

**ORDINANCE NO. 2012-05**  
**AN ORDINANCE OF THE CITY OF GRAND MARAIS, MINNESOTA, AMENDING GRAND MARAIS CODE, CHAPTER 10, ANIMALS**

**THE CITY COUNCIL OF THE CITY OF GRAND MARAIS DOES ORDAIN (deleted material is lined out; new material is underlined; subsections which are not being amended are omitted):**

Section 1. That Chapter 10 of the City Code of Grand Marias, Minnesota, which chapter is entitled "Animals" be amended as follows:

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**Article II. Domestic Animals Generally**

Division 1. Generally

Sec. 10-36. Interfering with tagged domestic animals.

Sec. 10-37. Return of unrestrained domestic animals.

Sec. 10-38. Muzzling proclamation.

Sec. 10-39. Proceedings for destruction of certain domestic animals

Sec. 10-40. Summary destruction of certain domestic animals.

Sec. 10-41. Kennels.

Sec. 10-42. Limits of Domestic Animals

Secs. 10-43--10-50. Reserved.

Division 2. Identification~~Licensing~~

Sec. 10-51. Dog vaccination~~license~~ required.

Sec. 10-52. ~~Requirements for Issuance~~ Identification required.

~~Sec. 10-53. Issuance of tag.~~

~~Sec. 10-54. Affixing tag to collar.~~

Secs. 10-535--10-65. Reserved.

Division 3. Impoundment

Sec. 10-66. Authority.

Sec. 10-67. Notice.

Sec. 10-68. Redemption.

Sec. 10-69. Disposition of unclaimed animals~~dogs~~.

Sec. 10-70---10-79. Reserved.

**Article III. Farm Animals**

Division 1. Farm Animals Generally

Sec. 10-80. Purpose

Sec. 10-81. Farm Animals Restricted

Sec. 10-82. Horses

Division 2. Chickens

Sec. 10-83. Non-commercial use only.

Sec. 10-84. Number and type of chickens allowed.

Sec. 10-85. Permit required.

Sec. 10-86. Chicken coops and runs.

Sec. 10-87. Sanitary and humane conditions.

**ARTICLE I. IN GENERAL**

**Sec. 10-1. 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:

Animal, domestic means those animals commonly accepted as domesticated household pets. Unless otherwise defined, domestic animals shall include dogs, cats, caged birds, gerbils, hamsters, guinea pigs, domesticated rabbits, non-poisonous, non-venomous

and non-constricting reptiles or amphibians, and other similar animals.

Animal, exotic means those animals commonly considered to be naturally wild and not naturally trained or domesticated, or which are commonly considered to be inherently dangerous to the health, safety, and welfare of the people. Exotic animals include all members of the large cat family (felidae) excluding commonly accepted domesticated cats; any naturally wild member of the canine family including wolves, foxes, coyote, dingo, jackals, or cross-breeds but excluding commonly accepted domesticated dogs; bears; non-human primates; and any poisonous, constricting, or inherently dangerous member of the reptile or amphibian family including rattlesnakes, boa constrictors, pit vipers, crocodiles, and alligators.

Animal, farm means those animals commonly associated with farm or agricultural setting including members of the equestrian (horse, mule, donkey), bovine, sheep, poultry (chickens, turkey), fowl (ducks, geese), swine, goats, and other animals associated with farm, ranch, or stable.

Animal shelter or pound means any premises designated by the council for the purpose of impounding and caring for domestic animals, or other animals where practical.

Restraint means that an animal ~~dog~~ is under restraint if it is on the premises of its owner, or is confined in a suitable vehicle or other enclosure, or is accompanied by and under the immediate and effective control, either by leash or command, of a responsible person.

### **Sec. 10-3. Poundmaster.**

The Cook County Sheriff~~chief of police~~ shall be the city poundmaster.

### **Sec. 10-5. Applicability to nonresidents.**

All parts of this chapter shall apply to nonresidents and animals owned by them ~~except that a dog kept in the city by a nonresident for a period not exceeding 90 days need not be licensed by this city, provided such dog is identified by a license tag issued by any other governmental body, or by a tag identifying the owner of the dog.~~

### **Sec. 10-7. Prevention of nuisance.**

The owner of every animal shall prevent it from committing any act which constitutes a nuisance. It is a public nuisance for any animal to habitually or frequently bark, howl or cry for more than 15 minutes; to chase vehicles, to frequent school grounds, parks or public beaches; to molest or annoy any person if such person is not on the property of the owner of such pet, or to molest, defile or destroy any property, public or private. Failure of the owner of a pet to prevent the pet from committing such a nuisance is a violation of this chapter.

**Sec. 10-11. Keeping certain animals prohibited.**

No person shall permit any ~~horse, mule, cow, swine, sheep, goat or other beast~~ farm animal or exotic animal owned or controlled by him to reside within the city, except as permitted in this chapter. Notwithstanding the foregoing, the City Council may permit or license, upon proper application, those otherwise prohibited animals to be brought into the City as a part of an operating zoo or veterinary clinic, or on a temporary basis for an approved show or exhibition including as part of the county fair, circus or like event.

**ARTICLE II. DOMESTIC ANIMALS**

DIVISION 1. GENERALLY

**Sec. 10-36. Interfering with tagged domestic animals.**

No person shall, without the permission of the owner, remove the collar or tag from any domestic animal, nor wrongfully kill, maim, entice or carry away any domestic animal collared ~~and~~ licensed as provided in this division.

**Sec. 10-37. Return of unrestrained domestic animals.**

Notwithstanding the provisions of this chapter regarding impounding, if a domestic animal is found unrestrained and its owner can be identified and located, such animals need not be impounded, but may, instead, be taken to the owner. In such case, however, any other proceedings provided for in this article may be had against the owner for violation of this chapter.

**Sec. 10-39. Proceedings for destruction of certain animals.**

Upon sworn complaint to a court of proper jurisdiction that any one of the following facts exists:

- (1) That any domestic animal at any time has destroyed property or habitually trespassed in a damaging manner on the property of persons other than the owner;
- (2) That any domestic animal at any time has attacked or bitten a person outside the owner's premises;
- (3) That any domestic animal is vicious or shows vicious habits or molests pedestrians or interferes with vehicles on the public streets or highways;
- (4) That any domestic animal is a public nuisance;
- (5) That any domestic animal is running at large in violation of this chapter;

the presiding officer of the court shall issue a summons directed to the owner of the domestic animal commanding him to appear before the court to show cause why the animal~~dog~~ should not be seized by any police officer, or otherwise disposed of in the manner authorized in this chapter. Upon hearing and finding the facts true as complained of, the court may either order the animal~~dog~~ killed, or order the owner to remove it from the city, or may order the owner to keep it confined to a designated place. If the owner violates such order, any officer may impound any animal~~dog~~ described in such order. The provisions of this section are in addition to and supplemental to other provisions of this chapter.

**Sec. 10-40. Summary destruction of certain domestic animals.**

Whenever an officer has reasonable cause to believe that a particular domestic animal presents a clear and immediate danger to residents of the city, because it is infected with rabies or because of a clearly demonstrated vicious nature, the officer, after making reasonable attempts to impound such dog~~animal~~, may summarily destroy the dog~~animal~~.

**Sec. 10-42 Limits on domestic animals.**

No person shall keep more than three dogs and no more than six domestic animals on their property within the city limits without obtaining a kennel license from the City Council. Notwithstanding the foregoing, this limit does not apply to domestic animals kept indoors and in a cage, tank, or other container.

DIVISION 2. IDENTIFICATION~~LICENSING~~

**Sec. 10-51. Dog vaccinationlicense required.**

No person shall own, keep, harbor or have custody of any dog over six months of age without first having that dog vaccinated against rabies by a qualified Veterinarian~~obtaining a license therefor from the clerk or his agent. Application for license shall be made on forms prescribed by the clerk, which form shall set forth: the name and address of the owner; the name and address of the person making the application, if other than the owner; the breed, sex and age of the dog for which a license is sought.~~

**Sec. 10-52. Identification Required~~Requirements for issuance.~~**

The owner of any domestic animal permitted by this chapter shall cause an identification tag with the animal's name, owners name and contact information, and proof of any required vaccination to be affixed to a collar on the permitted animal in such a way that it may easily be seen.—(a) ~~Rabies vaccination. Every application for a dog license shall be accompanied by a certificate from a qualified veterinarian showing that the dog to be licensed has been given a vaccination against rabies within one year prior to the date of application.~~

———(b) ~~Fees. The applicant shall, at the time of filing an application for a dog license, pay to the clerk a license fee. The council may, from time to time, set the fees for a dog license. Such fee shall be as specified in chapter 26. A spayed female dog shall be considered to be unspayed for the purposes of this chapter, unless there is filed with the application for license a written statement of a licensed veterinarian that such dog has been spayed or otherwise rendered sterile.~~

———(c) ~~Terms. Each license issued shall be valid for the life of the dog. No license shall be transferable to another dog or to another owner. In the event of a change of address of the owner, the owner shall promptly inform the clerk of such new address.~~

~~(Code 1977, § 15.07; Ord. No. 154, § 2, 7-8-92)~~

~~Sec. 10-53. Issuance of tag.~~

———~~Upon the payment of the dog license fee and compliance with other requirements of this chapter, the city clerk shall issue a license tag to the owner, on which tag the license number shall appear.~~

~~(Code 1977, § 15.08)~~

~~Sec. 10-54. Affixing tag to collar.~~

~~The owner shall cause the dog license tag to be affixed to a permanent metal fastening to the collar of the dog so licensed in such a manner that the tag may be easily seen.~~

DIVISION 3. IMPOUNDMENT

**Sec. 10-66. Authority.**

An unrestrained ~~dog~~animal may be taken by any officer and impounded in an animal shelter and there confined in a humane manner. An impounded ~~dog~~animal shall be kept for not less than five regular business days, excluding Sundays and legal holidays, unless earlier reclaimed by its owner as provided in this division.

(Code 1977, § 15.13)

**Sec. 10-67. Notice.**

(a) Upon impounding any ~~dog~~animal, an officer or the poundmaster shall, within the business day thereafter, post in three or more conspicuous places in the city a notice of impounding in substantially the following form:

NOTICE OF IMPOUNDING ANIMAL~~DOG~~

DATE ____, 19____	
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TO WHOM IT MAY CONCERN:

I HAVE THIS DAY TAKEN UP AND IMPOUNDED IN THE POUND OF THE CITY OF GRAND MARAIS AT \_\_\_\_, AN ANIMAL~~DOG~~ ANSWERING THE FOLLOWING DESCRIPTION:

SEX \_\_\_\_ COLOR \_\_\_\_ BREED \_\_\_\_  
APPROXIMATE AGE \_\_\_\_

NAME OF OWNER \_\_\_\_

NOTICE IS HEREBY GIVEN THAT UNLESS SAID ANIMAL~~DOG~~ IS CLAIMED AND REDEEMED ON OR BEFORE \_\_\_\_\_ O'CLOCK \_\_\_\_\_ .M., ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 19\_\_\_\_\_, THE SAME WILL BE SOLD OR KILLED AS PROVIDED BY THE CITY CODE.

SIGNED: _____ OFFICER OR POUNDMASTER	
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(b) If the owner of the animal~~dog~~ is known, written notice of impounding, in lieu of posted notice, shall be given the owner thereof either by mail or personal service. The date of sale or killing of the animal~~dog~~ shall be not earlier than five regular business days' impoundment.

(Code 1977, § 15.14)

**Sec. 10-68. Redemption.**

Any animal~~dog~~ may be reclaimed from the animal shelter by its owner within the time specified in the notice, by payment to the clerk of an amount equal to the impounding fee, plus a boarding fee. The council may, from time to time, set the above mentioned fees. Such amounts shall be specified in chapter 26. Notwithstanding this section, the owner shall remain subject to all other penalties contained in this chapter.

(Code 1977, § 15.15)

**Sec. 10-69. Disposition of unclaimed ~~dog~~animals.**

Any animal~~dog~~ which is not reclaimed as provided in this division within the time permitted may be sold to any person desiring to purchase the animal~~dog~~, for not less than the amounts provided for in section 10-68, if the animal~~dog~~ has not been requested by a licensed educational or scientific institution in accordance with Minnesota Statutes. All sums received in excess of the costs and tax, if any, shall be held by the clerk for the benefit of the owner of the animal~~dog~~, and, if not claimed within one year, such funds shall be placed in the general revenue fund of the city. Any animal~~dog~~ not reclaimed by the owner, requested by a licensed educational or scientific institution, or sold, as provided in this section, shall be painlessly killed and disposed of by an officer or the poundmaster.

## ARTICLE III. FARM ANIMALS

### DIVISION 1. GENERALLY

#### Sec. 10-80. Purpose.

The purpose of Article III. Farm Animals, it to provide for the regulation of those animals not normally kept in municipal areas to ensure quiet, safe, and sanitary enjoyment for citizens. This is accomplished by limiting the type and number of farm animals allowed, and by creating regulations for the proper care of permitted farm animals.

#### Sec. 10-81. Farm Animals Restricted.

The keeping of farm animals is prohibited in the City limits except as provided by this chapter.

#### Sec. 10-82. Horses

Horses may be kept in the BDA or Community Services zone in locations approved by the City Council.

### DIVISION 2. CHICKENS

#### Sec.10-83. Non-commercial use only.

Chickens shall be kept as pets or for personal use only or the sale of eggs. No person shall engage in chicken breeding or fertilizer production for commercial purposes.

#### Sec. 10-84. Number and type of chickens allowed.

No person shall keep more than 12 chickens or one chicken per 1,200 square feet of lot area, whichever is less. No person shall be allowed to keep a rooster.

#### Sec. 10-85. Permit required.

A permit is required for the keeping of chickens as regulated in this chapter. A person wishing to apply for a chicken permit must provide information deemed necessary by the City, including a site plan of the premises showing the proposed coop and run, the distance of the coop and run from the property line and the nearest neighboring residential structure. The owner shall also provide documentation, on a form provided by the

City, that a majority of abutting property owners, excluding undeveloped land or properties separated by a public right-of-way, have given approval for the keeping of chickens.

**Sec. 10-86. Chicken coops and runs.**

All chicken coops and runs must be located within the rear yard; are subject to the required setbacks for accessory structures; must be located at least 35 feet from any existing residential building not located on the property; and must be screened from all adjacent properties and streets. Chickens must be confined to a coop or run at all times. The coop and run shall be constructed to provide at least 10 square feet of space per chicken, shall be enclosed with a structure that provides adequate light, shade, ventilation, and is impervious to rodents and predators.

**Sec. 10-87. Sanitary and humane conditions.**

The chicken coop and chicken run shall be maintained in a clean and odor free manner so as not to disturb the use of neighboring lots due to noise, odor, or other adverse impact. Chickens must be provided adequate shelter, clean water, and food as needed to maintain a humane environment.

Section 2. That this ordinance shall take effect from and after its passage and publication.

Passed by the City Council of the City of Grand Marais this 9th day of May, 2012.

\_\_\_\_\_  
Larry Carlson, Mayor

Attest:

\_\_\_\_\_  
Michael Roth  
City Administrator

*First Reading: April 25, 2012*

*Date:*

*Ayes:* \_\_\_\_\_ *Carlson, Kennedy, Lenz, Sivertson*  
*Nays:* \_\_\_\_\_  
*Absent:* \_\_\_\_\_ *Spry*  
*Abstain* \_\_\_\_\_

*Second Reading:*

*Date: May 30, 2012*

<i>Ayes:</i>	<i>Carlson, Kennedy, Spry</i>
<i>Nays:</i>	<i>Lenz</i>
<i>Absent:</i>	<i>Sivertson</i>
<i>Abstain</i>	

*Published* \_\_\_\_\_