

**ORDINANCE 01-2011**

CITY OF AFTON  
WASHINGTON COUNTY, MINNESOTA

**AN ORDINANCE AMENDING CHAPTER 6 OF THE AFTON CITY CODE RELATING TO  
ANIMALS**

THE CITY COUNCIL OF THE CITY OF AFTON, MINNESOTA HEREBY ORDAINS:  
Chapter 6 of the Afton City Code to read as follows

Chapter 6

**ANIMALS\***

**Article I. In General**

- Sec. 6-1. Definitions.
- Sec. 6-2. Restraint.
- Sec. 6-3. Confinement.
- Sec. 6-4. Public nuisance – Determination.
- Sec. 6-5. Same – Abatement.
- Sec. 6-6. Animal shelter and animal control.
- Sec. 6-7. Abandonment.
- Sec. 6-8. Penalty.
- Secs. 6-9. – 6-35. Reserved.

**Article II. Animal Registration Provisions**

- Sec. 6-36. Requirements.
- Sec. 6-37. Application and Tags.
- Sec. 6-38. Terms of Validity
- Sec. 6-39. Lost or stolen tags.
- Sec. 6-40. Transfers and refunds.
- Sec. 6-41. Fee.
- Secs. 6-42. – 6-65. Reserved.

**Article III. Impoundment**

- Sec. 6-66. Authorized.
- Sec. 6-67. Treatment during impoundment.
- Sec. 6-68. Redemption.
- Sec. 6-69. Disposal of unredeemed animals.
- Sec. 6-70. Observation of dog after biting.
- Sec. 6-71. Animal control and animal shelter reports.
- Secs. 6-72 – 6-100. Reserved.

**Article IV. Kennels**

- Sec. 6-101. Fees.
- Sec. 6-102. Tags.
- Sec. 6-103. Regulations.
- Secs. 6-104. – 6-130. Reserved.

AFTON CODE

\***Cross references** – Livestock, § 12-188; agricultural operations, § 12-189; protection of animals from snowmobiles and all terrain vehicles, § 22-146.

**State law references** – Animals generally, M.S.A. ch. 346; authority of council to regulate animals, M.S.A. § 412.221, subd. 21.

**Article V. Wild Animals**

- Sec. 6-131. Purpose.
- Sec. 6-132. Definitions.
- Sec. 6-133. Exceptions, permit required.
- Sec. 6-134. Impoundment of wild animals.

**ARTICLE I. IN GENERAL**

**Sec. 6-1. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Altered* means an animal which has been surgically rendered unable to reproduce: Neutered in the case of male animals, or spayed in the case of female animals.

*Animal, Domestic Pets* means any animal commonly accepted as a domesticated household pet. Unless otherwise defined, such animals shall include dogs, cats, caged birds, gerbils, hamsters, guinea pigs, fish, and other similar animals.

*Animal, Wild* means any animal commonly considered to be naturally wild and not naturally trained or domesticated, or which is commonly considered to be inherently dangerous to the health, safety, or welfare of people.

*Animal Control Officer* means an officer employed by or under contract who is responsible for animal control operations, enforcement of this ordinance and other laws dealing with animals. The Animal Control Officer shall also be construed to include any licensed law enforcement officer.  
(Ord 1997-2, 12-16-97)

*At large* means a dog when it is off the property of his owner or keeper and not under restraint.

*Cat* means both male and female of any animal of the domesticated cat species.

*Clerk* means the city clerk and the duties imposed upon the clerk hereunder with respect to registration receipts and tags may be carried out by the clerk through the clerk's duly designated agents subject to the clerk's supervision, direction and control.

*Commercial kennel* means a place where four or more dogs over six months of age are kept, and where the business of selling, boarding, breeding, training or grooming dogs is conducted, governed by a special use permit.

*Dog* means both male and female of any animal of the domesticated dog species.

*Owner* means any person owning, keeping, harboring, or acting as custodian of any animal.

*Rescue Group* shall mean an organization certified as a nonprofit 501(c)(3) organization and has as at least one of its purposes the rescue and placement of cats.

*Residential kennel* means a place where four or more dogs over six months of age are kept on premises which are zoned and occupied for residential purposes, and where the keeping of such dogs is incidental to the occupancy of the premises for residential purposes, by a special use permit and licensed as required herein.

## ANIMALS

*Restraint* means an animal is on the premises of the animals owner; obedient to that person's command when off the premises; within a private motor vehicle or controlled by a leash. An animal on the property of another without the consent of such property owner is at large and not under restraint.  
(Code 1982, § 1001.101)

*Stray Cat Colony* shall mean cats living in a stray cat managed program.

*Stray Cat Management Program* shall mean a program designed to trap, sterilize (spay or neuter), and return unsocialized stray cats to their colony in order to reduce and ultimately eliminate stray cat populations in a non-lethal and effective manner.

*Unsocialized Stray Cat* shall mean a stray cat which is wild, untamed or unsocialized.  
**Cross reference(s)**--Definitions generally, § 1-2.

### **Sec. 6-2. Restraint.**

No owner shall permit his animal to be at large in this City, but shall keep such animal under restraint at all times. animals shall be prohibited in areas of public parks or upon public lands unless leashed at all times.  
(Code 1982, § 1001.111)

**State law reference(s)**--Animals at large, M.S.A. § 346.16 et seq.

### **Sec. 6-3. Confinement.**

(a) The owner shall confine within a building or secure enclosure any fierce, dangerous, or vicious animal, except when under restraint by a competent person.

(b) Every female dog in heat shall be confined in a building, secure enclosure, veterinary hospital, or boarding kennel, or shall be controlled on a leash while being exercised.  
(Code 1982, § 1001.112)

### **Sec. 6-4. Public nuisance--Determination.**

Any animal is a public nuisance that has done any of the following:

- (1) Has destroyed property or habitually trespassed in a damaging manner on property of persons other than the owner.
- (2) Has attacked or bitten a person outside the owner's or custodian's premises.
- (3) Has shown vicious habits or molested pedestrians or persons riding or driving on the public streets or highways.
- (4) Has habitually ran at large.
- (5) Has habitually barked, howled, or bayed to the annoyance of others.
- (6) Has not been registered with the Clerk in order to be identified and returned to its owner.

(Code 1982, § 1001.113)

**Cross reference(s)**--Nuisances generally, § 10-26 et seq.

**State law reference(s)**--Dogs as nuisances, M.S.A. § 347.04.

### **Sec. 6-5. Same--Abatement.**

After a finding by a court of proper jurisdiction that an animal is a public nuisance, as defined in section 6-4, the court may order that the animal be destroyed or that the owner or custodian remove it from the City or keep it confined to a designated place.

(Code 1982, § 1001.114)

**Cross reference(s)**--Abatement of nuisances generally, § 10-28.

AFTON CODE

**Sec. 6-6. Animal shelter and animal control.**

(a) The City Council may provide for an animal shelter, either within or outside the limits of the City, and may provide for animal control officers and animal shelter workers.  
(Code 1982, § 1001.115)

(b) Duties of the Animal Control Officer. The Animal Control Officer shall have the police powers necessary for enforcement of this ordinance, including the authority to issue citations for violations.  
(Ord 1997-2, 12-16-97)

**Sec. 6-7. Abandonment.**

No person shall abandon any living animal or animal carcass within the City.  
(Code 1982, § 1001.120)

**State law reference(s)**--Animal abuse, M.S.A. § 346.35 et seq.

**Sec. 6-8. Penalty.**

Any person, firm, or corporation violating any of the provisions of this ordinance shall be guilty of a misdemeanor.

**(Ord 1997-2, 12-16-97)Secs. 6-9 -- 6-35. Reserved.**

**ARTICLE II. ANIMAL REGISTRATION PROVISION**

**Sec. 6-36. Requirements.**

No person in the City shall own, harbor, keep or have custody of a dog or cat over six months of age within this city unless such dog or cat has been vaccinated for rabies and registered with the Clerk. All dogs shall be provided a license and such license period shall be for two years beginning January 1 of every other year. All other domestic pets can be registered with the Clerk for easy identification if the animal is at large within the City.  
(Code 1982, § 1001.102; Res. No. 1996-9, 3-19-96)

**Sec. 6-37. Application and Tags.**

Application for City registration shall be made to the Clerk 45 days after taking residence within this city. In the case of the dog license it shall not be later than 30 days after commencement of the license period. The application shall include such descriptive information as is necessary to provide reasonable identification of the animal and its owner. All applicants for registration of dogs and cats shall present to the Clerk a certificate issued by a doctor of veterinary medicine showing that the animal in question has been vaccinated against rabies. All applicants for registration for an altered animal shall present to the clerk a certificate issued by a doctor of veterinary medicine showing that the animal has been altered.

Upon the registration of a dog, the Clerk shall issue a dog license. The licensee shall be provided with a license receipt and a metallic tag bearing the license number, the name of this city, and the year when the license period begins or has begun. Except where the dog for which the license is issued is on the premises of his owner, the animal shall have a collar or harness on which the license tag is affixed. No person shall counterfeit any such tag of this city or use a counterfeit tag.

**State law reference(s)**--Wearing invalid tag unlawful, M.S.A. § 347.18.

(Code 1982, § 1001.104)

(Code 1982, § 1001.103)

**Sec. 6-38. Term of Validity.**

City registration shall be valid for the period the certificate of rabies vaccination certifies, and shall expire on the date the rabies vaccination certificate expires. Dog licenses are valid for two calendar years.

**Sec. 6-39. Lost or stolen tags.**

If any tag provided for by this article is lost or stolen, the owner may obtain a new tag by surrendering the receipt for the first tag and by paying the sum set by the City Council from time to time.

## ANIMALS

(Code 1982, § 1001.105)

### **Sec. 6-40. Transfers and refunds.**

Animal registration and dog tags shall not be transferable and no refunds shall be made on any fee because of leaving the city or death of the animal before the expiration of the registration period.

(Code 1982, § 1001.106)

---

**\*State law references**—Unlicensed dogs unlawful, M.S.A. § 347.14; failure to obtain license, M.S.A. §347.19.

### **Sec. 6-41. Fee.**

The license fee for each domestic pet registration shall be in the amount set by the city council from time to time. If the registration is obtained while the animal is impounded by this city or after the required license period has commenced, there shall be added to the regular registration fee a late fee penalty of an additional sum as set by the City Council from time to time for each animal. Any domestic pet that is impounded by this city must be registered by the Clerk prior to redeeming the domestic pet from the animal shelter.

(Code 1982, § 1001.107)

### **Secs. 6-42--6-65. Reserved.**

## **ARTICLE III. IMPOUNDMENT\***

### **Sec. 6-66. Authorized.**

The animal control officer or police officer of the city shall impound any animal determined to be a public nuisance. To enforce these provisions, the animal control officer or police officer may enter upon private premises where they have reasonable cause to believe there is a violation. Any domestic pet owner shall produce for inspection the registration receipt upon request of such officers. When domestic pets or other animals are found running at large and their ownership is known to the animal control officer or police officer, such domestic pet need not be impounded, but such officer may, at their discretion, cite the owners of such domestic pet to pay a animal control call out fee as set by the Council from time to time.

(Code 1982, § 1001.116)

### **Sec. 6-67. Treatment during impoundment.**

Any domestic pet which is impounded in the animal shelter shall be kept with kind treatment and comfort. If the animal is not known or suspected of being diseased and has not bitten a person, it shall be kept in the animal shelter for at least five regular business days, unless it is sooner reclaimed by its owner. If such animal is known to be or is suspected of being diseased with a disease which might be transmitted to persons, it shall be kept in the animal shelter for at least 14 days.

(Code 1982, § 1001.117)

### **Sec. 6-68. Redemption.**

Any domestic pet impounded under this article may be redeemed from the animal shelter by the owner upon paying the following fees and charges:

- (1) The registration fee for the domestic pet, if the registration has not previously been obtained. This fee is to be paid to the Clerk at city hall or to the animal shelter if the city hall is closed.
- (2) The late registration fine, in the amount set by the City Council from time to time, where the registration has not been obtained within the required time. This fee is to be paid to the Clerk at city hall or to the animal shelter if the city hall is closed.
- (3) The boarding fee in the amount set by the City Council and animal shelter from time to time. This fee is to be paid to the animal shelter for their services.
- (4) An impounding fine in the amount established by the city council from time to time. This fee is to be paid at the animal shelter by a separate check to the city.

AFTON CODE

(5) An additional fee in the amount set by the City Council for second, third or fourth violations of this chapter. This fee is to be paid at the animal shelter by a separate check to the city.

(Code 1982, § 1001.118)

**\*State law references**—Authority to impound animals, M.S.A. § 412.221, subd. 21.

**Sec. 6-69. Disposal of unredeemed animals.**

The animal shelter shall notify the owner of any domestic pet which has been impounded and which has identification on it. At the end of the impounding period if the animal is not reclaimed by the owner, such animal shall be deemed to have been abandoned and may be sold to any person or disposed of by the animal shelter in a humane manner. No abandonment or disposal of any animal shall exempt the owner of such animal from the penalties and redemption fees provided under this chapter.

(Code 1982, § 1001.119)

**Sec. 6-70. Observation of dog after biting.**

Any person knowing of a case of a human being bitten by a dog shall immediately notify the animal control officer or police, who shall then order such dog impounded for a period of 14 days, at the expense of the dog owner, before surrendering the dog to its owner. If the owner has adequate facilities, the animal control officer or police may allow the owner of the dog to impound it in such facilities.

(Code 1982, § 1001.121)

**State law reference(s)**--Rabies control program, M.S.A. § 346.50 et seq.

**Sec. 6-71. Animal control and animal shelter reports.**

The animal control officer and the animal shelter shall give an accurate written report for each month to the city clerk showing all services provided and fees collected for all animals impounded or otherwise disposed of under the terms of this chapter and the duration of impoundment.

(Code 1982, § 1001.122)

(Code 1982, § 1001.123)

**Secs. 6-72--6-100. Reserved.**

**ARTICLE IV. KENNELS\***

**Sec. 6-101. Fees.**

The fee for a commercial kennel license shall be the amount set by the City Council from time to time. The fee for a residential kennel license shall be the amount set by the City Council from time to time. The kennel license shall be in lieu of individual license fees as set forth in section 6-41. A certificate of vaccination against rabies shall be available for inspection by any person charged with enforcement of this chapter, for each dog over six months of age housed in the kennel.

(Code 1982, § 1001.108)

**Sec. 6-102. Tags.**

Upon the issuance of a conditional use permit license by the City Council, the licensee shall be provided with metallic tags as described in section 6-38 for each dog housed in the kennel. The provisions of section 6-38, section 6-39 and section 12-221 shall apply to kennel dogs.

(Code 1982, § 1001.109)

**Sec. 6-103. Regulations.**

Kennels shall be kept in a clean and healthful condition at all times, and shall be open to inspection by any health officer, animal control officer, or other person charged with enforcement of this chapter, or any health or sanitary regulation of this city, at all reasonable times.

(Code 1982, § 1001.110)

**Secs. 6-104--6-130. Reserved.**

ANIMALS

ARTICLE V. WILD ANIMALS\*

**Sec. 6-131. Purpose.**

To protect the health, safety and welfare of the citizens of the city, it shall be unlawful to keep any wild animal within the corporate limits of the city, except as permitted pursuant to the provisions of this article.  
(Code 1982, § 1002.101)

\***Cross references**—Businesses, ch.8; private kennels, § 12-221.

**State law reference**—Kennel licenses, M.S.A. § 347.32.

†**State law reference**—Game and fish, M.S.A. ch. 97A.

**Sec. 6-132. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Wild animal* means and includes any mammal, amphibian, or reptile which is of a species which is wild by nature or of a species which, due to size, vicious nature or other characteristic is dangerous to human beings. Examples include but are not limited to:

- (1) Any large cat of the family Felidae, such as lions, tigers, jaguars, leopards, cougars and ocelots, except commonly accepted domesticated house cats.
  - (2) Any member of the family Canidae, such as wolves, coyotes, dingos, and jackals, except domesticated dogs.
  - (3) Any crossbreed such as crossbreeds between dogs and coyotes, or dogs and wolves, but does not include crossbred domesticated animals.
  - (4) Any poisonous snake such as a rattlesnake, coral snake, water moccasin, puff adder or cobra.
  - (5) Any snake or reptile which by its size, vicious nature or other characteristic is dangerous to human beings.
  - (6) Any skunk, raccoon, fox or ferret, unless certified by a veterinarian to be free of rabies, and kept pursuant to a valid DNR permit, such certification to be obtained within seven days of receipt of the animal.
  - (7) Any bear, ape, gorilla, monkey (except as exempted by this article), or badger.
  - (8) Any other animal or reptile which is commonly considered wild and not domesticated.
- (Code 1982, § 1002.102)

**Cross reference(s)**--Definitions generally, § 1-2.

**State law reference(s)**--"Wild animal" defined, M.S.A. § 97A.015(55).

**Sec. 6-133. Exceptions, permit required.**

(a) Any person desiring to keep an animal prohibited by this article may apply for a temporary conditional use permit from the city council. Such permit may be issued for a period not to exceed 30 days and shall specify conditions under which such animals shall be kept. Provided, however, that no such permit shall be issued unless such prohibited animal is brought into the city for entertainment, exhibition, or show purposes only, or by persons keeping animals for a public zoo as volunteers, docents or otherwise. (A public zoo or other institution engaged in a permanent display of animals, any bona fide research institution or veterinary hospital may be issued a permanent special use permit provided applicable zoning requirements are met.)

(b) Nonpoisonous snakes or snakes not prohibited by this article, birds kept indoors, hamsters, mice, rabbits, gerbils, white rats, guinea pigs, chinchillas, or lizards, and similar small animals capable of being kept in cages continuously are also exempt and do not require a permit.

AFTON CODE

(c) Handicapped persons may keep monkeys trained as personal helpers by special use permit subject to annual review.

(d) The raising of wild animals for pelts may be permitted by special use permit provided all applicable zoning requirements and all applicable state requirements are met.

(e) Before issuance of any temporary or permanent conditional or special use permit, the applicant shall provide the city with proof of insurance, including public liability insurance with limits of not less than \$100,000.00. The insurance shall provide coverage for liability resulting from the ownership or possession of the specific animal or animals being permitted.  
(Code 1982, § 1002.103)

**Sec. 6-134. Impoundment of wild animals.**

(a) Any wild animal kept in violation of this article may be impounded by the city. Unless such impounded animal is reclaimed and removed from the city, or issued a permit to allow it to remain in the city, or unless the owner petitions the district court for a determination that the animal is exempt from the provisions of this article, the animal may be destroyed or sold five days following notice to the owner of such animal of its impoundment and the provisions of this article.

(b) Any person reclaiming any such animal shall pay the costs of impounding and boarding the same at the time of its release.  
(Code 1982, § 1002.104)

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF AFTON THIS 15TH DAY OF FEBRUARY, 2011.**

**SIGNED:**

---

**Pat Snyder, Mayor**

**ATTEST:**

---

**Sara K. Irvine, City Administrator**

Motion by: Nolz  
Second by: Snyder  
Richter: Yes  
Nolz: Yes  
Palmquist: Yes  
Nelson: Absent  
Snyder: Yes