

FRIDLEY CITY CODE
CHAPTER 101. ANIMAL CONTROL

(Ref. 30, 50, 61, 64, 76, 86, 276, 390, 462, 654, 798, 979, 1227, 1259, 1262, 1313, 1324, 1349)

101.01 DEFINITIONS

The following definitions shall apply in the interpretation and application of this Chapter and the following words and terms, wherever they occur in this Chapter, are defined as follows:

1. Animal.

Every living creature except the human race.

2. Animal Control Officer.

Any individual designated by the City to enforce the provisions of this Chapter, including all City community service officers and police officers.

3. Animal Shelter,

Any premises designated by the City for the purpose of impounding and caring for animals held under the authority of this Chapter, receiving registrations, license applications, and proof of vaccinations for such animals, and issuing licenses and tags for such animals. The facility may be owned by the City or may be a contracted shelter service.

4. Animal Tag.

A tag provided to individuals who are issued a license to maintain an animal.

5. Birds.

Any of the class of warm-blooded vertebrates distinguished by having the body more or less covered with feathers and the forelimbs modified as wings.

6. Cat.

Any animal of the feline species.

7. Cruelty or Torture.

Every act, omission or neglect whereby unnecessary or unjustifiable pain, suffering or death shall be caused or permitted.

8. Dangerous Dog

A Dangerous dog means any dog that has:

- A. Without provocation, inflicted substantial bodily harm, as defined by MN Statutes 609.02, subd. 7(a), on a human being on public or private property;
- B. Killed a domestic animal without provocation while off the owner's property; or

- C. 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.

9. Dog.

Any animal of the canine species.

10. Kennel.

A place where two or more dogs, cats, or any combination thereof are kept:

- A. For the business of selling, boarding for a fee, breeding for sale, training or some other enterprise intended primarily for profit making purposes; and
- B. Are licensed by the Minnesota Board of Animal Health.

11. Livestock.

Horses, cattle, goats, rabbits, sheep, swine, fowl, and other animals used for utility.

12. License.

The authority to keep an animal within the City of Fridley.

13. Multiple Pet Location

Any residential lot where an occupant of the residence desires to keep more than three (3) dogs, cats or any combination thereof that are at least six (6) months of age as pets.

14. Pet Shop.

Any person, partnership or corporation engaged in the business of breeding, buying, selling or boarding animals of any species.

15. Potentially Dangerous Dog

A Potentially dangerous dog means any dog that:

- A. When unprovoked, inflicts bites on a human or domestic animal on public or private property;
- B. 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
- C. Has a known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.

16. Rodents.

A destructive or nuisance animal including such animals as rats, mice, moles, voles and other wild animals which are dangerous to the welfare of the public.

17. Under Strict Control

Under strict control refers to a dog or cat and is defined as:

- A. The animal may not leave the property;
- B. If the animal is let outside, the owner must be present at all times and it must be either inside a fenced in yard or on a leash;
- C. The animal may run free inside the residence; however, the animal must be contained or put into a separate room when visitors are present;
- D. The animal's owner must immediately notify the police department if the animal shows any sign of illness or aggression.

18. Veterinary Hospital.

Any establishments maintained and operated by a licensed veterinarian for the diagnosis, care and treatment: of diseases and injuries of animals.

19. Waterfowl

Includes these species of birds commonly known as geese, ducks, gulls and swans and any other waterfowl falling under the jurisdiction of the United States Fish and Wildlife Service. (Ref 1259)

20. Wild Animals.

All living creatures not: human, wild by nature.

101.02. WILD ANIMALS AND BIRDS

1. Taking Wild Animals and Birds. (Ref Ord 1227)

Except as provided in Section 101.02.2 regarding nuisance wildlife control measures, it shall be unlawful for any person to hunt, take, shoot, trap, kill, injure or attempt to injure any wild animal or bird within the City of Fridley by use of a firearm, bow and arrow, trap, poison or any other means. Nothing in this section, however, shall ~~not~~ prevent property owners or their agents from eradicating rodents on their property through the use of traps, poisons or other such lawful means, nor shall it prevent Nature Center staff, the Animal Control Officer or officers of the Fridley Police Department from trapping, immobilizing or killing a wild animal or bird for reasons of public safety or for reasons of humane destruction following injury.

2. Nuisance Wildlife Control Measures.

- A. It shall be unlawful to hunt, take, shoot, trap, or kill any wild animal or bird within the City of Fridley without first having obtained a temporary nuisance wildlife control permit from the City. No permit shall be issued except upon the review and approval of a nuisance wildlife control plan and then only under the following conditions:
- (1) A special permit, authorizing wild animal or bird removal, shall first be secured from the Minnesota Department of Natural Resources and any federal agency mandated to regulate the taking of the species to be removed as may be required.
 - (2) An indemnification agreement shall be submitted holding harmless the City of Fridley from any suits arising from any damages resulting from the nuisance wildlife control program.
- B. In addition to any other requirements as may be deemed necessary, the nuisance wildlife control plan shall at a minimum:
- (1) Include a site plan of the property upon which nuisance wild animals or birds are to be taken;
 - (2) Identify the species and number of wild animals or birds to be taken and the method of disposal;
 - (3) Describe the proposed manner of taking and incorporate appropriate safety standards as identified by the Minnesota Department of Natural Resources and public safety officials;
 - (4) Provide complete identification, credentials and qualifications of all person involved in the taking;
 - (5) Identify the measures to be used to secure the property from public intrusion during any taking.
- C. The Director of Public Safety or designee has the authority to approve, modify or deny a nuisance wildlife control plan, taking into account the health, safety and welfare of the public.
- D. No person shall intentionally disrupt a nuisance wildlife control program conducted pursuant to this section by any means including but not limited to the use of noise, lights, chemicals, or by the intrusion into a restricted area where a nuisance wildlife control program is taking place.

3. Prohibition of Waterfowl Feeding

- A. It shall be unlawful to provide food (including food by-products, garbage or animal food) to waterfowl on City of Fridley owned park land. This shall include placing food or allowing food to be placed on the ground, shoreline, waterbody, or any structure, unless such items are screened or protected in a manner that prevents waterfowl from feeding on them.

- B. This prohibition shall not apply to veterinarians, city animal control officers or county, state or federal game officials who in the course of their duties have waterfowl in custody or under their management.
- C. This prohibition shall not apply to persons authorized by the City of Fridley to implement the Canada Goose management program and any future waterfowl management programs approved by the city council.
- D. This prohibition shall not apply to any food placed upon the property for purposes of trapping or otherwise taking waterfowl, where such trapping or taking is pursuant to a permit issued under section 101.02.2. (ref 1260)

101.03. LIVESTOCK CONTROL

1. License Requirement:
No person shall engage in the keeping, raising, feeding or caring for livestock within the City limits of Fridley without first having obtained a license to do so.
2. License Procedure.
 - A. A license to keep livestock shall be granted only after written application, signed by the applicant, is filed with the city clerk. The application shall state the applicant's full name and address, and contain the number and species of the livestock to be kept and a scaled site plan of the premises showing the adjoining property and fence lines.
 - B. The community development director, or his or her subordinate, shall review the application and site plan and inspect the property to determine the possible effects on adjoining properties, housing facilities, sanitation control and the effect on the general health, safety and welfare of the public. When the community development director, or subordinate, has determined that the applicant has substantially demonstrated that there will be no adverse effects upon adjoining properties, housing facilities, sanitation control, as well as the general health, and has otherwise met all other licensing requirements the community development director, or subordinate, shall authorize the city clerk to issue the license. (Ref 1324)
 - C. Any person keeping, raising, feeding or caring for horses, cattle, goats, sheep or swine shall provide no less than one (1) acre of open, unused land for each animal.
3. License Fee.

The annual license fee and expiration date for a livestock license shall be as provided in Chapter 11 of this Code.

4. Manure Removal.

Persons who keep animals within the City shall not allow any odors which are offensive to the people inhabiting the City such that they constitute a nuisance as defined in Chapter 110, entitled "Public Nuisance", of the City Code. Organic matter shall not be allowed to accumulate for more than one (1) week at a time. However, organic matter shall be removed more often than one (1) time per week if it is necessary to eliminate any odors that constitute a nuisance.

5. Housing.

Proper housing in the form of barns, coops or hutches shall be provided in any area where livestock are permitted to roam. Such housing shall be adequately fenced to insure that the livestock remain on the owner's premises. When livestock are kept in an area that abuts or adjoins a residential area on which dwellings are erected, there shall be a strip of land at least thirty (30) feet wide between such abutting property and the area on which the livestock are kept.

6. Inspection.

Any authorized Animal Control Officer of the City shall, at any reasonable time, be permitted upon the premises where livestock are kept for the purpose of making an inspection to determine compliance with this Chapter.

101.04. Chickens (Ref Ord 1349)

1. Purpose:

- A. The purpose of this ordinance is to allow for the keeping of chickens on a small-scale basis and to address the negative impacts such as noise and odors that may result and that are not typical in urban areas.
- B. The keeping of chickens, sometimes referred to as “urban chickens” or “city chickens” is a movement spreading across the state and country. The urban chicken movement allows for the keeping of chickens on a small-scale for the purpose and desire of people to be closer to their food sources. This movement allows people to raise chickens in an urban environment to have access to fresh eggs on a regular basis for their own individual use and consumption.

2. Definitions

- A. Chicken. A chicken (*Gallus gallus domesticus*) is a domesticated type of fowl that serves as an egg or meat source.
- B. Clucking. The sound uttered by a hen when laying eggs, brooding, or in calling her chicks.
- C. Coop. The structure for the housing of chickens permitted by this chapter.
- D. Crowing. The sound uttered by a rooster is the ‘singing’ of the rooster. Roosters crow for many reasons including: reacting to a disturbance, reacting to almost any kind of sound (cars, people, other roosters, other animals, etc.), guarding their territory, feeling threatened, a predator ‘trespassing’ on their territory, or just communicating with other chickens
- E. Hen. A hen is a female chicken.
- F. Rooster. A rooster is a male chicken.

- G. Run. A fully enclosed and covered area attached to a coop where the chickens can roam unsupervised.

3. License Required

- A. No person shall keep, harbor, maintain or allow the keeping of chickens on any property in the City without an approved license. If the applicant is a tenant, they must also provide proof of approval of owner permitting the keeping of chickens.
- B. Education and training on how to raise chickens is required for the individual prior to the issuance of the initial license by the City. At the time of application for licensing, the individual must submit proof of completion of an educational course on the care and keeping of chickens.
- C. The application for licensing must be upon a form provided by the City. All required information must be complete, including the number and breed of chickens, a diagram or photograph of the proposed coop and run, description of sanitation control and a description on how chicken feed will be maintained or stored.
- D. A site plan of the property showing the location, size, and setback requirements of the proposed chicken coop and run shall be required.
- E. The property must be in compliance with all other applicable City regulations in order to receive approval and renewal.
- F. If the licensee fails to maintain the standards of practice subsequent to issuance of the license, the Community Development Director or designee license may revoke the license.
- G. Within six months of the effective date of this section, individuals who have been keeping chickens in the City must either apply for and receive a license or remove the chickens and structures from property.
- H. The license shall be valid until April 30th of each calendar year following initial issuance and must be renewed prior to annual expiration by submitting a renewal form provided by the City and the required renewal fee.
- I. The fees for the license are set in Chapter 11 of the Fridley City Code.

4. Location and Size of Coop and Run

- A. Residents on properties zoned R-1, Single Family Residential may be permitted to keep and raise chickens as a hobby with a license and shall be limited to a maximum of six chickens per property.
- B. Coop and run area must be located in the backyard and must be located a minimum of thirty (30) feet from all adjacent property lines.

- C. Coop and covered run area shall be limited to no more than sixty (60) square feet.
- D. Coop size shall be not less than three (3) square feet per bird, be weather proof and fully enclosed.
- E. The coop shall comply with current zoning and building codes. The coop shall be constructed with architecturally appropriate building materials including exterior grade siding and either a metal, composite or shingled roof. In the alternative, coop may be purchased from a commercial source that constructs structures specifically to be used as coops for chickens.
- F. The run shall have a fence around the enclosure and shall be securely constructed with mesh type material.
- G. The run shall have protective overhead netting or fencing to prevent the chickens from roaming freely and to protect them from other animals.
- H. If the keeping of chickens has been discontinued for more than 12 months, the licensee must remove the coop and run and restore the site within days.

5. Conditions

- A. There shall be a maximum of six chickens kept on site at any one time.
- B. There shall be no roosters or loud clucking hens permitted on site.
- C. There shall be no chickens allowed or kept inside of any residential garage or dwelling unit.
- D. Chickens shall be secured inside of a shelter from sunset to sunrise each day to prevent nuisance noise and attraction of predators.
- E. Chickens shall be confined to the chicken coop and run area and may not roam free on the property.
- F. Housing facilities and grounds shall be maintained in a clean and sanitary condition, and kept in good repair. Flies, rodents and noxious odors shall be controlled. Facilities shall be kept free of fecal matter and collected fecal matter shall be properly stored and disposed of weekly.
- G. If chickens are to be maintained during the winter months, the chicken coop shall be winterized to protect the chickens in cold weather.
- H. Chickens shall be fed within the confines of the chicken coop or run area. Feed shall be stored in leak-proof containers with a tight-fitting cover to prevent attracting vermin.

- I. The raising of chickens for breeding purposes is prohibited on residentially used or zoned properties.
- J. There shall be no slaughtering or butchering of any chickens on residential properties within the City of Fridley.

6. Inspection

As a part of the initial license application or annual renewal each resident must allow an inspection of the coop and run area. The Community Development Director or designee shall have the right to inspect any coop and run for the purpose of ensuring compliance with this section between 8 a.m. and 5 p.m. Monday through Friday upon providing prior notice to the owner of the property. In the case of a complaint regarding the coop and run, the site may be inspected without prior notice. In the event the licensee moves to a new residential lot within the City of Fridley, the licensee is required to complete a new application for the new location.

7. Appeal and Hearing Procedure

- A. Licenses issued under this section may be denied, revoked or non-renewed due to any of the following:
 - (1) The keeping of chickens in a manner which constitutes a nuisance to the health, safety or general welfare of the public;
 - (2) A chicken may be impounded by the city pursuant to City Code Section 101.11 if it is found to be at large in violation of this section. After being impounded for five (5) business days without being reclaimed by the owner, it may be humanely euthanized or sold. A person reclaiming any impounded chickens shall pay the cost of impounding and boarding of the chicken(s).
 - (3) Fraud, misrepresentation, or a false statement contained in the registration application or during the course of the registered activity; or
 - (4) Any violation of the applicable provisions in this Chapter.
- B. Notice of approval, denial revocation or non-renewal must be made in writing to the applicant. The applicant may request a hearing by submitting a written request to the city clerk within fourteen (14) business days of the date of the notification letter.
- C. The Appeals Commission shall hold a hearing on a contested approval, denial, revocation, or non-renewal. The appeal process to be used shall be the same process described in Section 128.06 of the Fridley City Code. At the hearing, the applicant may speak and may present witnesses and other evidence. Upon the conclusion of the hearing, the Appeals Commission shall issue a written decision that includes findings of fact. The City shall provide the applicant with a copy of the Appeals Commission decision. The applicant may appeal the Commission's decision to the city council by submitting a written request to the city clerk within fourteen (14) business days of the date of the Appeals Commission decision.

101.05. Beekeeping (Ref Ord 1349)

1. Purpose

Honeybees are an asset to the community and important in the pollination of plants and production of honey and other products. The purpose of this ordinance is to allow for the hobby of keeping honeybees and to establish certain requirements for beekeeping within the City, to avoid issues which might otherwise be associated with beekeeping in populated areas.

2. Definitions

As used in this section of the Code, the following words and terms shall have the meanings ascribed in this section unless the context of their usage indicates another usage.

- A. Accredited Institution. An educational institution holding accredited status which has been licensed or registered by the Minnesota Office of Higher Education at the time the registrant obtained his or certificate.
- B. Apiary. The assembly of one or more colonies of bees on a single lot.
- C. Apiary Site. The lot upon which an apiary is located.
- D. Beekeeper. A person who owns or has charge of one or more colonies of honeybees or a person who owns or controls a lot on which a colony is located whether or not the person is intentionally keeping honeybees.
- E. Beekeeping Equipment. Anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom board and extractors.
- F. Colony. An aggregate of honeybees consisting principally of workers, but having, when perfect, one queen and at times drones, brood, combs and honey.
- G. Hive. The receptacle inhabited by a colony.
- H. Honeybee. All life stages of the common domestic honeybee, *apis mellifera*. This definition does not include wasps, hornets, African subspecies or Africanized hybrids.
- I. Licensee. Any beekeeper or person who has applied and received approval of a beekeeping license.
- J. Nucleus Colony. A small quantity of honeybees with a queen housed in a smaller than usual hive box designed for a particular purpose, and containing no supers.
- K. Queen. An adult mated female that lives in a honeybee colony or hive that is usually the mother of most, if not all, of the bees in the beehive. A queen is developed from larvae selected by workers bees and specifically fed in order to become sexually mature.

- L. Super. A box that holds the frames where bees will store the honey.
 - M. Swarming. The process where a queen bee leaves a colony with a large group of worker bees in order to form a new honeybee colony.
 - N. Unusual Aggressive Behavior. Any instance in which unusual aggressive characteristics such as stinging or attacking without provocation occurs. Provocation is an act that an adult could reasonably expect may cause a bee to sting or attack.
3. Beekeeping License Required.
- A. No person shall keep, harbor, maintain or allow to be kept any hive or other facility for the housing of honeybees on or in any property in the City without an approved license.
 - B. Beekeeping training and education is required for the beekeeper prior to the issuance of the initial beekeeping license by the City. At the time of application for licensing, the beekeeper must submit a certificate of completion of a honeybee keeping course from an accredited Minnesota institution.
 - C. The application of licensing must be upon a form provided by the City. All required information must be complete.
 - D. Each apiary site must apply for a license and receive approval prior to bringing any honeybees into the City.
 - E. The beekeeping license shall be valid until April 30th of each calendar year following initial issuance and must be renewed prior to annual expiration by submitting a renewal form provided by the City and paying the required renewal fee.
 - F. Upon receipt of an application for initial license, the City will send written notice to all owners of properties located within 200 feet of the property line of the apiary site identified on the application. Any objections must be made in writing and received within fourteen (14) business days of mailing the notice.
 - G. The license may be denied if the City receives a written objection from a resident living within the designated notification area who provides reasonable evidence that he or she or a member of his or her household has an allergy to honeybee venom.
 - H. The fees for the license are set in Chapter 11 of the Fridley City Code.
 - I. The property must be in compliance with all other applicable City regulations in order to receive approval and renewal.
 - J. If the licensee fails to maintain the standards of practice subsequent to issuance of a beekeeping license, the community development director or designee may revoke the license.

K. Beekeepers operating in the City prior to the effective date of this section must either apply for and receive a license or remove the bees and structure within six months of the effective date.

4. Colony Location

A. Residents on properties zoned R-1, Single Family Residential may be permitted to keep and raise honeybees as a hobby and shall be limited to two colonies per property.

B. Hives must be located in the backyard and must be located a minimum of thirty (30) feet from all property lines.

C. If any licensed beekeeper serves the community by removing a swarm or swarms of honeybees from locations where they are not desired, that person shall not be considered in violation of the colony density restrictions in this section if the following conditions are met:

(1) The person temporarily houses the honeybees at an apiary site of a beekeeper licensed by the City;

(2) The bees are not kept for more than thirty (30) days; and

(3) The site remains in compliance with the other provisions of this section.

5. Required Conditions

A. No more than two colonies may be kept on the property at one time.

B. For each colony permitted to be maintained in this section, there may also be maintained upon the same apiary lot, one nucleus colony in a hive structure not to exceed one standard nine and five-eighths (9 5/8) inch depth box, ten frame hive body with a maximum of 5 supers.

C. Honeybee colonies shall be kept in hives with removable frames which shall be kept in sound and usable condition.

D. Each colony on the apiary site shall be provided with a convenient source of water which must be located within ten feet of each active colony.

E. Materials from a hive such as wax combs or other materials that might encourage robbing by other bees shall be promptly disposed of in a sealed container or placed within a building or other bee and vermin proof enclosure.

F. Beekeeping equipment must be maintained in good condition, including keeping the hives free of chipped and peeling paint if painted, and any unused equipment must be stored in an enclosed structure.

- G. Hives shall be continuously managed to provide adequate living space for their respective honeybees in order to prevent swarming.
- H. In any instance in which a colony exhibits unusual aggressive behavior, it shall be the duty of the beekeeper to promptly re-queen the colony.
- I. Honey may not be sold from any residential property.

6. Inspection.

As part of the initial application or annual renewal, each beekeeper must allow an inspection of the apiary site. The community development director or designee shall have the right to inspect any apiary for the purpose of ensuring compliance with this section between 8 a.m. and 5 p.m. Monday through Friday upon providing prior notice to the owner of the apiary property. In the case of a complaint regarding the apiary, the apiary site may be inspected without prior notice. In the event the licensee moves to a new residential lot within the City of Fridley, the licensee is required to complete a new application for the new location.

7. Appeal and Hearing Procedure.

- A. Licenses issued under this section may be denied, revoked or non-renewed due to any of the following:
 - (1) The keeping of honeybees in a manner which constitutes a nuisance to the health, safety or general welfare of the public;
 - (2) Fraud, misrepresentation, or a false statement contained in the license application or during the course of the licensed activity; or
 - (3) Any violation of the applicable provisions in this Chapter.
 - (4) Objection by a resident as stated in this chapter.
- B. Notice of approval, denial revocation or non-renewal must be made in writing to the applicant and to any person opposing the initial application specifying the reason(s) for the action. The applicant or any person opposing the application may request a hearing by submitting a written request to the city clerk within fourteen (14) business days of the date of the notification letter.

- C. The Appeals Commission shall hold a hearing on a contested approval, denial, revocation, or non-renewal. The appeal process to be used shall be the same process described in Section 128.06 of the Fridley City Code. At the hearing, the applicant and any person opposing the initial application may speak and may present witnesses and other evidence. Upon the conclusion of the hearing, the Appeals Commission shall issue a written decision that includes findings of fact. The City shall provide the applicant and any opposing party with a copy of the Appeals Commission decision. The applicant may appeal the Commission's decision to the city council by submitting a written request to the city clerk within fourteen (14) business days of the date of the Appeals Commission decision.

101.06. ANIMAL NUISANCE

It shall be unlawful for any person to own, keep, or harbor any animal which is considered a nuisance. (Ref. 979.)

For the purpose of this Chapter, an animal nuisance shall exist under any of the following conditions:

1. The animal is not confined to the owner's or custodian's property by adequate fencing or leashing.
2. The animal is off the premises of the owner or custodian and is not under the control of the owner or custodian by a leash. Such leash shall not exceed eight (8) feet in length. This provision is not applicable when an animal is in a motor vehicle.
3. The animal commits damage to the person or property of anyone other than the owner, or creates a nuisance, as defined in this Chapter or in Chapter 110, entitled "Public Nuisance", of the City Code, upon the property of one other than the owner. This provision is not applicable when the animal is acting in defense of the owner, the owner's family or the owner's property.
4. A female animal is in heat and off the premises of the owner, unless confined while being transported to or from the premises of the owner. This provision is applicable when a female animal is in heat and is on the premises of the owner, but is not kept in a building or secure enclosure where it cannot be in contact with other males of its kind, except for planned breeding.
5. The animal barks, howls, cries, yelps, or makes any other noise habitually and/or repetitively that the person who owns, keeps, or harbors the animal knows, or has reasonable grounds to know that it will, or tend to, alarm, anger or disturb other persons residing in the vicinity thereof. (Ref. 979.)
6. The animal chases vehicles or otherwise interferes with pedestrians, automobiles bicycles, motorcycles, motor bikes or snowmobiles on public streets, alleys, properties or highways.
7. The animal is not currently vaccinated against rabies as evidenced by the certificate of an authorized veterinarian. (Ref 1313)

8. Any lot or premises on which four (4) or more dogs or cats, or any combination of four (4) or more dogs or cats, at least six (6) months of age, are kept. Additional animals may be kept in non-residential zones that meet the City's zoning requirements for a kennel license. (Ref, 979.)
9. Any person eighteen (18) years of age or older or the parents or guardians of any person under eighteen (18) years of age who owns, harbors or keeps a dog, allows such dog to run at large in the City. The age of such dog is irrelevant.
10. Any person having the custody or control of any animal does not clean up feces of the animal and dispose of such feces in a sanitary manner.
11. Any person having the custody or control of any animal allows such animal to defecate on the private property of anyone other than the owner.
12. When on a park or public land, any person having the custody or control of any animal does not immediately remove any feces left by such animal and dispose of such feces in a sanitary manner or does not have in possession a device or equipment for the picking up and removal of animal feces. The provisions of this Section shall not apply to a guide dog accompanying a blind person or rescue activities.
13. To allow an animal on the premises of any bathing beach or the City Community Park, whether ridden, lead, carried, or running at large. (Ref. 979.)

101.07. DOG LICENSING

1. License.
 - A. No person shall own, keep or harbor any dog over the age of six (6) months within the City unless they have registered and received a dog license from the City. A license shall be issued by the City upon the completion of an application and proof of rabies vaccination. The license shall be valid for the life of the dog and is transferable to a new owner, provided notice of the transfer is provided to the City Clerk pursuant to this chapter.
 - B. The application shall include the owner's name, address, phone and e-mail address; the dog's name, age, breed, color, and sex; and proof of rabies vaccination. No license shall be issued for a dog upon which proof of vaccination has not been provided at the time of the application.
 - C. It shall be the owner's responsibility for maintaining current vaccinations at all times. The owner must provide proof of current rabies vaccination upon request or demand by the City's:
 - (1) licensing authority;
 - (2) Animal Control Officer;
 - (3) police department; or

(4) individual that may have been harmed, injured or bitten by the dog.

2. Tag.

A. An animal tag shall be issued by the City. The owner shall affix the tag to the collar or harness of the registered dog in such a manner so that the tag may be seen. The owner shall see to it that the tag is constantly worn by the dog. In case any tag is lost, a duplicate may be issued by the City. A charge, as provided by Chapter 11 of this Code, shall be made for each duplicate tag.

C. It shall be unlawful for any person to do any of the following:

(1) counterfeit or attempt to counterfeit a dog tag;

(2) remove a valid tag for any purpose;

(3) to own, keep or harbor a dog wearing a counterfeit, fictitious, altered, or invalid license tag;

(4) to own or keep a license tag not issued in connection with the licensing or keeping of the dog wearing the same.

C. Dog tags shall not be transferable to another dog and no refunds shall be made on a license fee because of transfer of the dog out of the City or death of the dog.

3. Death of Dog. Any person to whom a dog license is issued must notify the City Clerk in writing of the death of the dog for which the license was issued. Within 30 days of the death of the dog, if requested by the City Clerk, the owner shall execute an affidavit under oath setting forth the circumstances of the dog's death and disposition.

4. Transfer of Dog.

A. Transfer Within the City. Any person to whom a dog license is issued must notify the City Clerk in writing of the transfer of the dog to a new owner, if applicable, and new location within the City where the dog will reside. Within 30 days of the transfer of the dog, if requested by the City Clerk, the owner shall execute an affidavit under oath setting forth the complete name, address, and telephone number of the person to whom the dog has been transferred, if applicable, and the address within the City where the dog has been relocated.

B. Transfer Outside the City. Any person to whom a dog licensed is issue must notify the City Clerk in writing of the transfer of the dog to a new owner, if applicable, and new location outside of the City where the dog will reside. Within 30 days of the transfer of the dog, if requested by the City Clerk, the owner shall execute an affidavit under oath setting forth the complete name, address, and telephone number of the person to whom the dog has been transferred (if applicable) and the address outside of the City where the dog has been relocated.

101.08. REVOCATION

1. A dog license may be revoked if:
 - A. The person to whom such license is issued violates Section 101.04 related to animal nuisance or violates Section 101.05 related to dog licensing three (3) times within a twelve (12) month period or five (5) or more times within the dog's lifetime; or
 - B. The person to whom such license is issued violates the terms of Minnesota Statutes Chapter 343 related to cruelty to animals; or
 - C. The person to whom such license is issued violates the terms of Minnesota Statutes Chapter 347 related to the regulation of dangerous dogs; or
 - D. The animal control officer determines that the dog poses a substantial risk to public safety or the well being of the community.
2. An Animal Control Officer shall send written notice of the revocation to the person to whom such license was issued. The notice shall state the basis for the revocation and that an appeal hearing may be requested, in writing, addressed to the City Clerk, within fourteen (14) days of the date of the notice. The appeal shall be heard by the City Council.
3. Any person whose dog license is revoked shall, within fourteen (14) days of the date of the notice of revocation, appeal the decision as required by Section 101.06.2, remove permanently from the City, or humanely dispose of any and all dogs owned, kept or harbored by such person. No part of the license fee shall be refunded unless the person prevails on appeal. If any member of a household is prohibited from owning a dog by reason of license revocation, unless specifically approved with or without restrictions by the City, no person in the household is permitted to own, keep or harbor a dog in the City.
4. If a dog license is revoked, no new dog license may be issued for a period of three (3) years from date the license is revoked. Beginning three (3) years after a revocation under this section that prohibits a person from owning a dog, and annually thereafter. The person may request in writing that the Public Safety Director review the prohibition. The Public Safety Director or designee may consider such facts as the seriousness of the violation or violations that led to the revocation, any criminal convictions, or other facts deemed appropriate. The Public Safety Director or designee may recommend that the City rescind the revocation entirely or rescind it with limitations. The Public Safety Director or designee also may recommend conditions a person must meet before the revocation is rescinded, including, but not limited to:
 - A. Evaluation by a certified applied animal behaviorist or a board-certified veterinary behaviorist and completion of any training or other treatment as deemed appropriate by that expert.

- B. Spaying or neutering.
- C. Secure, humane confinement in a manner that prevents escape and unsupervised contact with the public, permits the dog adequate exercise and provides protection from the elements.
- D. Direct supervision by an adult 18 years of age or older whenever the dog is on public property.
- E. Successful completion of a dog handling course.
- F. Muzzling in public, in a manner that prevents the dog from biting people and other animals but does not injure the dog or interfere with vision or respiration.
- G. Implanting microchip identification in the dog and providing the City with the name of the microchip manufacturer and identification number of the microchip.

If the City rescinds a person's license revocation and the person subsequently fails to comply with any limitations imposed by the Animal Control Officer or the person is convicted of any animal violation, the City may permanently prohibit the person from owning, keeping or harboring a dog within the City.

5. A dog license revocation is in addition to any penalty against a dog owner arising from a violation of this Chapter or State Statute.

101.09. EXEMPTIONS

Section 101.05 of this Chapter requiring a license and tag shall not apply to nonresidents of the City who are keeping only domestic pets, provided that the animals of such owners shall be kept in the City no longer than thirty (30) days and the animals are kept under restraint. All other provisions of this Chapter shall apply to nonresidents and their pets.

101.10. FEES

The fees for this Chapter shall be as provided in Chapter 11 of this Code...

101.11. IMPOUNDING

1. Generally.

- A. The Animal Control Officer shall, take up and impound any animals requiring licenses or tags found in the City without the tags; or any animals which are in violation of any of the other provisions of this Chapter. Animals shall be impounded in an Animal Shelter and confined in a humane manner. Impounded animals shall be kept for not less than five (5) regular business days of the Animal Shelter, unless reclaimed by their owners.

- B. If an animal is found at large and the owner or custodian can be identified, the Animal Control Officer may proceed against the owner for violation of this Chapter.
- C. The Animal Control Officer may enter upon any public or private premises by warrant or as otherwise provided by law when such officer is in reasonable pursuit of his or her duties.
- D. Upon receiving any animal as provided in this Chapter, the Animal Shelter personnel who receive animals shall check for identification on each animal, identify the owner by the identification whenever possible, and promptly notify the owner of the location of the animal by the most expedient means. The Animal Shelter and police department shall maintain a record of animals so impounded.

2. Claiming an Impounded Animal.

- A. In the instance of animals for which the owner does not have a required tag, the Animal Shelter shall not return such animal to the owner until a license and tag have been purchased from the City or Animal Shelter. Such Animal Shelter shall remit to the City the sum paid for the tag and furnish the City with the completed dog license application and proof of current rabies vaccination submitted in connection therewith.
- B. The owner of the impounded animal shall pay the Animal Shelter an impounding fee. The Animal Shelter shall turn over to the City any impounding fees received. The City shall place such fees in the General Fund of the City.
- C. If a rabies vaccination is required and the owner cannot produce proof that the animal has had a current rabies vaccination, the Animal Shelter shall ensure that such dog or other animal is vaccinated for rabies as a condition of release to the owner, the animal's owner shall pay to the Animal Shelter the cost of the immunization.
- D. The owner of the impounded animal shall liable for and pay the Animal Shelter the cost of feed and care for each day the animal is impounded in the animal shelter.

3. Unclaimed Impounded Animals.

Any impounded animal not claimed within five (5) regular business days of the Animal Shelter shall become the property of the Animal Shelter and may be disposed of in a manner permitted by law. The licensed owner shall be liable to the Animal Shelter for costs incurred in confining and disposing of the animal.

101.12. ANIMAL BITES, QUARANTINE

1. Any person who has been bitten or has knowledge of a human being who has been bitten by a dog, cat, raccoon, skunk or other species susceptible to rabies shall immediately notify the Animal Control Officer or Police Department. Whenever such an animal has bitten any person, the owner or custodian of the animal, after being so notified by the Animal Control Officer or the Police Department, shall immediately cause said animal to be quarantined at the City of Fridley contract animal shelter or at a licensed veterinary hospital or kennel for a period of ten (10) days after such person has been bitten. During the quarantine period, said animal shall be kept under observation to determine its condition and if it is found to be sick or diseased, the operator of the quarantine facility shall immediately report in writing to the Police Department or the Fridley Animal Control Officer the condition of the animal. The Animal Control Officer shall then take necessary steps to determine if the animal is suffering from rabies.
2. During the quarantine period the animal shall not be removed from the designated quarantine facility except by special written permission from the Minnesota Livestock Sanitary Board and the Fridley Animal Control Officer. The owner of an animal shall be responsible for the cost of quarantine.
3. The quarantine required by this Section shall not be necessary and the requirements shall be waived if the custodian or owner of the animal, immediately upon notification that his or her animal has bitten someone, presents to the Animal Control Officer or Police Department, the certificate of an authorized veterinarian that the animal was currently vaccinated for rabies prior to the date of the biting. Such animal so exempt shall be quarantined on the premises of the owner, under strict control, for a period of ten (10) days for the purpose of observation for symptoms of disease. The Animal Control Officer is authorized to conduct a mid-term and terminal examination of the animal.
4. It shall be unlawful for any person, other than an Animal Control Officer, to kill or destroy any animal found running at large in the City. No Animal Control Officer or other person shall kill, or cause to be killed any animal suspected of being rabid, except after the animal has been placed in quarantine, and the diagnosis of rabies made.
5. Regulation of Potentially Dangerous or Dangerous Dog. A potentially dangerous or dangerous dog shall be registered and regulated as required by Minnesota Statutes Section 347.565.

101.13. PROHIBITED ANIMALS

1. No person shall keep or allow to be kept in the City:
 - A. Any animal of a vicious nature or with a propensity, tendency or disposition to attack, to cause injury or to otherwise endanger the safety of human beings or domestic animals; or
 - B. Any animal which attacks a human being or a domestic animal on two or more occasions without provocation or on a single occasion where substantial bodily harm on a human being is inflicted without provocation; or

- C. Any non-domesticated animal not naturally tame or gentle, but is of wild nature or disposition, including any of the following:
- (1) Any animal or species prohibited by federal or Minnesota Law.
 - (2) Any non-domesticated animal or species, including, but not limited, to the following:
 - (a) Any skunk, whether captured in the wild, domestically raised, de-scented or not de-scented, vaccinated against rabies or not vaccinated against rabies.
 - (b) Any large cat of the family Felidae such as lions, tigers, jaguars, leopards, cougars, and ocelots, except commonly accepted domesticated house cats.
 - (c) Any member of the family Canidae, such as wolves, foxes, coyotes, dingoes and jackals, except commonly accepted domesticated dogs.
 - (d) Any poisonous snake, pit viper or constrictor, such as a rattle snake, coral snake, water moccasin, cobra, boa constrictor or python.
 - (e) Any raccoon.
 - (f) Any other animal which is not listed explicitly above, but which can reasonably be defined by the terms in section 101.11 of this code, including bears and badgers.

Upon conviction for the violation of this Section, the court may in addition to imposition of sentence, direct the Animal Control Officer to take the animal in question into custody and forthwith dispose of it in a humane manner. (Ref. 979.)

101.14. COMPLAINTS

Any person complaining to the Police Department that an animal is allegedly running at large or otherwise constituting a danger or nuisance shall identify himself or herself upon request and shall make every reasonable attempt to assist the authorities in identifying the animal and its owner or custodian.

101.15. MUZZLING

Whenever the prevalence of hydrophobia renders such action necessary to protect the public health, safety and welfare the Mayor shall issue a proclamation ordering every person owning or keeping an animal susceptible to rabies confined securely on their premises unless it is muzzled so that it cannot bite. No person shall violate the proclamation, and any unmuzzled animal running at large during the time fixed in the proclamation shall be immediately put to death by the Animal Control Officer without notice to the owner.

101.16. MULTIPLE PET LOCATION

1. License Requirement.

No person shall keep or maintain more than three (3) or more dogs or cats, or any combination of dogs or cats that are at least six (6) months of age as pets on a residential lot in the City without obtaining a multiple pet location license.

2. License Application

Application for a multiple pet location license shall be made on forms provided by the City. Such application shall contain the following information:

- A. The name, address, e-mail and phone number of the applicant of the multiple pet location.
- B. A site plan showing the location of the structures and fencing for the housing or shelter and run for the exercise of the dogs and/or cats. If the dogs and/or cats are to be kept primarily within the home or other building of the residence of the applicant or of any other person, the application shall so state.
- C. The maximum number and type of breed(s) of dogs, cats or any combination thereof, to be kept on the premises.
- D. Method to be used in keeping the premises in a sanitary condition.
- E. Method to be used in keeping the dogs and/or cats quiet.
- F. An agreement by the applicant that the premises may be inspected by the City at all reasonable times.

3. Issuance of License.

The City shall have discretion in determining whether or not to issue a license. In making such determination, the City shall take into consideration the conditions listed below and with particularity, any violations during the previous license period.

4. Conditions

- A. Housing facilities and grounds shall be maintained in a clean and sanitary condition and kept in good repair. Facilities shall be kept free of fecal matter and collected fecal matter shall be properly disposed of weekly so as not to create a public nuisance as defined in Chapter 110 of this Code.
- B. The premises for keeping of dogs and/or cats shall be fenced. The fencing must be of such quality and design so that it will contain the dogs and/or cats.

- C. If dogs and cats are to be maintained outside during the winter months, the housing or shelter shall be winterized to protect the dogs or cats from the harsh elements of the cold.
- D. Animal feed shall be stored in leak-proof containers with tight-fitting covers to prevent attracting vermin so as not to create a public nuisance as defined in Chapter 110 of this code.
- E. The animals are maintained in a manner that they do not become a public nuisance as defined in Section 101.06 of this Code.

5. Multiple Pet License Fee.

The annual license fee and expiration date shall be as provided in Chapter 11 of this Code.

6. Inspection

As a part of the initial license application or annual renewal, each resident must allow an inspection of the housing facilities and grounds. The community development director or designee shall have the right to inspect the property for the purpose of ensuring compliance with this section between 8 a.m. and 5 p.m. Monday through Friday upon providing prior notice to the owner of the property. In the case of a complaint regarding the multiple pet location, the site may be inspected without prior notice. In the event the licensee moves to a new residential lot within the City of Fridley, the licensee is required to complete a new application for the new location.

7. Appeal and Hearing Procedure

- A. Licenses issued under this section may be denied, revoked or non-renewed due to any of the following:
 - (1) The keeping of dogs or cats in a manner which constitutes a nuisance to the health, safety or general welfare of the public;
 - (2) A dog or cat may be impounded by the city pursuant to City Code Section 101.11 if it is found to be at large in violation of this section. After being impounded for five (5) business days without being reclaimed by the owner, it may be humanely euthanized or sold. A person reclaiming an impounded dog or cat shall pay the cost of impounding and boarding of the dog or cat.
 - (3) Fraud, misrepresentation, or a false statement contained in the license application or during the course of the licensed activity; or
 - (4) Any violation of the applicable provisions in this Chapter.

- B. Notice of approval, denial revocation or non-renewal must be made in writing to the applicant specifying the reason(s) for the action. The applicant may request a hearing by submitting a written request to the city clerk within fourteen (14) business days of the date of the notification letter.
- C. The Appeals Commission shall hold a hearing on a contested approval, denial, revocation, or non-renewal. The appeal process to be used shall be the same process described in Section 128.06 of the Fridley City Code. At the hearing, the applicant may speak and may present witnesses and other evidence. Upon the conclusion of the hearing, the Appeals Commission shall issue a written decision that includes findings of fact. The City shall provide the applicant with a copy of the Appeals Commission decision. The applicant may appeal the Commission's decision to the city council by submitting a written request to the city clerk within fourteen (14) business days of the date of the Appeals Commission decision.

101.17. ANIMAL CONTROL OFFICER

1. Appointment.

The City may appoint such person, persons or firm as the City may deem necessary and advisable as Animal Control Officer. Such appointees shall work under the supervision of the Fridley Police Department and shall be responsible for the enforcement of this Chapter.

2. Duties.

Animal Control Officers are authorized to enforce the provisions of this Chapter and other related ordinances, Chapters and statutes pertaining to animal control, including the issuance of citations.

3. Unlawful Acts.

It shall be unlawful for any unauthorized person to break into an animal shelter, or attempt to do so, or to take or set free any animal taken by the Animal Control Officer in the enforcement of this Chapter, or in any way interfere with, hinder or molest such Officer in the discharge of his or her duty under this Chapter.

101.18. GUARD DOGS

1. Businesses located within the City and maintaining a guard dog for security purposes shall post notice at the entrance to the premises warning of the presence of said dog.

2. Businesses maintaining a guard dog shall file with the City a release authorizing the police or fire departments to shoot said dog in an emergency situation, if necessary, in order to allow the police or fire fighters to gain admittance to the premises in the performance of their duties.

101.19. SEEING EYE DOGS

Whenever a blind person accompanied by a "seeing eye" or guide dog presents himself/herself for accommodation or service on any public transit vehicle or to any restaurant, store or other place of business open to the public, it shall be unlawful for the owner, manager, operator or any employee of such vehicle or place of business to refuse admission to the dog or service to the blind person.

101.20. CRUELTY TO ANIMALS

Minnesota Statutes Sections 346.20 through 346.34 are hereby adopted by reference and shall be in full force and effect, in the City of Fridley as if set out here in full.

101.21. RELATION TO OTHER LAW

The prohibitions contained in this Chapter shall be in addition to any State or Federal law regarding the same or related subjects.

101.22. PENALTIES

Any violation of this Chapter is a misdemeanor and is subject to all penalties provided for such violation under the provisions of Chapter 901 of this Code.