from adjacent properties. They will not be allowed in the front or the sides of the lot.

Confinement: Every person who owns, controls, keeps, maintains, or harbors hen chickens must keep them contained at all time in the chicken coop. All housing pens, and containment areas shall be maintained in a clean, sanitary, and odor-free environment and shall be free from the presence of rodents and vermin at all times.

Food material must be stored in a metal container with tight-fitting lid inside of a structure.

Chicken manure must be kept in rodent and raccoon proof containers and must not be disposed of in the yard, garden, or city compost pile, it must be disposed of in the garbage.

Dead chickens must be disposed of according to the Minnesota Board of Animal Health rules which require chicken carcasses to be disposed of as soon as possible after death, usually within twenty-four hours. Legal forms of chicken carcass disposal include offsite incineration or rendering.

No outdoor butchering of chickens is allowed.

The sale of chicken products such as but not limited to eggs, part of or whole chickens shall be prohibited.

Chickens will not be kept for the purposes of fighting

If no longer keeping chickens any coop must be removed upon expiration of the permit or within 30 days of ceasing of using the pen, whichever is earlier.

The city personnel or appointed agent may inspect the premises for which a permit has been granted in order to ensure compliance. If the city personnel or appointed agent is not able to obtain the occupant's consent to enter the property, the permit will be revoked immediately.

The City Clerk may revoke or suspend a permit for violations of this Ordinance. Notice of such revocation and suspension shall be mailed to the address listed on the permit. Any appeal by the property owner to the suspension or revocation requires the property owner to deliver written notice of their intent to Altura City Hall or by email to the City Clerk within 7 days of the date of the notice. If such an appeal is made, the City Council shall hold a public hearing and may uphold, revoke or suspend the decision of the City Clerk.

## SECTION 16. VIOLATION OF ORDINANCE

Any person found violating a section or paragraph of this chapter, when he/she performs an act thereby prohibited or declared unlawful or fails to act when such failure is thereby prohibited or declared unlawful and upon a verbal warning and a letter sent of such warning from the City Clerk's office. Anyone

who violates any provision of this ordinance on a second offense is guilty of a misdemeanor from the County Sheriff's Department.

SECTION 16. EFFECTIVE DATE

This ordinance shall take effect on the day following its publication in the official city newspaper, and the City Clerk is hereby authorized and directed to cause such publication to be made forthwith.

Passed, adopted and approved this 9 day of January 2024

ATTEST:  
CITY CLERK

BY THE ORDER OF ALTURA COUNCIL  
MAYOR

\_\_\_\_\_  
Sandra Pasche

\_\_\_\_\_  
John Mask

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