

SECTION 3

ANIMAL CONTROL

803.000. Animal Control

803.001. Definitions. As used in this Chapter, unless the context otherwise indicates, the following words shall be defined to mean:

- A. Animal. “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. Animals shall be classified as follows:
1. Domestic. “Domestic animals” shall mean those animals commonly accepted as domesticated household pets. Unless otherwise defined, such animals shall include dogs, cats, caged birds, gerbils, hamsters, guinea pigs, domesticated rabbits, fish, nonpoisonous, non-venomous and non-constricting reptiles or amphibians, and other similar animals.
 2. Non-Domestic. “Non-Domestic animals” shall mean those animals commonly considered to be naturally wild and not naturally trained or domesticated, or which are commonly considered to be inherently dangerous to the health, safety, and welfare of people. Unless otherwise defined, such animals shall include:
 - a. Any member of the large cat family (family felidae) including lions, tigers, cougars, bobcats, leopards and jaguars, but excluding commonly accepted domesticated house cats.
 - b. Any naturally wild member of the canine family (family canidae) including wolves, foxes, coyotes, dingoes, and jackals, but excluding commonly accepted domesticated dogs.
 - 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 rodent family including any skunk (whether or not descended), raccoon, squirrel, or ferret, 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 rattlesnakes, boa constrictors, pit vipers, crocodiles and alligators.
 - f. Any other animal which is not explicitly listed above but which can be reasonably defined by the terms of this subpart, including but not limited to bears, deer, monkeys and game fish.

3. Farm. "Farm animals" shall mean those animals commonly associated with a farm or performing work in an agricultural setting. Unless otherwise defined, such animals shall include members of the equestrian family (horses, mules), bovine family (cows, bulls), sheep, poultry (chickens, turkeys), fowl (ducks, geese), swine (including Vietnamese pot-bellied pigs), goats, bees, and other animals associated with a farm, ranch, or stable.
- B. Animal Enclosure. "Animal Enclosure" shall mean any accessory building or portion thereof, accessory structure or area of any kind, including, without limitation, coops, pens, runs, kennels and pet houses, that is principally used or designed for use as a place for keeping house pets. An electronic containment system is not considered an animal enclosure.
- C. Cat. "Cat" shall be intended to mean both the male and female of the felidae species commonly accepted as domesticated household pets.
- D. Chicken. "Chicken" shall mean a female chicken that serves as a source of eggs, meat or feathers.
- E. Coop. "Coop" shall mean the structure for the keeping or housing of chickens as permitted by this Section.
- F. Dog. "Dog" shall be intended to mean both the male and female of the canine species, commonly accepted as domesticated household pets, and other domesticated animals of a dog kind.
- G. Owner. "Owner" shall be intended to mean any person or persons, firm, association or corporation owning, keeping, or harboring an animal.
- H. At Large. "At Large" shall be intended to mean 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.
- I. Release Permit. "Release Permit" shall mean a permit issued by the City Clerk's office for the release of any animal that has been taken to the pound, during normal business hours. A release permit may be obtained upon payment of a fee in accordance with that regular license requirement if the animal is unlicensed, payment of a release fee, and any maintenance costs incurred in capturing and impounding the animal. The release fee shall be as established from time to time by resolution of the city council. For the purpose of a release permit, any change in the registered ownership of an animal subsequent to its impoundment and release shall reset that animal's impoundment count to the beginning of the fee scale.
- J. Rooster. Shall mean a male chicken.
- K. Run. Shall mean an area attached to a coop where chickens can roam unsupervised.

803.002. Dogs and Cats.

A. Running At Large Prohibited. It shall be unlawful for the dog of any person who owns, harbors, or keeps a dog, or the parents or the guardians of any such person under 18 years of age, to run at large. 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 in streets or on public land unless the City has posted an area with signs reading "Dogs Prohibited."

B. License Required.

1. All dogs over the age of four months kept, harbored, or maintained by their owners in the City, shall be licensed and registered with the City. Dog licenses shall be issued by the Clerk-Treasurer upon payment of the license fee. The owner shall state, at the time application is made for the license and upon forms provided for such purpose, his or her name and address and the name, breed, color, and sex of each dog owned or kept by him or her. No license shall be granted for a dog, which has not been vaccinated against distemper and rabies, as provided in this Section. Vaccination shall be performed only by a doctor qualified to practice veterinary medicine in the state in which the dog is vaccinated. A veterinarian who vaccinates a dog to be licensed in the City shall complete a certificate of vaccination. One copy shall be issued to the dog owner for affixing to the license application.
2. It shall be the duty of each owner of a dog subject to this Section to pay to the Clerk-Treasurer the license fee as imposed by the Council by resolution.
3. Upon payment of the license fee, the Clerk-Treasurer shall issue to the owner a license certificate and metallic tag for each dog licensed. The tag shall have stamped on it the year for which it is issued and the number corresponding with the number on the certificate. Every owner shall be required to provide each dog with a collar to which the license tag must be affixed, and shall see that the collar and tag are constantly worn. In case a dog tag is lost or destroyed, a duplicate shall be issued by the Clerk-Treasurer. A charge of \$5 shall be made for each duplicate tag. Dog tags shall not be transferable from one dog to another and no refunds shall be made on any dog license fee or tag because of death of a dog or the owner's leaving the City before the expiration of the license period.
4. The licensing provisions of this Subdivision shall not apply to dogs whose owners are non-residents temporarily within the City, nor to dogs brought into the City for the purpose of participating in any dog show, nor shall this provision apply to "seeing eye" dogs properly trained to assist blind persons for the purpose of aiding them in going from place to place.
5. The funds received by the Clerk-Treasurer from all dog licenses and metallic tags fees shall first be used to defray any costs incidental to the enforcement of this Section; including, but not restricted to, the costs of licenses, metallic tags, and impounding and maintenance of the dogs.

C. Vaccination.

1. All dogs and cats kept harbored, maintained, or transported within the City shall be vaccinated at least once every three years by a licensed veterinarian for:
 - a. Rabies—with a live modified vaccine; and
 - b. Distemper
2. A certificate of vaccination must be kept on which is stated the date of vaccination, owner's name and address, the animal's name (if applicable), sex, description and weight, the type of vaccine, and the veterinarian's signature. Upon demand made by the Clerk- Treasurer or a police officer, the owner shall present for examination the required certificate(s) of vaccination for the animal(s). In cases where certificates are not presented, the owner or keeper of the animal(s) shall have seven days in which to present the certificate(s) to the Clerk-Treasurer or police officer. Failure to do so shall be deemed a violation of this Section.

803.003 Non-Domestic Animals. It shall be illegal for any person to own, possess, harbor, or offer for sale, any non-domestic animal within the City limits. Any owner of such an animal at the time of adoption of this Code shall have thirty (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 Section. 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.

803.004 Farm Animals. Farm animals shall only be kept in an agricultural district of the City, or on a residential lot of at least ten (10) acres in size provided that no animal shelter shall be within three hundred (300) feet of an adjoining piece of property. An exception shall be made to this subsection for those animals brought into the City as part of an operating zoo, veterinarian clinic, scientific research laboratory, a licensed show or exhibition, or as specified below in this Section.

A. Keeping of Chickens.

1. Administrative Permit Required:
 - a. The keeping of chickens may be allowed upon a property developed with a single-family detached dwelling unit within the AG Agricultural District, R-1A Single-Family Residential District and R-1B Single-Family Residential District subject to approval of an administrative permit in accordance with Section 1501.009. Administrative Permits and Approvals of Chapter 15: Winsted Zoning Ordinance of the municipal code for the City of Winsted and the provisions of this section. This is not intended to include single-family detached dwelling units that include homeowner association common area as their yard space.

- b. The application for an administrative permit shall include the information required by Section 1501.009. Administrative Permits and Approvals of Chapter 15: Winsted Zoning Ordinance of the municipal code for the City of Winsted and the following additional information:
 - (i) The breed and number of chickens to be kept.
 - (ii) A detailed sketch plan of the property drawn to scale including, but not limited to, the location and dimensions of the coop and run including setbacks to the property line and buildings located on the property.
 - (iii) Specifications for the coop and run including, but not limited to, dimensions, exterior finish materials, height and construction methods.
 - (iv) A written statement that the applicant will at all times keep the chickens in accordance with all of the conditions prescribed by the City, or modifications thereof, and that failure to obey such conditions will constitute a violation of the provisions of this section and will be grounds for cancellation of the permit;
 - (v) Any other information the City deems necessary to evaluate the application for compliance with the requirements of this section and the Winsted municipal code.
- c. An administrative permit approved in accordance with this section shall not be transferred to another owner upon the sale or change in occupancy of the property to which it is issued and shall not be transferred to another property.

2. Performance Standards:

- a. Premises Occupied by Owner. The owner of the chickens must occupy the premises for which the administrative permit is issued.
- b. Chickens.
 - (i) The maximum number of chickens allowed to be kept on a property shall be five (5) chickens.
 - (ii) The keeping of roosters is prohibited.
- c. Coop and Outdoor Exercise Area Specifications: A structure for housing the chickens herein defined as a coop and outdoor exercise area herein defined as a run shall be provided for the keeping of chickens in accordance with requirements for accessory buildings and fences in this and the following requirements:

- (i) Area.
 - (a) The interior floor space of the coop shall provide a minimum of two (2) square feet for each chicken authorized by the administrative permit.
 - (b) The coop shall not exceed twenty-four (24) square feet in area.
 - (ii) Coop Exterior. The exterior finish of the coop shall be wood provided that the surfaces are painted or stained for exterior use or the wood is of proven durability for exterior use, such as cedar, redwood, or cypress.
 - (iii) Coop Winterized. The coop shall be winterized so as to provide protection for the chickens during winter.
 - (iv) Enclosed Run. A run with sides and overhead fully enclosed by fencing or wire mesh or netting with a minimum area of five (5) square feet and maximum area of twenty (20) square feet per chicken authorized by the administrative permit shall be provided and attached to the coop so as to provide controlled access between the coop and run.
 - (v) Predators and Vermin Prevented Access. The construction of and materials used for the coop and run must be adequate to prevent access by predators and vermin.
 - (vi) Location.
 - (a) The coop and run shall be located only within a rear yard as defined by Chapter 15: Winsted Zoning Ordinance of the municipal code for the City of Winsted.
 - (b) The coop and run shall be set back a minimum of twenty feet (20') from any lot line and forty feet (40') from any residential dwelling on abutting properties.
 - (c) The coop and run shall not be located within a drainage and utility easement.
 - (d) The coop and run shall be located closer to the principal dwelling upon the property to which the administrative permit is issued than any other residential dwelling on an abutting property.
- d. Confinement. Chickens shall be confined inside of a coop from sunset to sunrise each day to prevent attracting predators and minimize nuisance noise.

- e. Keeping of Feed: All feed for chickens shall be stored inside of an enclosed structure or within a watertight and vermin proof container.
- f. Waste.
 - (i) The chicken coop and run shall be kept in a sanitary and odor free condition, including the regular and frequent removal, storage in a leak proof container, and proper disposal of any accumulated feces or waste that may create a hazard to public health, safety, and welfare.
 - (ii) Feces, discarded feed, and chicken carcasses shall not be composted or buried upon the property.
- g. Prohibited Activities.
 - (i) No chicken shall be permitted to roam freely in any area not on the premises to which an administrative permit has been issued in accordance with this section.
 - (ii) Chickens shall not be kept or allowed at any time within a residential dwelling or accessory structure other than a coop allowed by this section.
 - (iii) Eggs from chickens kept upon the property to which the administrative permit is issued are for personal use and consumption by the occupants and shall not be offered for sale or sold.
 - (iv) The slaughtering of chickens upon a residential property is prohibited.
 - (v) Chickens shall not be kept for breeding purposes.

3. Administration and Enforcement.

- a. The administrative permit shall be administered in accordance with Section 1501.009. Administrative Permits and Approvals of Chapter 15: Winsted Zoning Ordinance of the municipal code for the City of Winsted.
- b. The premises, including the chicken coop and run, for which a permit is issued in accordance with this section shall at all reasonable times be open to inspection by the City to determine compliance with the requirements of the administrative permit, this section, or other provisions of this section relating to public health, safety, and welfare.
- c. The City, upon written notice, may revoke a permit for failure to comply with provisions of this Section or any of the permit's conditions.

(Ord. O-23-06; 11/08/23)

803.05.

Impounding.

- A. Running At Large. Any unlicensed animal running at large is hereby declared a public nuisance. Any police officer may impound any animal found unlicensed or any animal found running at large and shall give notice of the impounding to the owner of such animal, if known. In case the owner is unknown, the officer shall post notice at the City office that if the animal is not claimed within the time specified in paragraph C, it will be sold or otherwise disposed of. Except as otherwise provided in this Section, it shall be unlawful to kill, destroy, or otherwise cause injury to any animal.
- B. Biting Animals. 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 in the City Pound for a period of not less than ten days, at the expense of the owner. The animal may be released at the end of such time if healthy and free from symptoms of rabies, and by the payment of all costs by the owner. However, if the owner of the animal shall elect immediately upon receipt of notice of need for such 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, not outside of the County in which this city is located, and provide immediate proof of such confinement in such manner as may be required, the owner may do so. If, however, the 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.
- C. Reclaiming. All animals conveyed to the pound shall be kept, with humane treatment and sufficient food and water for their comfort, at least five regular business days, unless the animal is a dangerous animal as defined under § 803.011 in which case it shall be kept for seven regular business days or the times specified in § 803.011, and except if the animal is a cruelly-treated animal in which case it shall be kept for ten regular business days, unless sooner reclaimed by their owners or keepers as provided by this Section. 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:
1. Payment of the release fee and receipt of a release permit from the City Clerk's office;
 2. Payment of maintenance costs, as provided by the pound, per day or any part of day while animal is in said pound; and
 3. If a dog is unlicensed, payment of a regular license fee, plus payment of the late fee, and valid certificate of vaccination for rabies and distemper shots is required.

- D. Unclaimed Animals. At the expiration of the times established in Subdivision 3, if the animal has not been reclaimed in accordance with the provisions of this Section, the officer appointed to enforce this Section may let any person claim the animal by complying with all provisions in this Section, 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. Any money collected under this Section shall be payable to the Clerk-Treasurer.
- E. Non-Domestic Animals and Farm Animals. All non-domestic animals and farm animals located within the city limits in violation of 801.002 and 803.003 shall be impounded and held pursuant to paragraphs C. and D. hereinabove.

803.006. Kennels.

- A. Definition of Kennel. The keeping of three or more dogs and/or cats on the same premises, whether owned by the same person or not and for whatever purpose kept, shall constitute a “kennel;” except that a fresh litter of pups and/or kittens may be kept for a period of four months before such keeping shall be deemed to be a “kennel.”
- B. Kennel as a Nuisance. Because the keeping of three or more dogs and/or cats on the same premises is subject to great abuse, causing discomfort to persons in the area by way of smell, noise, hazard, and general aesthetic depreciation, the keeping of three or more dogs and/or cats on the premises is hereby declared to be a nuisance and no person shall keep or maintain a kennel within the City.

803.007. Nuisances.

- A. Habitual Barking. It shall be unlawful for any person to keep or harbor a dog which habitually barks or cries. Habitual barking shall be defined as barking for repeated intervals of at least three minutes with less than one minute of interruption. Such barking must also be audible off of the owner's or caretaker's premises.
- B. Dogs Disturbing the Peace. It shall be unlawful for any person to own, keep, have in possession, or harbor any dog which howls, yelps, or barks to the reasonable annoyance of disturbing a quiet and peaceful neighborhood. Any person violating this section, who upon written notice by a police officer, or animal control officer to stop or prevent the annoyance, and refuses to comply with the request, will be issued a citation or arrested in accordance with Minnesota Rules of Criminal Procedure, and if the officer deems it necessary to stop the annoyance, may have the dog taken to the City animal pound, until a court determination is made. Any dog placed in the pound may be reclaimed by the owner upon payment of the fee prescribed, and if not reclaimed may, according to Section 803.008 be disposed of in the manner provided.

This provision shall require the complainant to sign a written statement basing his/her complaint against said dog, before the owner shall be cited, or said dog shall be impounded.

- C. **Damage to Property.** It shall be unlawful for any person's dog or other animal to damage any lawn, garden, or other property, whether or not the owner has knowledge of the damage. Any animal covered by this subdivision may be impounded as provided in this Section or a complaint may be issued by anyone aggrieved by an animal under this Section, against the owner of the animal for prosecution under this Section.
- D. **Cleaning up litter.** The owner of any animal or person having the custody or control of any animal shall be responsible for cleaning up any feces of the animal and disposing of such feces in a sanitary manner whether on their own property, on the property of others or on public property. Any person violating this section shall be punishable by a fine of \$50. Any person who is found guilty of subsequent violations of this section shall be punished by a fine of at least \$100.
- E. **Other.** Any animals kept contrary to this Section are subject to impoundment as provided in paragraph 803.005

803.008. Seizure of Animals. Any police officer or animal control officer may enter upon private property and seize any animal provided that following exist:

- A. There is an identified complainant other than the police officer or animal control officer making a contemporaneous complaint about the animal;
- B. The officer reasonably believes that the animal meets either the barking dog criteria set out in 803.007.A.1; the criteria for cruelty set out in 803.013; or the criteria for an at large animal set out in 803.001.E;
- C. The officer has made a reasonable attempt to contact the owner of the property and those attempts have either failed or have been ignored;
- D. The seizure will not involve the forced entry into a private residence. Use of a pass key obtained from a property manager, landlord, innkeeper, or other authorized person to have such key shall not be considered unauthorized entry; and
- E. Written notice of the seizure is left in a conspicuous place if personal contact with the owner of the animal is not possible.

803.009. Animals Presenting a Danger to Health and Safety of City. If, in the reasonable belief of any person or police officer, an animal presents an immediate danger to the health and safety of any person, or the animal is threatening imminent harm to any person, or the animal is in the process of attacking any person, the officer may destroy the animal in a proper and humane manner. Otherwise the person or officer may apprehend the animal and deliver it to the pound for confinement under paragraph 803.005. If the animal is destroyed, a charge as determined by resolution of the City Council, to dispose of the animal is payable by the owner of the animal. If the animal is found not to be a danger to the health and safety of the City, it may be released to the owner or keeper in accordance with paragraph 803.005.C.

803.010. Diseased Animals.

- A. Running At Large. No person shall keep or allow to be kept on his or her premises, or on premises occupied by them, nor permit to run at large in the City, any animal which is diseased so as to be a danger to the health and safety of the City, even though the animal be properly licensed under this Section.
- 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 person or police officer. The police officer shall have a qualified veterinarian examine the animal. If the animal is found to be diseased in such a manner so as to be a danger to the health and safety of the City, the officer shall cause such 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 for at least \$75 or such greater amount as determined by resolution of the City Council to cover 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 within the meaning of this Section, the animal shall be released to the owner or keeper free of charge.

803.011. Dangerous Animals.

- A. 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.
- B. Destruction of dangerous animal. The animal control officer shall have the authority to order the destruction of dangerous animals in accordance with the terms established by this ordinance.
- C. Definitions.
 - 1. A dangerous animal is an animal which has:
 - a. Caused bodily injury or disfigurement to any person on public or private property; or
 - b. Engaged in any attack on any person under circumstances which would indicate danger to personal safety; or
 - c. Exhibited unusually aggressive behavior, such as an attack on another animal; or
 - d. Bitten one or more persons on two or more occasions; or

- e. Been found to be potentially dangerous and/or the owner has personal knowledge of the same, the animal aggressively bites, attacks, or endangers the safety of humans or domestic animals.
2. A potentially dangerous animal is an animal which has:
 - a. Bitten a human or a domestic animal on public or private property; or
 - b. When unprovoked, chased or approached a person upon the streets, sidewalks, or any public property in an apparent attitude of attack; or
 - c. Has engaged in unprovoked attacks causing injury or otherwise threatening the safety of humans or domestic animals.
3. Proper enclosure. Proper enclosure means securely confined indoors or in a securely locked pen or structure suitable to prevent the animal from escaping and to provide protection for the animal from the elements. 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 barriers which prevent the animal from exiting. The enclosure shall not allow the egress of the animal in any manner without human assistance. A pen or kennel shall meet the following minimum specifications:
 - a. Have a minimum overall floor size of 32 square feet.
 - b. 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, support posts shall be one-and-one-quarter- inch 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.
 - c. 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.
 - d. 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.
4. Unprovoked. Unprovoked shall mean the condition in which the animal is not purposely excited, stimulated, agitated or disturbed.

- D. Designation as potentially dangerous animal. The animal control officer shall designate any animal as a potentially dangerous animal upon receiving such evidence that such potentially dangerous animal has, when unprovoked, then bitten, attacked, or threatened the safety of a person or a domestic animal as stated in paragraph 803.011.C.2. When an animal is declared potentially dangerous, the animal control officer shall cause one owner of the potentially dangerous animal to be notified in writing that such animal is potentially dangerous.
- E. Evidence justifying designation. The animal control officer shall have the authority to designate any animal as a dangerous animal upon receiving evidence of the following:
1. That the animal has, when unprovoked, bitten, attacked, or threatened the safety of a person or domestic animal as stated in paragraph 803.011.C.1.
 2. That the animal has been declared potentially dangerous and such animal has then bitten, attacked, or threatened the safety of a person or domestic animal as stated in paragraph 803.011.C.1.
- F. Authority to order destruction. The animal control officer, upon finding that an animal is dangerous hereunder, is authorized to order, as part of the disposition of the case, that the animal be destroyed based on a written order containing one or more of the following findings of fact:
- 1 The animal is dangerous as demonstrated by a vicious attack, an unprovoked attack, an attack without warning or multiple attacks; or
 - 2 The owner of the animal has demonstrated an inability or unwillingness to control the animal in order to prevent injury to persons or other animals.
- G. Procedure. The animal control officer, after having determined that an animal is dangerous, may proceed in the following manner:
1. The animal control officer shall cause one owner of the animal to be notified in writing or in person that the animal is dangerous and may order the animal seized or make such orders as deemed proper. This owner shall be notified as to dates, times, places and parties bitten, and shall be given 14 days to appeal this order by requesting a hearing before the city council for a review of this determination.
 - a. If no appeal is filed, the orders issued will stand or the animal control officer may order the animal destroyed.
 - b. If an owner requests a hearing for determination as to the dangerous nature of the animal, the hearing shall be held before the city council, which shall set a date for hearing not more than three weeks after demand for the hearing. The records of the animal control or city clerk's office shall be admissible for consideration by the animal control officer without

further foundation. After considering all evidence pertaining to the temperament of the animal, the city council shall make an order as it deems proper. The city council may order that the animal control officer take the animal into custody for destruction, if such animal is not currently in custody. If the animal is ordered into custody for destruction, the owner shall immediately make the animal available to the animal control officer.

- c. No person shall harbor an animal after it has been found by to be dangerous and ordered into custody for destruction.
- H. Stopping an attack. If any police officer or animal control 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.
- I. Notification of new address. The owner of an animal which has been identified as dangerous or potentially dangerous must notify the animal control officer in writing if the animal is to be relocated from its current address or given or sold to another person. The notification must be given in writing at least 14 days prior to the relocation or transfer of ownership. The notification must include the current owner's name and address, the relocation address, and the name of the new owner, if any.

803.012 Dangerous animal requirements.

- A. Requirements. If the city council does not order the destruction of an animal that has been declared dangerous, the city council may, as an alternative, order any or all of the following:
 - 1. That the owner provide and maintain a proper enclosure for the dangerous animal as specified in section 803.011.C.3;
 - 2. Post the 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 Minnesota Statute 347.51;
 - 3. Provide and show proof annually of public liability insurance in the minimum amount of \$300,000;
 - 4. If the animal is a dog and is outside the proper enclosure, the dog must be muzzled and restrained by a substantial chain or leash (not to exceed six feet in length) and under the physical restraint of a person 16 years of age or older. The muzzle must be of such design as to prevent the dog from biting any person or animal, but will not cause injury to the dog or interfere with its vision or respiration;
 - 5. 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 Minnesota Statute 347.51;

6. All animals deemed dangerous by the animal control officer shall be registered with the County in which this city is located within 14 days after the date the animal was so deemed and provide satisfactory proof thereof to the animal control officer.
 7. If the animal is a dog, the dog must be licensed and up to date on rabies vaccination. If the animal is a cat or ferret, it must be up to date with rabies vaccination.
- B. Seizure. Animal control shall immediately seize any dangerous animal if the owner does not meet each of the above requirements within 14 days after the date 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.
- C. Reclaiming animals. A dangerous animal seized under section 803.012.B, may be reclaimed by the owner of the animal upon payment of impounding and boarding fees, and presenting proof to animal control that each of the requirements under subsection 803.012.B, is fulfilled. An animal not reclaimed under this section within 14 days may be disposed of as provided under section 803.011.F, and the owner is liable to animal control for costs incurred in confining the animal.
- D. Subsequent offenses. If an owner of an animal has subsequently violated the provisions under section 803.011 with the same animal, the animal must be seized by animal control. The owner may request a hearing as defined in section 803.011.F. If the owner is found to have violated the provisions for which the animal was seized, the animal control officer shall order the animal destroyed in a proper and humane manner and the owner shall pay the costs of confining the animal. 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 subsection 803.012.C. 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 as provided under section 803.011.F and the owner is liable to the animal control for the costs incurred in confining, impounding and disposing of the animal.

803.013 **Basic Care.** All animals shall receive from their owners or keepers kind treatment, housing in the winter, and sufficient food and water for their comfort. Any person not treating their pet in such a humane manner will be subject to the penalties provided in this Section.

803.014 **Breeding Moratorium.** Every female dog or female cat in heat shall be confined in a building or other enclosure in such 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.

- 803.015** **Enforcing Officer.** The Council is hereby authorized to appoint an animal control officer(s) to enforce the provisions of this Section. In the officer's duty of enforcing the provisions of this Section, he or she may from time to time, with the consent of the Council, designate assistants.
- 803.016** **Pound.** Every year the Council shall designate an official pound to which animals found in violation of this chapter shall be taken for safe treatment, and if necessary, for destruction.
- 803.017** **Interference with Officers.** No person shall in any manner molest, hinder, or interfere with any person authorized by the Council to capture dogs, cats or other animals and convey them to the pound while engaged in such 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 Chapter, or in any other manner to interfere with or hinder such officer in the discharge of his or her duties under this Chapter.
- 803.018** **Unwanted Animals.** The City is not required to render aid in the disposal or removal of any unwanted animals, such as wild or domesticated animals in a live trap, wild animals located in a building, wood pile, or garden, unless the same poses an immediate threat to human safety. This section of the Municipal Code of the City of Winsted does not prevent any person from live trapping or removing any unwanted animal (whether alive or domesticated) from their property or property which they are renting.
- 803.019** **Violations and Penalties.**
- A. Separate Offenses. Each day a violation of this Chapter is committed or permitted to continue shall constitute a separate offense and shall be punishable as such under this Section.
 - B. Misdemeanor. Unless otherwise provided, violation of this Chapter shall constitute a misdemeanor punishable as per Minnesota Statute § 609.02, Subd. 3.
 - C. Petty Misdemeanor. Violations of §§ 803.002, 803.007, 803.013 and 803.014 are petty misdemeanors punishable by a fine as stated in Minnesota Statute § 609.02, Subd. 3.