

# CHAPTER 6. ANIMALS

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## Section 600 – Animal Control Officers and Impoundment of Animals

**600.01 Definitions.** For the purposes of this chapter, the following words and phrases shall have the following meanings:

**600.01.1.** “Animal” includes all mammals, reptiles and fowl kept, harbored, controlled or owned by a person or persons residing in Hermantown or business or licensee doing business in Hermantown.

**600.01.2.** “Animal control authority” shall mean the Hermantown Police Department and such entity as may be designated from time to time by the Chief of Police of the Hermantown Police Department.

**600.01.3.** “Animal control officer” shall mean any police officer of the Hermantown Police Department.

**600.01.4.** “Cat” includes any male or female domesticated feline animal.

**600.01.5.** “Designated Animal Shelter” shall mean such location as may be designated from time to time by the Chief of Police of the Hermantown Police Department.

**600.01.6.** “Dog” includes any male or female animal of the dog kind.

**600.01.7.** “Owner” shall mean the license holder or any other person or persons, partnership, including limited partnership, nonprofit corporation, firm, association or corporation owning,

keeping or harboring an animal. Any person keeping or harboring an animal for five consecutive days shall, for the purposes of this chapter, be deemed to be an owner thereof.

**600.02 Animal Control Officers to Have Powers of Police Officers.** In addition to the other duties prescribed in this chapter, the animal control officers shall have the powers and perform the duties of police officers in relation to animal control activities.

**600.03 Impoundment Authorized; Redemption Fee of Certain Dogs.**

**600.03.1.** Animal control officers shall have the authority to seize, take up and impound all animals:

**600.03.1.1.** Which may be found running at large contrary to the provisions of this chapter. It shall also be the duty of the animal control officers to see that animals required to be licensed are in fact so licensed;

**600.03.1.2.** Which are found to be in an environment or subject to conditions that would, to a reasonable person, evidence that the animal's health, safety or well being is endangered;

**600.03.1.3.** Which are found to be in circumstances set forth in Section 640 of this chapter;

**600.03.1.4.** Which constitute a nuisance under this chapter;

**600.03.1.5.** Which are found to be in circumstances, where the animal exhibits fresh wounds, scarring, or is observed in a fight, or other indications which, to a reasonable person, evidence that the animal has been or will be used, trained or encouraged to fight with another animal, or the owner of such animal has in custody or possession any training apparatus, paraphernalia or drugs used to prepare such animal to fight with another animal.

**600.03.2.** Any person may seize, impound or restrain any animal which is found running at large in the City of Hermantown and hold such animal for the animal control officer or deliver such animal to the designated animal shelter.

**600.03.3.** The animal control officer shall hold such animals until they are claimed by their owners or until disposed of in accordance with 600.04 of this section. All unclaimed animals shall be held for not less than five business days before being disposed of by the animal control authority.

**600.03.4.** Any animal impounded under the provisions of this section shall be released only upon the payment of the expenses of taking and keeping the animal. If the animal is unlicensed, in addition to the impounding and boarding fee, the animal shall not be released without payment of the prescribed license fee, subject to the provisions of 600.04.4.1 and 600.03.4.2:

**600.03.4.1.** If the number off animals impounded by one owner exceeds the lawful number the owner may possess, the excess number of animals shall not be released to the owner,

unless the owner has a maximum dog/and or cat exception license issued by the Hermantown Police Department and meets the other requirements of this chapter.

**600.03.4.2.** If it is the opinion of a licensed veterinarian that a critically injured or diseased animal will unnecessarily suffer, such animal may be humanely euthanized prior to the five day holding period even though attempts to locate or notify the owner have been unsuccessful. The owner shall be responsible for the cost of euthanization and/or the reasonable costs of the care and treatment.

**600.03.5.** The animal control officer shall provide necessary and humane care for all animals impounded and the expenses thereof shall be paid by the owner or the person claiming the animal.

#### **600.04 Disposal After Five Business Days.**

**600.04.1.** After five business days, the animal control authority may make provision for the humane euthanasia or adoption of such animals, which remain unclaimed. Other animals for which the waiting period is not applicable may be disposed of immediately by the animal control authority. The City Council may, from time to time, by ordinance, set such fees for animal control services as may be necessary. Such fees may include, but are not limited to disposal fees, placement fees and service calls within and without the city. All such fees shall be collected by the animal control authority and shall be turned in to the city treasury

#### **600.05 Dogs and Cats Adopted; Spaying or Neutering Required.**

**600.05.1.** All dogs and cats placed for adoption by the animal control authority pursuant to 600.04 may be placed for adoption with the designated animal shelter or other nonprofit organizations such as; animal humane societies, animal placement agencies or animal rescue groups, and such dogs and cats must be spayed or neutered prior to the adopting party taking possession of the animal. In addition, every adopted animal must be examined by a licensed veterinarian and vaccinated against rabies. Animals known to be infected with a contagious disease or condition shall not be placed for adoption until the animal is in good health and no longer contagious.

**600.05.2.** The animal control authority is authorized to establish a cooperative program to perform sterilizations and vaccinations pursuant to this section before the adopting party takes custody of an animal.

**600.05.3.** Nothing in this section shall be construed to authorize the animal control authority to sterilize an animal that has been reclaimed by its owner, or for which the period for the owner to reclaim has not expired.

**600.05.4.** Upon review of the adoption application the animal control authority is authorized to deny an adopting party an animal if the adopting party demonstrates an unwillingness or inability to abide by terms of the adoption agreement.

**600.05.5.** At the close of each adoption of an animal, the animal adoption organization shall give the adopting party a certificate containing a description of the animal adopted, health records for the animal, the amount of the adoption fee and the names and addresses of both the adoption organization and adopting party. Copies of the above adoption information must be kept for a period of two years and open for inspection by the animal control authority.

**600.06 Obstructing Animal Control Officer; Breaking into Public Animal Shelter.**

**600.06.1.** No person shall intentionally obstruct, hinder, prevent or interfere with an animal control officer while the officer is engaged in the performance of animal control duties.

**600.06.2.** No person shall break open or in any manner, directly or indirectly, assist in breaking open any public animal shelter in the city, release or attempt to release therefrom any animal impounded.

**600.06.3.** No person except for the animal control authority shall release or cause to be released any animal impounded at the designated animal shelter.

(Ord. 2003-13, passed 12-1-03)

## **Section 610 – License of Animals**

### **610.01 License Required.**

**610.01.1.** No person within the city shall own or possess any dog or cat over eight weeks of age without obtaining a license therefor and having complied with the provisions set forth in this section.

### **610.02 Fees.**

**610.02.1.** Any person owning or possessing a dog or cat shall pay a lifetime license fee or annual license fee for each such dog or cat. All such license fees shall be set by the City Council by ordinance;

**610.02.2.** No license shall be required for dogs or cats brought into the city for the purpose of participating in any shows. Any properly identified service dog which aids persons who are totally or partially blind or deaf or have physical or sensory disabilities shall be issued a dog license at no charge upon providing proof of certification of training as a service dog.

### **610.03 License Application.**

**610.03.1.** Dog and cat licenses shall be issued on an annual or lifetime basis.

**610.03.2.** Lifetime licenses shall be in effect during the lifetime or the licensed pet. In the event of the transfer of ownership of a dog or cat with a lifetime license, the license may remain with the dog or cat subject to a notice of transfer of ownership being filed with the City and

payment of the applicable fee. The City Council shall establish a fee amount for ownership transfers by ordinance.

**610.03.3.** Before the first day of January of each year, it shall be the duty of the Hermantown Police Department to send to all dog or cat owners who hold a valid license a notice that licenses required herein are due on January first and informing such persons of the penalties for failure to procure such license. Dog and cat licenses shall be issued on an annual basis. Each license shall be in effect beginning on the first day of January and expiring on the last day of December of that calendar year. All dog and cat licenses issued after the first day of January and before the last day of December shall expire on the last day of December of that same calendar year. License fees for new residents owning or harboring a cat or dog are due and payable when such owner begins residency in Hermantown.

**610.03.4.** Owners or persons claiming an impounded and unlicensed cat or dog shall complete a license application and purchase a cat or dog license from the Hermantown Police Department prior to the release of the animal.

**610.03.5.** Applicants for an annual or lifetime dog or cat license must provide the animal control authority proof of vaccination in accordance with Section 620 of this chapter.

**610.03.6.** When the owner has been convicted of a violation of 660.03 of this chapter or M.S. Section 609.226 and/or M.S. Section 609.205(4), relative to the dog sought to be licensed, the application shall require proof of public liability insurance in the minimum of \$300,000 and proof of microchip identification as required in 660.08 of this chapter.

**610.04 Tag-Duplicates, Transferability.** When a license is issued under the provisions of this section the Hermantown Police Department shall deliver to the person securing the same a metal tag, bearing the serial number of the license. Tags shall also bear the words “City of Hermantown Dog/Cat License” and license year for annual licenses. Duplicate metal tags, in case of loss, may be issued. The City Council shall establish a fee for duplicate tags by ordinance. No tag shall be transferred from one dog or cat to another.

**610.05 Tag Attached to Collar; Removal of Collar or Tag Prohibited.**

**610.05.1.** The licensee shall securely attach the tag to a collar and this collar, with the tags attached, shall at all times be kept on the cat or dog for which the license tag is issued. No person shall remove the collar or tag from any dog or cat without the consent of the person to whom the license for such dog or cat is issued.

(Ord. 2003-13, passed 12-1-03) (Am. Ord. 2017-09, passed 1-8-18)

## **Section 620 – Rabies Control**

### **620.01 Definitions.**

**620.01.1.** “Ferret” shall mean domestic ferrets as opposed to non- domesticated found in the wild.

**620.01.2.** “Rabies control authority” refers to and means any duly authorized person or persons responsible for the enforcement of this section in accordance with the directions of the St. Louis County health department;

**620.01.3.** “Vaccination against rabies” refers to and means the inoculation of a dog or cat with a rabies vaccine. Such vaccination shall be performed by a veterinarian duly licensed to practice veterinary medicine.

**620.02 Vaccination Requirements.**

**620.02.1.** Every dog, cat or ferret, four months of age and older, shall be vaccinated against rabies.

**620.02.2.** Every dog, cat or ferret which is not vaccinated at the time of its acquisition or transportation into the city shall be vaccinated within 30 days of acquisition or arrival, whichever is applicable, unless such dog, cat or ferret is under four months of age.

**620.02.3.** Every dog, cat or ferret shall be revaccinated thereafter in accordance with the current “Compendium of Animal Rabies Vaccines, Part II: Vaccines Marketed in U.S. and NASPHV Recommendations,” prepared by the National Association of State Public Health Veterinarians, Inc.

**620.03 Vaccination Identification.** A metal or durable plastic current rabies vaccination tag, issued by the attending veterinarian, shall be securely attached to the collar or harness. of the dog, cat or ferret by the owner. Whenever the dog, cat or ferret is out-of-doors, whether on or off the owner's premises, the collar or harness with the vaccination tag must be worn. In addition, the owner may be requested to provide the animal control authority a current certificate off rabies vaccination issued by the veterinarian.

**620.04 Vaccination Cost.** The cost of rabies vaccination shall be borne by the owner of the dog, cat or ferret, whichever is applicable.

**620.05 Exemption from Vaccination Requirements; Transient Dogs, Cats and Ferrets.** The provisions of this section with respect to vaccination shall not apply to any dog, cat or ferret temporarily remaining within the City of Hermantown for less than 30 days, or to any dog, cat or ferret brought into the city for field trial or show purposes. Such dogs, cats or ferrets shall be kept under strict supervision by the owner. However, it shall be unlawful to bring any dog, cat or ferret into the City of Hermantown under circumstances which are not in compliance with the animal health laws and import and exhibition regulations of the State of Minnesota which are applicable to dogs or cats

**620.06. Handling of Dogs, Cats and Ferrets Bitten by Rabid Animals.**

**620.06.1.** The following rules shall apply in the case of dogs, cats or ferrets known to have been bitten by rabid animals. For the purposes of this section, any bat, coyote, bobcat, skunk, civet cat, raccoon or fox that bites a dog or cat shall be deemed a rabid animal, unless proven otherwise:

**620.06.1.1.** If the bitten (exposed) dog, cat or ferret has not been vaccinated in accordance with the provisions of this section, said bitten (exposed) dog, cat or ferret shall be euthanized immediately. If the owner is unwilling to euthanize the bitten (exposed) dog, cat or ferret, said animal shall be placed in strict isolation in a veterinary hospital under veterinary supervision for a minimum period of six months. Before release of the dog, cat or ferret to its owner, it shall be vaccinated against rabies one month prior to its release at the owner's expense.

**620.06.1.2.** If the bitten (exposed) dog, cat or ferret has been vaccinated in accordance with the provisions of this section, said bitten (exposed) dog, cat or ferret shall be revaccinated immediately and shall be placed in strict isolation in a veterinary hospital under veterinary supervision for a minimum period of 40 days following revaccination. If the bitten (exposed) dog, cat or ferret is not revaccinated immediately, it shall be placed in strict isolation in a veterinary hospital under veterinary supervision for a minimum period of six months.

**620.06.2.** See also the provisions of Section 620.10 governing the handling of animals bitten by a rabid or suspected rabid animal.

#### **620.07 Impoundment of Dogs, Cats and Ferrets Without Valid Rabies Vaccination Tags.**

**620.07.1.** Any dog, cat or ferret found not wearing a valid rabies vaccination tag may be impounded. All impounded dogs, cats or ferrets shall be given proper care and maintenance. Impoundment of all animals shall be in accordance with the provisions of this chapter. Each dog, cat or ferret impounded pursuant to this section shall be kept at least five days after the impoundment thereof, unless conditionally reclaimed by its owner as herein provided. Any dog, cat or ferret which is impounded pursuant to this section may be conditionally reclaimed by its owner by payment of the fees prescribed in this chapter and by compliance with the rabies vaccination requirements of this chapter within 72 hours of release. Upon claiming any dog, cat or ferret which has not previously been vaccinated, the owner shall make a cash deposit with the animal control authority, which shall be refunded upon the owner filing proof that the dog, cat or ferret has been vaccinated within 72 hours of release; otherwise the cash deposit shall be forfeited to the city. The City Council may, from time to time, set the amount of the cash deposit.

**620.07.2.** If the owner of a dog, cat or ferret impounded because of the absence of a valid rabies vaccination tag claims that his or her animal has been vaccinated, such owner may reclaim his or her dog, cat or ferret upon production of proof of vaccination, payment of all impounding fees, and acquisition of a valid rabies vaccination tag. If a dog, cat or ferret impounded pursuant to this section is unclaimed by its owner at the end of five days, such animal may be disposed of in accordance with provisions of 600.04.

#### **620.08 Investigation.**

**620.08.1.** An animal control officer or rabies control authority is authorized to enter any yard, whether or not enclosed, or any open kennel in which a dog, cat or ferret is kept or harbored for the purpose of determining whether such dog, cat or ferret is wearing a valid rabies vaccination tag.

**620.08.2.** An animal control officer or rabies control authority having reasonable cause to believe a health hazard exists by virtue of an owner's noncompliance with the provisions of this section, is authorized to apply to the appropriate authority as otherwise permitted by law for a warrant empowering him/her to enter the dwelling, residence or place of abode of the owner of a dog, cat or ferret and to demand the exhibition by the owner of such dog, cat or ferret and/or rabies vaccination tag and/or rabies vaccination certificate.

**620.09 Impound Fees.** Impoundment fees shall be borne by the owner as provided for in 600.03.

### **620.10 Biting; Quarantine.**

**620.10.1.** When any person has been bitten by a dog, cat or ferret, the owner or custodian of the dog, cat or ferret, having been so notified, shall immediately quarantine the dog, cat or ferret at owner's home or other suitable place of confinement within the city or such other place as directed by the animal control authority or rabies control authority. If a dog, cat or ferret which has bitten a person is running at large and has been apprehended by the animal control officer, and if, upon apprehension, the dog, cat or ferret is not wearing a rabies vaccination tag or other identification which reasonably reveals its ownership, the animal control officer, after consultation with the rabies control authority, may impound the dog, cat or ferret until the quarantine period is completed. If the dog, cat or ferret has not been claimed after five days, the animal control authority, after consulting with the rabies control authority, may either immediately euthanize the dog, cat or ferret and submit the carcass to the rabies control authority for rabies examination or keep the dog, cat or ferret impounded for the full quarantine period. The period of quarantine shall commence immediately after a person has been bitten and such period shall last for ten consecutive days thereafter. If on or before the tenth day the dog, cat or ferret shows clinical signs suggestive of rabies, the dog, cat or ferret, the animal control authority after consulting with the rabies control authority, may euthanize and submit the carcass to the rabies control authority for rabies examination. If any of the following animals: skunk, raccoon, fox, coyote, civet cat, bobcat or bat, bites a human, that animal may, after consulting with the rabies control authority, be euthanized immediately and the carcass may be submitted to the rabies control authority for rabies examination. When other animal species are involved in a biting incident with a human or any other animal, the rabies control authority shall determine whether the animal, based on the prevalence of rabies in the region, is a rabies suspect. Animals deemed to be a rabies suspect by the rabies control authority may be euthanized immediately and the carcass submitted for rabies examination. Animal species including livestock, rodents (squirrels, hamsters, guinea pigs, gerbils, chipmunks, rats and mice) and lagomorphs (rabbits and hares) may be considered rabies suspects on an individual basis. If at the end of the ten day quarantine period the dog, cat or ferret appears to be normal and healthy, the quarantine will be terminated. During the quarantine period the dog, cat or ferret shall be securely confined in a building or in a yard enclosed by a fence so constructed that the dog, cat or ferret cannot get

through or over and which will not permit other animals or persons to enter and will prevent the dog, cat or ferret from coming in contact with other animals or persons other than the custodian. Upon request the animal owner or custodian shall make the dog, cat or ferret available to the rabies control authority for inspection at any reasonable time during the quarantine. The dog, cat or ferret shall not be euthanized unless it cannot be safely secured. If the dog, cat or ferret is euthanized, dies, becomes sick or escapes within the quarantine period, the owner, custodian or agent thereof must notify the rabies control authority immediately. When it is necessary to quarantine a dog, cat or ferret under this chapter, the cost and expense of such quarantine shall be borne by the owner or agent of the owner of the dog, cat or ferret. Any person exposed to an animal suspected of having rabies shall be referred to the rabies control authority for health recommendations.

(Ord. 2003-13, passed 12-1-03)

## **Section 630 – Keeping of Animals**

### **630.01 Definitions.**

**630.01.1.** “Estrus” shall mean a periodic state of sexual excitability during which the female animal is willing to mate with the male and is capable of becoming pregnant.

**630.01.2.** “Livestock” shall mean domesticated hoofed mammals commonly kept for agricultural purposes such as horses, cows, llamas, except for Small Farm Animals;

**630.01.3.** “Nuisance” shall mean;

**630.01.3.1.** An owner allowing the accumulation of animal feces in an open outside area or inside a structure causing unpleasant, offensive odors to reasonably cause the annoyance of another person or persons;

**630.01.3.2.** An animal owner allowing or failing to prevent the animal from continually and/or repeatedly causing a disturbance by loud and frequent or habitual vocalizations;

**630.01.3.3.** An animal owner allowing or failing to prevent the animal from continually and/or repeatedly causing damage to property of one other than the owner;

**630.01.4.** “Picket” shall mean to secure an animal by means of a chain or metallic cable to a fixed object, thereby confining the animal to a specified area.

**630.01.5.** “Small Farm Animals” shall mean domesticated honeybees, geese, ducks, female chickens, pigeons, female goats, female sheep, rabbits, and pot-bellied pigs.

**630.02 Nuisance.** No person shall keep any mammal, fowl, reptile or bees in such a manner as to constitute a nuisance.

### **630.03 Animal Noise.**

**630.03.1.** No person shall harbor or keep any dog which, by loud and frequent or habitual barking, yelping or howling shall cause reasonable annoyance to another person or persons.

**630.03.2.** It shall be unlawful for any person harboring or keeping any animal when that animal creates any noise which is plainly audible to any person, including animal control officers and police officers, at the property line of the building or premises where the animal is being kept and when:

**630.03.2.1.** The animal is unable to be quieted by owner or other person caring for the animal; or

**630.03.2.2.** The animal makes continuous noises for a period of five minutes.

#### **630.04 Animal Interference.**

**630.04.1.** No person shall harbor or keep any animal, which shall cause annoyance to people passing upon the streets, sidewalks or other public places in the City of Hermantown by physical interference with any such people.

**630.04.2.** Persons owning or harboring a restrained animal on private property shall further restrict the animal on that private property in a manner which prevents that animal from having physical contact with an invitee when that animal has bitten or acted in an aggressive and vicious manner which prohibited safe passage of an invitee. Invitees shall have the right of safe passage onto private property for the purpose of performing their assigned duties.

**630.04.3.** An invitee for the purposes of this section shall include but is not limited to the following: United States postal workers, Hermantown City employees, persons under contract with the City of Hermantown, state and county employees, parcel post delivery persons, food and product delivery persons, newspaper delivery persons, and other delivery persons acting within the scope of their assigned duties and required to enter onto private property for the purpose of performing these duties.

**630.04.4.** Picketing. No animal shall be picketed so as to be within ten feet of any public sidewalk, public alley or public street.

#### **630.05. Trespassing or Damage to Property by Animals Prohibited.**

**630.05.1.** No owner or person having charge of any animal shall allow the same to enter or remain upon the property of another person without the consent of that person.

**630.51.2.** No owner of any animal shall allow the same to commit damage to property of one other than the owner's.

#### **630.06 Running at Large Prohibited.**

**630.06.1.** No person shall suffer or permit any animal owned or controlled by that person to run at large within the city. An animal shall be considered to be running at large if the animal departs from the private property of the owner or other person caring for that animal and is not under physical control of the owner, a member of the immediate family or other responsible person caring for that animal. Any animal in a park, including any space designated or intended for active or passive recreation, as defined in Section 330.02.1 and other than those designated as an off leash dog park under Section 330.10 of this Code or in the public right of way, must be controlled by a leash pursuant to Section 330.07.3 of this Code. If the animal is under control by a leash, the leash must be of suitable strength not exceeding six feet in length. Persons controlling animals with leash devices capable of extending leash lengths greater than six feet shall retract the leash length so it shall not exceed six feet in length when being approached or approaching within ten feet of other persons and/or other animals. The reliance on an e-collar or remote collar is expressly prohibited when used as the sole device to control an animal.

(Am. Ord 2024-03, passed 2-5-2024)

**630.06.2.** An animal is not in violation of this section if:

**630.06.2.1.** Such animal remains on the private property of the owner or other person caring for that animal and a competent person is outside with the animal and that animal is immediately obedient to that person's command;

**630.06.2.2.** Such animal is picketed in accordance with this section;

**630.06.2.3.** Such animal is confined in a receptacle or a closed vehicle;

**630.06.2.4.** Such animal is actually participating in a bona fide field trial, animal show or exhibition, training school, obedience school or similar activity;

**630.06.2.5.** Such animal is a police animal engaged in activities on behalf of the city;

**630.06.2.6.** Such animal is a tracking animal; and is being used by or with the permission of the city;

**630.06.2.7.** Such animal is a certified service animal serving a disabled person;

**630.06.3.** Underground electronic fencing system:

**630.06.3.1.** An underground electronic fencing system used to restrain an animal on private property shall keep an electronically restrained animal a minimum distance of ten feet from any adjacent public sidewalk, public alley or public street.

**630.06.3.2.** The property owner or person in control of the property shall be required to erect and maintain a sign alerting the general public that an animal is contained on the posted property by an underground electronic fencing system. The sign shall not be smaller than six inches by nine inches in size and not larger than two feet by one foot. The written warning

language on the sign shall not be smaller than three quarters of an inch in height. The sign shall be conspicuously placed as to clearly inform the approaching general public of the underground electronic fencing system.

**630.06.3.3.** An animal designated as being a dangerous animal or a potentially dangerous animal under of this chapter and/or under M.S. Section 347.50, as it may be amended from time to time, shall not be primarily restrained by an underground electronic fencing system.

**630.06.3.4.** The property owner or person in control of the property operating an underground electronic fencing system for the purpose of restraining an animal shall be required to maintain the underground electronic fencing system in an effective and proper working order.

**630.06.3.5.** A person using a fencing system as the primary means of restraint for an animal may not continue to use the fencing system as the primary means of restraint for that animal if the animal is found to be running at large.

**630.07 Female Animal in Estrus.** Every female animal in estrus shall be kept confined within a building in such a manner that the animal cannot come in contact with any intact male animal except for proper breeding purposes within the building. The female animal in estrus may be taken from the confined area on a secure leash controlled by a person of sufficient age or into a confined outdoor enclosure within the owner's property in order for the animal to urinate and/or defecate.

#### **630.08 Animal Litter.**

**630.08.1.** The owner of any animal or any 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.

**630.08.2.** It is unlawful for any person owning, keeping or harboring an animal to cause said animal to be on property, public or private, not owned or possessed by such person without having in his/her immediate possession a device for the removal of feces and depository for the transfer of animal feces to a receptacle located on property owned or possessed by such person. A device may include a plastic or paper bag that is used to recover animal feces.

**630.08.3.** It is unlawful for any person in control of, causing or permitting any animal to be on any property, public or private, not owned or possessed by such person to fail to remove feces left by such animal to a proper receptacle located on the properly owned or possessed by such person.

**630.08.4.** For the purposes of this section, the term public property includes, without limitation, streets, sidewalks, boardwalks, trails, boulevards, playgrounds and parks.

**630.08.5.** The provisions of this section shall not apply to the ownership or use of any properly identified service animal which aids persons who are totally or partially blind or deaf or

have physical or sensory disabilities, animals when used in police activities by the city, or tracking animals when used by or with the permission of the city.

**630.09. Maximum Number of Dogs and Cats.**

**630.09.1.** No more than three dogs of over the age of four months shall be kept, harbored or maintained within any individual dwelling unit or on any lot or other parcel of property in the city without a maximum dog exception license.

**630.09.2.** No more than three cats of over the age of four months shall be kept, harbored or maintained within any individual dwelling unit or on any lot or other parcel of property in the city without a maximum cat exception license.

**630.09.3.** Maximum dog and/or cat exception licenses may be issued on a yearly basis by the Hermantown Police Department. Before a maximum dog and/or cat exception license may be issued, the application must be submitted to the Planning and Zoning Commission of the City of Hermantown for its report and recommendation. The Planning and Zoning Commission shall determine whether the applicable zoning laws allow the applicant to possess a maximum dog and/or cat license at the proposed location. The Planning and Zoning Commission shall recommend any restrictions, limitations, conditions or prohibitions which the Planning and Zoning Commission deems reasonably necessary to protect any person or neighboring use from unsanitary conditions, unreasonable noise or odors, or annoyance, or to protect the public health or safety. After reviewing the report and recommendation of the Planning and Zoning Commission, if such special use permits, the Hermantown Police Department may issue a maximum dog and/or cat exception license. Such license may be modified from time to time or revoked by the animal control authority for failure to conform to the restrictions, limitations or prohibitions set forth in the license. Such modification or revocation shall be effective from and after ten days following the mailing of written notice thereof by certified mail to the person or persons keeping or maintaining such dogs or cats. Each license shall be in effect beginning on the first day of January and expiring on the last day of December of that calendar year. All such licenses issued after the first day of January and before the last day of December shall expire on the last day of December of that same calendar year. The City Council shall set such license fees by ordinance.

**630.09.4.** Any owner denied a maximum dog and/or cat exception license or having such license revoked may appeal to the City Council by filing written notice of said appeal to the City Clerk within 15 days after the decision. The City Council will review the decision and may call for a hearing to determine the validity of such license denial and determine what, if any, other course of action to take.

**630.10. Small Farm Animals.** No person shall keep Small Farm Animals on any premises within the City without issuance of a Zoning Certificate granting such authority and subject to compliance with the Hermantown Zoning Regulations.

**630.11. Livestock.** No person shall keep Livestock on any premises within the City without issuance of a Special Use Permit granting such authority and subject to compliance with the Hermantown Zoning Regulations.

(Ord. 2003-13, passed 12-1-03) (Am. Ord. 2015-08, passed 8-17-15)

## **Section 640 – Cruelty to Animals; Trapping**

**640.01 Purpose of Section.** It is the purpose and intent of this section to promote the proper care of all animals within the City of Hermantown. Further, it is the intent of this section that the needs of animals receive attention through the implementation of the provisions of this section.

### **640.02 Definitions.**

**640.02.1.** “Animal cruelty” shall mean every act, omission, or neglect whereby unnecessary or unjustifiable pain, suffering, or death shall be caused or permitted including failure to provide proper drink, air, space, shelter (appropriate for type/breed), a clean, sanitary and safe living environment, veterinary care, exercise, appropriate grooming, and food in sufficient quantity;

**640.02.2.** “Animal torture” shall have the same meaning as animal cruelty.

### **640.03. Prohibited Acts.**

**640.03.1.** No person shall overdrive, overload, torture, cruelly beat, neglect, or unjustifiably injure, maim, mutilate or kill any animal or cruelly work any animal when unfit for labor, whether belonging to such person or another.

**640.03.2.** No person shall deprive any animal of which he or she has charge or control of necessary food, water or shelter, veterinary care, appropriate grooming, and a clean, sanitary, and safe living environment.

**640.03.3.** No person shall keep any animal in any enclosure without facilities or provisions for adequate exercise and change of air.

**640.03.4.** No person shall abandon any animal.

**640.03.5.** No person shall allow any maimed, sick, infirm or disabled animal owned by him/her or in his/her control to lie in any street, road or other public place.

**640.03.6.** No person shall willfully instigate or in any way further any act of cruelty to any animal or animals, or any act tending to produce such cruelty.

**640.03.7.** No person shall unjustifiably administer any poisonous or noxious drug or substance to any animal, or procure or permit the same to be done, or unjustifiably expose any such drug or substance with intent that the same shall be taken by any animal, whether such animal be the property of himself or another.

**640.03.8.** No person or organization shall give away any live animal, fowl, or a reptile, as a prize for or as an inducement to enter any contest, game, or other competition; as an inducement to enter a place of amusement; or as an incentive to any business agreement whereby the offer was for the purpose of attracting trade.

**640.04. Collars, Leashes, Chain or Metallic Cables.**

**640.04.1.** Collars. Collars may not exceed two pounds in weight and must be made of durable material strong enough to hold the dog it is intended for. Collars may not be equipped with any type of prongs on the inside of the collar that may cause injury or discomfort to the animal's neck. The preceding sentence shall not be applicable to collars used for training the dog it is attached to.

**640.04.2.** Leashes. Leashes must not exceed six feet in length, unless the leash is of the kind that can be easily retracted to six feet in length and may not exceed four pounds in total weight. The reliance on an e-collar or remote collar is expressly prohibited when used as the sole device to control an animal.

**640.04.3.** Picket. The chain or metallic cable must be at least three times the length of the animal secured to it and may not exceed ten pounds in total weight. The chain or metallic cable must be of durable material, strong enough to hold the animal it is intended for. Any animal secured with a chain or metallic cable must be in an area that would not allow the animal to become tangled around objects while allowing access to shelter and water. Chain or metallic cables must be placed in such a location as to inhibit the animal secured from reaching within ten feet of a public sidewalk, street or alley. Also, the chain or metallic cable must not allow the secured animal access to any neighboring property unless written permission has been obtained from the neighboring property owner.

**640.05 Destruction, and the like, of Nests or Shelters Prohibited.** No person shall, nor shall the person allow their animal to, injure or destroy any nest, refuge or shelter of any animal, creature, bird or fowl in any public property (including, but not limited to, any public park or public zoological garden) or upon any private property of another within the city or disturb, take or carry away from any such nest, refuge or shelter any egg, newly-hatched bird, or fowl deposited in or making use of such nest, refuge or shelter.

**640.06 Feeding Wild Bears Prohibited.** No person shall intentionally feed or attempt to feed a wild bear within the city. No person shall place any feed for any wild animal out of doors if a bear has been attracted to the feeding source.

**640.07 Notification of Injured Animal.** Any person who, as the operator of a motor vehicle, strikes a domestic animal shall immediately report such injury or death to the appropriate law enforcement official or the animal's owner.

(Ord. 2003-13, passed 12-1-03)

## **Section 650 – Non-domestic Animals**

### **650.01 Purpose.**

**650.01.1.** The purpose of this section is to prohibit the keeping of non- domesticated animals as pets within the city in order to protect the health, safety, and welfare of the general public. The City Council finds that non- domesticated animals kept as pets in an urban setting present a substantial risk of harm to the general public; can increase the likelihood of disease transmission; and can cause public disturbances and health nuisances.

### **650.02 Definitions.**

**650.02.1.** “Livestock” and “Small Farm Animals” shall have the meanings as set forth in Section 630 of this Code;

**650.02.2.** “Non-domesticated animal” shall mean every mammal, fowl and reptile species, including those born or raised in captivity, except the following:

**650.02.2.1.** Domestic dogs (excluding hybrids with wolves, coyotes, or jackals) properly vaccinated against rabies pursuant to law;

**650.02.2.2.** Domestic cats (excluding hybrids with ocelots or margays) properly vaccinated against rabies pursuant to law;

**650.02.2.3.** Livestock and Small Farm Animals;

**650.02.2.4.** Rodents, including hamsters, mice, gerbils, white rats or guinea pigs capable of being maintained continuously in cages;

**650.02.2.5.** Species of common cage birds;

**650.02.2.6.** Nonpoisonous snakes of a species that commonly does not grow in excess of eight feet in length;

**650.02.2.7.** Chinchillas, hedgehogs, nonpoisonous lizards and other similar small animals capable of being maintained continuously in cages;

**650.02.2.8.** Fish, unless prohibited by state or federal law;

**650.02.2.9.** Neutered male or spayed female domestic ferrets

**650.02.3.** “Veterinary hospital” shall mean any establishment maintained or operated by a licensed veterinarian for surgery, diagnosis, and treatment of diseases and injuries of animals.

### **650.03 The Keeping or Selling of Non-domesticated Animals Prohibited.**

**650.03.1.** No person shall own, possess or have custody on his or her premises any non-domesticated animal for display, training or exhibition purposes, whether gratuitously or for a fee.

**650.03.2.** No person shall keep or permit to be kept any non-domesticated animal as a pet.

**650.03.3.** No person shall offer for sale any non-domesticated animal unless authorized by federal or state law.

#### **650.04 Exceptions.**

**650.04.1.** Temporary events. A traveling circus, zoological park, or show which keeps non-domesticated animals and is in compliance with zoning requirements under Hermantown Zoning Code.

**650.04.2.** Veterinary hospitals. Any bona fide veterinary hospital, acting within the scope of its business, is exempt from this section and may hold non-domesticated animals, provided protective devices adequate to prevent such animals from escaping or injuring the public are provided.

**650.04.3.** Wildlife rehabilitators. Persons keeping non-domesticated animals as part of a bona fide institutional program to return such animals to the wild are exempt from this section, provided the location of the premises complies with all zoning requirements.

**650.05 Impounding of Non-domesticated Animals.** The impoundment of non-domesticated animals shall be in accordance with 600.03 of this chapter.

#### **650.06 Cruelty to Non-domesticated Animals.**

**650.06.1.** No person shall sponsor, promote, train a non-domesticated animal to participate in, or contribute to the involvement of a non-domesticated animal in any activity or event in which the animal is a victim of cruelty as defined herein or is induced or encouraged to perform through the use of chemical, electrical or manual devices in a manner that will cause or likely to cause physical injury or suffering to the animal.

**650.06.2.** All equipment used on a performing non-domesticated animal shall fit properly and be in good working condition.

(Ord. 2003-13, passed 12-1-03) (Am. Ord. 2015-08, passed 8-17-15)

## **Section 660 – Dangerous Animals**

#### **660.01 Definitions.**

**660.01.1.** “Dangerous animal” is an animal that has:

**660.01.1.1.** Without provocation, inflicted substantial bodily harm on a human being on public or private property;

**660.01.1.2.** Without provocation, killed a domestic animal while off the owner's property;  
or

**660.01.1.3.** Been found to be potentially dangerous, and after the owner has notice that the dog is potentially dangerous, the dog aggressively bites, attacks, or endangers the safety of humans or domestic animals.

**660.01.2.** “Potentially dangerous animal” is an animal that has:

**660.01.2.1.** When unprovoked, inflicts bites on humans or domestic animal;

**660.01.2.2.** When unprovoked, chases or approaches a person, including a person on a bicycle, upon the streets, sidewalks or any public or private property, other than the dog owner's property, in an apparent attitude of attack; or

**660.01.2.3.** Has a known propensity, tendency or disposition to attack while unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.

**660.01.3.** “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. A proper enclosure shall not allow the egress of the animal in any manner without human assistance. A pen or kennel to be a proper enclosure shall meet the following minimum specifications:

**660.01.3.1.** Have a minimum overall floor size of 32 square feet.

**660.01.3.2.** 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.

**660.01.3.3.** 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.

**660.01.3.4.** 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.

**660.01.4.** “Substantial bodily harm” has the meaning given it under M.S. Section 609.02, Subdivision 7, as such statute may be amended from time to time.

**660.01.5.** “Unprovoked” shall mean the condition, in which the animal is not purposely excited, stimulated, agitated or disturbed. It shall be a rebuttable presumption that any attack on a child 14 years of age or younger for which a reasonable person connotes an intent to inflict bodily harm shall be considered to be unprovoked unless the child is engaged in the commission of a crime or illegal activity, including activities classified in M.S. Section 343, as cruelty to animals.

## **660.02 Attack by an Animal.**

**660.02.1.** It shall be unlawful for an owner to fail to restrain an animal from inflicting or attempting 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.

**660.02.2.** 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.

## **660.03 Designation as Potentially Dangerous and Dangerous Animals.**

**660.03.1.** Potentially dangerous animal. The district court or animal control authority shall designate any animal as a potentially dangerous animal when it meets one of the requirements under M.S. Section 347.50 Subdivision 3, as such statute may be amended from time to time. When an animal is declared potentially dangerous, the animal control authority shall cause one owner of the potentially dangerous animal to be notified in writing that such animal is potentially dangerous;

**660.03.2.** Dangerous animal. The district court or animal control authority shall have the authority to designate any animal as a dangerous animal upon receiving evidence that the animal met one of the requirements under M.S. Section 347.50, Subdivision 2, as such statute may be amended from time to time.

**660.03.3.** Registration of dangerous animal. The owner of a dangerous animal must register the animal with St. Louis County; M.S. Section 347.51, as such statute may be amended from time to time, provides that a registration will be issued to the owner of a dangerous dog if the owner presents sufficient evidence that:

**660.03.3.1.** A proper enclosure exists for the dangerous dog and a posting on the premises with a clearly visible warning sign, including a warning symbol to inform children, that there is a dangerous dog on the property; and

**660.03.3.2.** A surety bond issued by a surety company authorized to conduct business in this state in a form acceptable to the county in the sum of at least \$300,000, 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 this state in the amount of at least \$300,000, insuring the owner for any personal injuries inflicted by the dangerous dog;

**660.03.4.** Warning symbol. If a county issues a certificate of registration to the owner of a dangerous dog pursuant to M.S. Section 347.51, Subdivision 2; the county must provide, for posting on the owner's property, a copy of a warning symbol to inform the public that there is a dangerous dog on the property. The design of the warning symbol must be uniform and specified by the commissioner of public safety ("commissioner"), after consultation with animal control professionals. The commissioner shall provide the number of copies of the warning symbol requested by each county and shall charge the county the actual cost of the warning symbols received. The county may charge the registrant a reasonable fee to cover its administrative costs and the cost of the warning symbol.

**660.03.5.** Fee. The owner is responsible for paying any fee the county may charge the owner as an annual fee, in addition to any regular dog licensing fees, to obtain a certificate of registration for a dangerous dog under this section.

**660.03.6.** Law enforcement: exemption. The provisions of 660.03 do not apply to dangerous dogs used by law enforcement officials for police work.

**660.03.7.** Exemption. Dogs may not be declared dangerous if the threat, injury, or damage was sustained by a person.

**660.03.7.1.** Who was committing, at the time, a willful trespass or other tort upon the premises occupied by the owner of the dog;

**660.03.7.2.** 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

**660.03.7.3.** Who was committing or attempting to commit a crime.

**660.03.8.** Tag. A dangerous dog registered under this section must have a standardized, easily identifiable tag identifying the dog as dangerous and containing the uniform dangerous dog symbol, affixed to the dog's collar at all times.

**660.03.9.** Changes in Law. The provisions of this section reflect the applicable law in effect on the date of this chapter. The owners of any dangerous animals within the City of Hermantown must comply with the provisions of all applicable law at all times.

#### **660.04 Dangerous animal requirements.**

**660.04.1.** Requirements. If the district court or animal control authority does not order the destruction of an animal that has been declared dangerous, the district court or animal control authority shall, as an alternative, order any or all of the following:

**660.04.1.1.** That the owner provides and maintain a proper enclosure for the dangerous animal.

**660.04.1.2.** 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 M.S. Section 347.51; and

**660.04.1.3.** That the owner provide and show proof annually of public liability insurance in the minimum amount of \$300,000; and

**660.04.1.4.** 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 18 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; and

**660.04.1.5.** If the animal is a dog or cat, it must have an easily identifiable, standardized tag identifying the dog or cat as dangerous affixed to the dog's or cat's collar at all times as specified in M.S. Section 347.51; and

**660.04.1.6.** The owner provide and show proof of microchip identification as required in 660.09; and

**660.04.1.7.** The animal must be registered with the St. Louis County auditor's office;

**660.04.1.8.** If the animal is a dog or cat, the animal must be licensed and up to date on rabies vaccination. If the animal is a ferret, it must be up to date with rabies vaccination.

**660.04.2.** Seizure. An animal control officer shall immediately seize any dangerous animal if the owner does not meet each of the above requirements within 14 days after the date written notice is sent to the owner that the animal is dangerous.

**660.04.3.** Reclaiming animals. A dangerous animal seized pursuant to 660.04.2 may be reclaimed by the owner of the animal upon payment of impounding and boarding fees, and presenting proof to the animal control authority that each of the requirements are fulfilled. An animal not reclaimed under this Section within 14 days may be disposed of as provided under 660.07, and the owner is liable to the animal control authority for costs incurred in confining the animal;

**60.04.4.** Subsequent offenses. If an owner of an animal has a second violation of the provisions under Section 660 with the same animal, the animal must be seized by animal control authority. The owner may request a hearing before the animal control authority. If the owner is

found to have violated the provisions for which the animal was seized, the animal control authority shall order the animal destroyed in a proper and humane manner and the owner shall pay the costs of confining, impounding, and destroying 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 this chapter. If the animal is not 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 this chapter and the owner shall be liable to the animal control authority for the costs incurred in confining, impounding and disposing of the animal.

**660.05 Notification of New Address.** The owner of an animal which has been identified as dangerous or potentially dangerous must notify the animal control authority 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.

**660.06. Concealing of Dangerous Animals.** No person shall harbor, hide or conceal an animal from the animal control authority when it has been declared dangerous, and has been ordered into custody for euthanasia or other disposition.

**660.07 Authority to Order Destruction; Procedure.**

**660.07.1.** The district court or the animal control authority, upon finding that an animal is dangerous hereunder, is authorized to order, that the animal be destroyed based on a written order containing one or more of the following findings of fact:

**660.07.1.1.** The animal is dangerous as demonstrated by a vicious attack, an unprovoked attack, an attack without warning or multiple attacks; or

**660.07.1.2.** 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.

**660.07.2.** Procedure. The district court or the animal control authority, after having determined that an animal is dangerous, may proceed in the following manner:

**660.07.2.1.** The animal control authority shall cause one owner of the animal to be notified in writing or in person that the animal is dangerous and shall order the animal seized and destroyed.

**660.07.2.2.** If the animal is ordered into custody for destruction, the owner shall immediately make the animal available to the animal control officer and failure to do so shall be a violation of this chapter;

**660.07.2.3.** Nothing in this section shall prevent the animal control authority from ordering the immediate destruction of a rabies-suspected animal.

**660.08 Microchip Identification Required.** The owner of a dangerous dog is required to have a microchip installed or injected into the animal. The microchip shall be installed in or injected under the skin of the animal by a licensed veterinarian and shall be designed so that, when scanned by an electronic reader, it is capable of providing the identification of the dog's owner. An appropriate fee shall be paid by the owner to the licensed veterinarian for the microchip and the registration of the dangerous dog. The identification of the owner and residence shall be maintained on file at the Hermantown Police Department.

(Ord. 2003-13, passed 12-1-03)

## **Section 670 – Deer Feeding**

**670.01 Purpose.** The purpose of this section is to discourage high white-tailed deer (*Odocoileus virginianus*) densities in the City. The deer population in the City has likely exceeded natural or pre-settlement deer densities as natural predators have been displaced from the City, and there are few natural restrictions on the deer population. High deer densities pose a hazard to motorists, cause a reduction in natural plant life and habitat for other animals, and cause damage to landscaping installed by residents and commercial landowners. The feeding of deer in the City has been shown to attract deer in residential areas, causing increased damage to vegetation and landscaping to neighboring properties. High deer densities also contribute to the spread of chronic diseases among deer populations and Chronic Wasting Disease. The City participates in other deer management activities and must take consistent action to protect the residents, environment, and wildlife populations of the City of Hermantown.

### **670.02 Prohibition on Deer Feeding**

**670.02.1.** No person shall feed or allow the feeding of any deer within any area of the City of Hermantown.

### **670.03 Definitions.**

**670.03.1.** "Agricultural operation" means an operation commonly associated with the growing of produce on farms. Including but not limited to: field crops, hay pastures, fruit orchards and landscaping nurseries.

**670.03.2.** "Feed" or "feeding" means any provisions of grain, grain blocks, fruit, vegetables, nuts, hay, grasses, salt licks, powder or liquid deer attractants, bird feed, or other consumable material which may result in deer congregating thereon a regular basis, placed either on the ground, in an obviously intended feeder, or in a feeder at a height of less than five feet off the ground. Living food sources, such as fruit trees, vegetable gardens and other live vegetation, shall not be considered as feeding deer.

**670.03.3.** "Livestock operation" means an operation commonly associated with the keeping of animals. Including but not limited to: the keeping of horses, cattle or chickens, raised for home use or profit.

**670.04 Exceptions from Prohibition on Deer Feeding.**

**670.04.1.** Persons on property with an agricultural operation.

**670.04.2.** Persons on property with a livestock operation.

**670.05 Enforcement.** Any employee or agent of the city who is authorized to cite another for violation of the Hermantown City Code and any peace officer is authorized to enforce this section.

**670.06 Penalty.** The first offense of this section shall be a petty misdemeanor and the second or more offenses shall be misdemeanors.

(Ord. 2006-05, passed 5-1-06)