

SECTION 8.12. ANIMAL REGULATIONS

Subdivision 1. Definitions.

For the purpose of this Section:

- A. "Animal" shall mean any mammal, reptile, amphibian, fish, bird (including all fowl and poultry), or other member commonly accepted as part of the animal kingdom. Animals shall be classified as follows:
 - 1. "Domestic animals" shall mean those animals commonly accepted as domesticated household pets. Unless otherwise defined, such animals shall include dogs, cats, caged birds, gerbils, hamsters, guinea pigs, domesticated rabbits, fish, non-poisonous, non-venomous and non-constricting reptiles or amphibians and other similar animals.
 - 2. "Non-domestic animals" shall mean those commonly considered to be naturally wild, not naturally trained or domesticated, or widely considered inherently dangerous to people's health, safety, and welfare. 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 canine family member (family Canidae), including wolves, foxes, coyotes, dingoes, and jackals, excluding commonly accepted domesticated dogs.
 - (c) Any crossbreed, 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 descended), raccoon, squirrel, or ferret, 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
- B. "Dangerous Animal" shall mean an animal that has caused damage to property or injury to a person, or which animal, by its actions, exhibits a propensity for causing imminent danger to persons or other domestic animals.
- C. "Running at Large" shall mean off the owner's premises and not under the owner's or his agent's custody and control, either by leash, cord, chain, kennel or otherwise restrained or confined.

Subdivision 2. Ownership of Animals.

- A. Domestic. Keeping domestic animals is allowed, provided the standards required in Subd. 8 are met.
- B. Non-Domestic. It shall be illegal for any person to own, possess, harbor, or offer for sale any non-domestic animal within the city's limits. Any owner of such an animal shall have thirty days, once notified, to remove the animal from the City; after this period, the City may remove the animal. An exception shall be made to this prohibition for animals brought into the City as part of an operating zoo, scientific research laboratory, or a show or exhibition.

Subdivision 3. Animals in Transit. It is unlawful for any person to transport animals unless they are:

- A. Confined within a vehicle, cage, or other means of conveyance, or,
- B. Restrained using bridles, halters, ropes, or other means of individual restraint.

Subdivision 4. Treatment. It is unlawful for any person to keep any animal as herein defined, or any other animal, in any structure infested by rodents, vermin, flies, or insects or inadequate for protection against the elements.

Subdivision 5. Trespass. It is unlawful for any person to herd, drive, or ride any animal over and upon any grass, turf, boulevard, city park, cemetery, garden, or lot without the owner's specific permission.

Subdivision 6. Domestic Animals

A. Licensing of Dogs and Cats

- 1. License Required. It is unlawful for the owner of any dog or cat which is 6 months of age or older to fail to obtain a license from the City.
- 2. Exceptions, Police Dogs, and Service Animals. The provisions of this subchapter shall not apply to dogs used in police activities of the City; dogs whose owners are non-residents temporarily within the city; dogs brought into the city to participate in any dog show or the ownership or use of a documented service animal.

3. License Issuance, Term, and Renewal. All dog and cat licenses shall be issued only upon presentation of a certificate issued by a veterinarian licensed to practice veterinary medicine in the State of Minnesota, showing that the animal has received rabies immunization for at least the term of the license. All dog and cat licenses expire on May 31 every year, and permits are issued annually. An application for license renewal, accompanied by a veterinarian's certificate, must be submitted at least thirty (30) days before the expiration date of the license.
4. Tag Required. All licensed dogs and cats must wear a collar and have a tag firmly affixed to it that displays a current license number. The City may issue a duplicate tag for a lost one upon presentation of the receipt showing payment of the duplicate license fee. Tags shall not be transferable, and no refund shall be made on any license fee due to the animal leaving the City or the death of the animal before the license expires. This provision shall not apply to animals that are never taken outside the home.

NOTE: YOU ARE NOT GOING TO BE ABLE TO PUT A COLLAR ON A CAT!

5. Number of Domestic Animals Permitted. It is unlawful for an owner of domestic animals to own more than a combination of four (4) animals, except that a fresh litter of animals may be kept for a period of six (6) months.

B. Running at Large Prohibited.

It is unlawful for any person who owns, harbors, or keeps a dog, cat, or any other domestic animal to permit that animal to run at large. Dogs or cats on a leash and accompanied by a responsible person or accompanied by and under the control and direction of a responsible person, 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 or Cats Prohibited."

C. Impounding.

1. Any dog, cat, or other domestic animal found in the City without a license tag, running at large, or otherwise in violation of this section shall be placed in the Animal Pound, and an accurate record of the time of such placement shall be kept for each animal.
2. Every dog, cat, or other domestic animal placed in the Animal Pound shall be held for redemption by its owner for at least five regular business days. A "regular business day" is one during which the Pound is open to the public for at least four hours, between 8:00 A.M. and 7:00 P.M.
3. Impoundment records shall be preserved for at least six months and shall show:
 - a. The description of the animal, including its species, breed, sex, approximate age, and other distinguishing characteristics.
 - b. The location where the animal was seized.
 - c. The date of seizure.
 - d. The name and address of the person from whom any animal three months of age or over was received;
 - e. The name and address of the person to whom any animal three months of age or over was transferred.
 - f. If unclaimed, such animal shall be humanely destroyed, and the carcass disposed of unless it is requested by a licensed educational or scientific institution under the authority of Minnesota Statutes, Section 35.71. Provided, however, that if a tag affixed to the animal, or a statement by the animal's owner after seizure specifies that the animal should not be used for research, such animal shall not be made available to any such institution but may be destroyed after the expiration of the five-day period.
4. Notice of Impounding.

Upon impounding any dog, cat, or domestic animal, the owner shall be notified as soon as possible. If the owner is unknown, a written notice describing the animal and the place and time of taking shall be posted for five days at the City Hall.
5. Release From Animal Pound.

Dogs, cats, and other domestic animals shall be released to their owners as follows:

 - a. If such a domestic animal is owned by a resident of the city, the animal may be released after purchasing a license, if it was unlicensed, and payment of the impounding and maintenance fees.
 - b. If such a domestic animal is owned by a person who is not a resident of the city, after immunization of any such animal for rabies and payment of the impounding and maintenance fees.
6. Seizure by a Citizen.
 - a. It is lawful for any person to seize and impound a dog, cat, or other domestic animal found running at large, and they shall notify the Police Department of said seizure within six hours thereafter.

- b. It shall be the duty of the Police Department to place said dog, cat, or another domestic animal in the City Pound. If the name of the owner of such an animal seized is known to the person who first takes such an animal into custody, he or she shall inform the Police Department of the name of the owner, and the address if known.

7. Immobilization of Animals.

For enforcement of this Section, any peace officer or person whose duty is animal control may use a so-called tranquilizer gun or other instrument to immobilize and catch a dog, cat, or other domestic animal.

8. Summary Destruction.

If a dog, cat, or other domestic animal is diseased, vicious, dangerous, rabid, or exposed to rabies and cannot be impounded after a reasonable effort, or if impounding it would pose a serious risk to the person attempting to impound it, it may be destroyed humanely.

C. Rabies Control - Generally.

Every dog or cat that bites a person shall be promptly reported to the Police Department and shall be securely quarantined at the direction of the duty officer for a period of fourteen (14) days. It shall not be released from such quarantine except by written permission of the City. At the discretion of the duty officer, such quarantine may be on the owner's premises or at the veterinary hospital of the duty officer's choice. If the animal is quarantined on the owner's premises, the City shall have access to the animal at any reasonable time for study and observation of rabies symptoms. In the case of a stray animal or in the case of an animal whose ownership is not known, such quarantine shall be at the animal pound, or, at the discretion and designation of the Chief of Police, the animal may be confined in a veterinary hospital

1. The owners, upon demand made by the Police Department or its designee, shall forthwith surrender any dog or cat that has bitten a human or is suspected of having been exposed to rabies for supervised quarantine. The owner shall bear the expenses of the quarantine. The owner may reclaim the animal if it is adjudged free of rabies, upon payment of the fees outlined in this Section and compliance with the licensing provisions outlined in this Section.
2. When a dog or cat under quarantine and diagnosed as being rabid or suspected by a licensed veterinarian as being rabid dies or is killed, the City shall immediately send the head of such animal and rabies data report to the State Health Department for pathological examination and shall notify all persons concerned of the results of such examination.
3. The City shall issue such a proclamation and take such action when rabies is suspected or confirmed as required by Minnesota Statutes.

4. Reports of Bite Cases.

Every physician or other practitioner must report to the Police Department the names and addresses of individuals treated for bites inflicted by dogs or cats, along with any information that will be helpful in rabies control.

5. Responsibility of Veterinarians.

Every licensed veterinarian must report to the Police Department the diagnosis of a dog or cat observed by the licensed veterinarian as a rabies suspect.

D. Animals in Heat.

Except for controlled breeding purposes, every female dog or cat in heat shall be kept confined in a building, secure enclosure, veterinary hospital, or boarding kennel in a manner that prevents the female animal from coming into contact with other animals.

E. Animal Waste.

1. It is unlawful for any owner to:

- a. Permit a dog, cat, or other domestic animal to defecate on public property or the private property of another without immediately removing the excrement and disposing of it in a sanitary manner.
- b. Permit a dog, cat, or other domestic animal to be upon public property, or the private property of another, unless such animal is in the custody of a person of suitable age and discretion having in his possession equipment and supplies for waste removal.
- c. Permit excrement to accumulate for over seven (7) days on premises occupied by the owner without removal and sanitary disposal.

F. Dogs are declared nuisances.

1. It shall be unlawful for any person to keep or harbor a dog that habitually barks or cries. "Habitual barking" shall be defined as barking for repeated intervals of at least three (3) minutes, with no more than one (1) minute of interruption. Such barking must also be audible off the owner or caretaker's premises.

2. It shall be the obligation and responsibility of the owner or custodian of any dog in the city, whether permanently or temporarily therein, to prevent such animal from committing any act which constitutes a nuisance. Failure on the part of the owner or custodian to prevent their animal from committing an act of nuisance shall be subject to the penalty provided.

3. The following dogs are hereby declared to be nuisances:

(a) Any dog that barks, bays, cries, howls, or makes any other noise continuously for ten minutes, or that barks intermittently for one-half hour or more, and in doing so disturbs other people.

(b) Any dog running at large.

G. Damage to Property.

It shall be unlawful for any person's dog or cat to damage any lawn, garden, or other property, regardless of whether the owner is aware 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 animal's owner for prosecution under this Section.

H. Regulations of Kennels.

1. Any owner who chooses to restrain a dog in a fenced or caged area, also known as a kennel, must do so in the following manner:

a) Locate such kennel 10 feet from any property line.

b) Such a kennel may not be in the front yard.

c) The minimum floor size of such a kennel must be 32 square feet.

d) The side walls of the kennel shall have a minimum height of 5 feet and be constructed of 11-gauge or heavier wire.

e) The kennel area should provide coverage to protect the animals from the elements.

f) The entrance or gate shall be equipped with a device capable of being secured in a manner that prevents the animal from escaping.

g) A person in charge or control of any dog kept outdoors or in an unheated enclosure shall provide the dog with shelter and bedding as prescribed in this section, as a minimum.

h) The shelter shall include a moisture-proof and windproof structure of suitable size to accommodate the dog and retain body heat. It shall be made of durable material with a solid, moisture-proof floor or a floor raised at least 2 inches above the ground. The structure must have a windbreak at the entrance.

i) The structure shall be provided with enough suitable bedding material, consisting of hay, straw, cedar shavings, blankets, or an equivalent, to provide insulation and protection against cold, heat, and dampness, and enable the animal to regulate and maintain a normal body temperature.

j) Shade from the direct rays of the sun shall be provided.

k) All shelters required by this section shall be subject to all building or zoning regulations of the City of Westbrook

Subdivision 7. Adoption of Fees.

The Council shall establish, by resolution, all fees associated with conditional use permitting, licensing, impounding, and animal maintenance, including penalties for late applications. These fees will be enforced uniformly and may be amended periodically through subsequent resolutions. A copy of the current fee resolution will be maintained in the City Clerk's office and available for public inspection during regular business hours.

Subdivision 8. Penalty.

The first violation of this section is punishable by an administrative fine. If it is a repeat offense regarding the same violation, a criminal citation will be issued, requiring an appearance in court.