

605. ANIMALS

605.010. **DEFINITIONS.** For the purpose of this Chapter, terms defined herein shall have the following meaning ascribed to them:

1. Animals

Domestic-House Pet: For the purposes of this code, a domestic house pet shall be defined as those animals such as dogs, cats and birds which can be contained within a principal structure throughout the entire year, provided that containment can be accomplished without special modification to said structure requiring a building permit from the City.

Domestic-Farm: Animals which are kept outside the home for purposes of food or pleasure such as cattle, hogs, horses, sheep, llamas, goats, chickens (*Gallus gallus domesticus*), birds, such as emus and pigeons, and similar animals.

2. Animal Control Authority. The provisions of this Code shall be enforced by the Council.

3. Animal Control Officer. The person or persons employed by the Council as its enforcement officer.

4. Animal Shelter. Any premises contracted with by the City for the purpose of impounding, quarantining, and caring for all animals found in violation of this Code.

5. At Large. Any animal which is not effectively restrained within a fenced area or any animal which is permitted to be on any unfenced area or lot abutting upon a street, alley, public park, public place or upon any other private land without being effectively restrained from moving beyond such unfenced area or lot, or any animal which is permitted to be on any street, public park, or public place without being effectively restrained by chain or leash shall be deemed to be running at large.

6. Dog. Means any living domesticated canine or canid-cross animal.

7. Kennel. The keeping of more than three (3) dogs of age 6 months or greater on any premises.

8. Owner. Any person, group or persons, or corporation owning, keeping, or harboring an animal or animals for three (3) or more consecutive days.

9. Restraint. On a leash of not more than six (6) feet in length or on a leash which can be retracted to a length of six (6) feet or less, and in the custody of a person of sufficient age to adequately control the animal; in a vehicle; or confined to the owner's property by enclosure or fencing (electronic or physical barrier).

10. Quarantine. The strict confinement of an animal at an animal shelter or other third-party commercial facility in a manner that precludes direct contact with other animals

not concurrently in quarantine or persons other than the caretaker. The quarantine shall be conducted under an order issued by the City Clerk or Administrator or law enforcement official designating the specific place, manner, and provisions of the quarantine. All expenses will be paid for by the owner of the animal.

11. Veterinary Hospital. Any establishment maintained and operated by a State-licensed veterinarian for the purposes of diagnosing and treating animal disease, trauma and/or maintaining good health, e.g., vaccinations.

12. Spayed Female. Any bitch which has been operated upon to prevent conception.

13. Wild Animal. Shall mean and include any animal, amphibian, or reptile which is of a species which is wild by nature or of a species which, due to size, vicious nature or other characteristic is inherently dangerous to human beings. Examples of wild animals considered capable of inflicting severe bodily harm to humans include but are not limited to:

a. Any large cat of the family Felidae, such as lions, tigers, jaguars, leopards, cougars and ocelots, except commonly accepted domesticated house cats.

b. Any member of the family Canidae, such as wolves, coyotes, dingos, and jackals, except domesticated dogs.

c. Any crossbreed such as crossbreeds between dogs and coyotes, or dogs and wolves, but does not include crossbred domesticated animals.

d. Any poisonous snake such as a rattlesnake, coral snake, water moccasin, puff adder or cobra.

e. Any snake or reptile which by its size, vicious nature or other characteristic is dangerous to human beings.

f. Any skunk, raccoon, fox, or ferret, unless certified by a veterinarian to be free of rabies, and kept pursuant to a valid DNR permit, said certification to be obtained within seven (7) days of receipt of the animal.

g. Any bear, ape, gorilla, monkey, or badger.

h. Any other animal or reptile which is commonly considered wild and not domesticated.

605.020. **DOGS.** Rules and regulations relating to permits and humane treatment. The council shall promulgate regulations governing the issuance of permits, and such regulations shall include requirements for humane care of the owner's dogs and for compliance with all sections of this article and other applicable state and local laws. The council may amend such regulations from time to time as it deems desirable for the public health and welfare and to protect dogs from cruelty.

1. Limitation on number for each dwelling unit in residential zones. No more than three dogs over six months of age shall be housed or be kept on any one residential site in any area of the city.

2. Enforcement. Officers designated by the City Clerk or Administrator and approved by the council shall have police powers in the enforcement of this article; and no person shall interfere with, hinder or molest any such officer in the exercise of such powers.

a. Any person violating any of the sections of this article shall be deemed guilty of a misdemeanor.

605.021. **PERMIT.**

1. Required; exceptions. No person shall, without first obtaining a permit in writing from the City Clerk or Administrator, own, keep, harbor, or have custody of any dog over six months of age. However, this section shall not apply to the keeping of small caged birds or aquatic and amphibian animals solely as pets or for police canines of any political subdivision.

a. Upon a showing by any applicant for a permit required under this division that he is prepared to comply with the regulations promulgated by the council, a permit shall be issued following payment of the applicable fee, as follows:

(1). For each dog, the fee is as may be imposed, set, established and fixed by the city council, by resolution, from time to time.

(2). No fee or permit shall be required of any Humane Society or veterinary hospital.

b. No permit shall be granted for a dog which has not been vaccinated against rabies as provided in this section on such date, and when not more than two years will have elapsed from the date of such vaccination to the time of the expiration of the permit to be issued, unless stated upon the certificate that the vaccination is effective for at least three years. Vaccination shall be performed only by a doctor qualified to practice veterinary medicine in the state in which the dog is vaccinated, and the applicant shall present an original certificate from a qualified veterinarian showing that the dog to be permitted has been given a vaccination against rabies and the date on which the vaccination was administered.

2. Term; renewal; late penalty charge. Dog permits shall be issued for three-year terms starting in 2022 and every third year thereafter, and the owner shall pay the fee set in the fee schedule for the year of the term in which the permit is first required. A permit for each licensed dog shall be renewed every third year after 2022 by every owner and a permit fee paid. A permit, if not revoked, shall be valid until the end of the permit period three calendar years after the deadline in the first year of the term. Renewal permits must be obtained prior to the expiration date, and there shall be a

late penalty charge fee on all renewal permits received after the expiration date for dogs that have been kept in the City or more than fourteen (14) consecutive days.

The City Clerk or Administrator may revoke any permit issued under this division if the person holding the permit refuses or fails to comply with this article, any regulations promulgated by the council pursuant to this article, or any state or local law governing cruelty to animals or the keeping of animals. Any person whose permit is revoked shall, within ten days thereafter, humanely dispose of all dogs being owned, kept or harbored by such person; and no part of the permit fee shall be refunded.

3. **Administrative Fee.** If the City Administrator receives a complaint or observes a dog and reasonably believes that the dog is kept in violation of 605.021, the owner shall pay a Dog License Administrative Fee in addition to the Permit fee and the Late fee. Late and Administrative Fees may be appealed using the procedures in Chapter 310

4. **Tags.** Upon issuing a permit to keep any dog under this division, the City Clerk or Administrator shall issue to the owner a metallic or durable plastic tag stamped with an identifying number and with the month/date/year of expiration and so designated that it may be conveniently fastened to a dog collar or harness. Such tag shall be fastened to the dog's collar or harness by the owner and shall be worn at all times. The City Clerk or Administrator shall maintain a record of the identifying numbers and shall make this record available to the public.

5. **Exemptions from division.** The sections of this division requiring a permit shall not apply to owners of certified seeing eye and other handicapped-aid dogs, owners and handlers of bona fide working dogs (guard dogs, search dogs, etc.) and nonresidents of the city who are keeping only domestic pets, provided that domestic pets of nonresident owners shall not be kept in the city longer than 30 days annually and the animals shall be kept under restraint.

605.022. RUNNING AT LARGE; NUISANCE.

1. **Restraint.** All dogs shall be kept under restraint at all times in the city.

2. **Duty of owners.**

a. No owner or custodian of any dog, whether permitted or unpermitted, shall allow such dog to run at large. It shall be the obligation of the owner or custodian of any dog in the city, whether permanently or temporarily therein, to prevent any such dog at any time to be on any street, public park or public place without being effectively restrained by a chain or leash not exceeding eight feet in length.

b. Any person having custody or control of any dog shall have the responsibility for cleaning up any feces of the dog and disposing of such feces in a sanitary manner. It shall furthermore be the duty of each person having the custody and

control of any dog to have on such person possession of a device or equipment for picking up and removal of animal feces. This subsection shall not apply to a guide dog accompanying a blind person or to a dog when used in police or rescue activities.

c. Owners or custodians of dogs are hereby charged to prevent their dogs from barking or making other noises which unreasonably disturb the peace and quiet of any person. The phrase "unreasonably disturb the peace and quiet" includes, but is not limited to, the creation of noises, by such dogs, audible to a peace officer or animal control officer outside the building or premises where the dogs are being kept and which noise occurs repeatedly over a five-minute period with a time lapse of one minute or less between repetitions over a five-minute period. Failure on the part of the owner or custodian to prevent a dog from committing such acts shall be guilty of a misdemeanor.

3. Female dogs in heat. Every female dog in heat in the city shall be confined in a building or secure enclosure in such manner that such female dog cannot come into contact with another dog, except for planned breeding.

4. Duty of temporary visitors to city. It shall be unlawful for any person temporarily in the city, while staying at any private home to have a dog running at large or to permit his dog at any time to be upon the street or in any public or private place unless firmly upon a leash at all times.

605.023. **IMPOUNDMENT.**

1. Authority; notice to known owners; reclamation by owners; humane disposal of unclaimed dogs. Unrestrained dogs running at large in the city may be taken by law enforcement, the animal control officer or the Humane Society and impounded in an animal shelter and there confined in a humane manner. Impounded dogs shall be kept for not less than five days, unless reclaimed by their owners. If by a permit tag or by other means the owner can be identified, the animal control officer shall immediately, upon impoundment, notify the owner by telephone or mail of the impoundment of the dog. A dog not claimed by its owner within five days shall be humanely disposed of by an agency delegated by the council to exercise that authority.

2. Fees; additional penalties. Any owner reclaiming a dog under this article, which has been impounded for any reason, shall pay for all costs of impoundment. The owner may also be prosecuted for violation of this article, and his permit may be revoked.

3. Return to owner of dog found at large. Notwithstanding the sections of this division, if a dog is found at large in the City but is properly tagged and current on rabies vaccination and its owner can be identified and located, such dog need not be impounded and shall instead be delivered to the owner.

605.024. **DANGEROUS DOGS.**

1. Dangerous/potentially dangerous dogs. The provisions of Minn. Stats. §§ 347.50—347.56, inclusive, are hereby adopted as the potentially dangerous and dangerous dog regulations for the City of Birchwood Village. Where a conflict exists between the provisions of the City Code and the provisions of Minn. Stats. §§ 347.50—347.56, inclusive, the provisions of the Minnesota Statutes shall apply.

Definitions. For the purpose of this section, the terms defined have the meaning given to them:

a. Dangerous dog. Means any dog that has:

- (1). Without provocation, inflicted substantial bodily harm on a human being on public or private property; or
- (2). Killed a domestic animal without provocation while off the owner's property; or
- (3). Been found to be potentially dangerous, 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.

b. Great bodily harm. Has the meaning given it under Minn. Stats. § 609.02, subdiv. 8.

c. Owner. Means any person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having care, custody, or control of a dog.

d. Potentially dangerous dog. Means any dog that:

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

e. Proper enclosure. Means securely confined indoors or in a securely enclosed and locked pen or structure suitable to prevent the animal from escaping and providing protection from the elements for the dog. A proper enclosure does not include a porch, patio, or any part of a house, garage, or other structure that would allow the dog to exit of its own volition, or any house or structure in which the windows are open or in which door or window screens are the only obstacles that prevent the dog from exiting.

f. Provocation. Means an act that an adult could reasonably expect may cause a dog to attack or bite.

g. Substantial bodily harm. Has the meaning given it under Minn. Stats. § 609.02, subdiv. 7a.

2. Initial determination. The city's designated animal control authority shall be responsible for initially determining (initial determination) whether a dog is a potentially dangerous dog or a dangerous dog. The animal control authority may retain custody of a dog which has been initially determined to be a dangerous dog pending the hearing as hereinafter provided. The initial determination shall be conclusive unless the owner appeals the initial determination as hereinafter provided.

3. Notice of initial determination. The notice of initial determination shall be personally served on the owner of the dog or on a person of suitable age at the residence of such owner. The notice of initial determination shall describe the dog deemed to be potentially dangerous or dangerous, shall identify the officer making the initial determination and shall inform the owner of the owner's right to appeal the initial determination.

4. Request for hearing and hearing. An owner may appeal the initial determination by filing a request and payment of the applicable fee for the hearing with the City Clerk or Administrator within five days of the owner's receipt of the notice of initial determination. A hearing shall be held within seven days after the city's receipt of the request for hearing. The City Clerk or Administrator shall assign a hearing officer, who shall not be the person who made the initial determination. At the hearing, the hearing officer shall consider the reports and comments of the animal control authority, the testimony of any witnesses, witness statements and the comments of the owner of the dog. After considering all of the evidence submitted, the hearing officer shall make written findings and shall determine whether the dog is a potentially dangerous dog or a dangerous dog (final determination). The findings shall be made within five days of the date of the hearing and shall be personally served upon the owner of the dog or upon a person of suitable age at the residence of the owner.

5. Seizure of dangerous dog or potentially dangerous dog. The animal control authority shall immediately seize any dangerous or potentially dangerous dog if, within 14 days after the service of the notice of final determination declaring a dog to be a dangerous dog:

a. The owner has not registered the dog in compliance with the provisions of this subsection.

b. The owner does not secure the proper surety bond or liability insurance pursuant to this subsection.

c. The dangerous or potentially dangerous dog is not maintained in a proper enclosure.

d. The dangerous dog is outside a proper enclosure and not under the physical restraint of a responsible person.

6. Reclaiming a dangerous dog or potentially dangerous. A dangerous or potentially dangerous dog may be reclaimed by the owner of the dog upon payment of the impounding and boarding fees and upon presentation of proof to the animal control authority that the requirements of subsection 605.024.8.a.(1)-(7) have been satisfied. A dangerous or potentially dangerous dog not reclaimed under this provision within seven days may be disposed of as provided in Minn. Stats. § 35.71, subdiv. 3, and the owner shall be liable to the animal control authority for costs incurred in confining and disposing of the dangerous dog.

7. Substantial/great bodily harm. Upon a final determination and notwithstanding the provisions of subsections, a dangerous dog that inflicted substantial bodily harm or great bodily harm on a human being on public or private property without provocation may be destroyed in a proper and humane manner by the animal control authority.

8. Dangerous dog restrictions.

a. Registration required. No person may keep a dangerous dog in the City of Birchwood Village unless the dog is registered with the City Clerk or Administrator as provided in this section. The City Clerk or Administrator shall issue a certificate of registration to the owner of the dangerous dog if the owner presents the following information:

(1). Proper enclosure. A proper enclosure exists for the dangerous dog and there is 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.

(2). Bond/insurance. A surety bond issued by a surety company authorized to conduct business in the State of Minnesota in a form acceptable to the animal control authority in the sum of at least \$300,000.00 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 the State of Minnesota in the amount of at least \$300,000.00 insuring the owner for any personal injuries inflicted by the dangerous dog.

(3). Microchip. The owner has had a microchip identification implanted in the dangerous dog, and the name of the microchip manufacturer and identification number of the microchip must be provided to the animal control authority. If the microchip is not implanted by the owner, it may be implanted by the animal control authority with the costs borne by the dog's owner.

(4). Warning symbol. The owner has posted a warning symbol to inform children that there is a dangerous dog on the property. The design of the warning

symbol must have been approved by the Minnesota Commissioner of Public Safety.

(5). Tag. The dangerous dog 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. The design of the tag must have been approved by the Minnesota Commissioner of Public Safety.

(6). Photograph. The owner of the dangerous dog shall make the dog available to be photographed for identification by the animal control authority at a time and place specified by the animal control authority.

(7). Proof of disclosure. The owner of a dangerous dog who rents property from another where the dog will reside must submit proof of disclosure from the property owner that the property owner was notified, prior to entering into the lease agreement and at the time of any lease renewal, that the person owns a dangerous dog that will reside at the property.

9. Dangerous dog regulations.

a. Annual fee. The owner of a dangerous dog shall pay an annual fee as determined by council ordinance, in addition to any regular dog licensing fees, to obtain a certificate of registration for a dangerous dog under this section.

b. Annual renewal. The owner of a dangerous dog must renew the registration of the dog annually until the dog is deceased and pay the annual renewal fee as determined by city council ordinance. If the dog is removed from the city, it must be registered as a dangerous dog in its new jurisdiction.

c. Death/transfer from city. The owner of any dangerous dog must notify the animal control authority in writing of the death of the dog, of its transfer to a residence outside of the city or of its transfer within the city within 30 days of the death or transfer.

d. Notice to landlord. The owner of a dangerous dog who rents property from another where the dog will reside must disclose to the property owner, prior to entering into the lease agreement, and at the time of any lease renewal, that the person owns a dangerous dog that will reside at the property.

e. Sale. The owner of a dangerous dog must notify the purchaser that the animal control authority has identified the dog as a dangerous dog. The seller must also notify the animal control authority in writing of the sale and provide the animal control authority with the new owner's name, address, and telephone number.

f. Muzzling. If the dangerous dog is outside a proper enclosure, the dog must be muzzled and restrained by substantial chain or leash and be under the physical restraint of a reasonable person. The muzzle must be made in a manner that will

prevent the dog from biting any person or animal but that will not cause injury to the dog or interfere with its vision or respiration.

g. Sterilization. The animal control authority may require a dangerous dog to be sterilized at the owner's expense. If the owner does not have the dangerous dog sterilized, the animal control authority may have the animal sterilized at the owner's expense.

10. Potentially dangerous dog restrictions.

a. Registration required. No person may keep a potentially dangerous dog in the City of Birchwood Village unless the dog is registered with the City Clerk or Administrator as provided in this section. The City Clerk or Administrator shall issue a certificate of registration to the owner of a potentially dangerous dog if the owner presents the following information:

(1). Microchip. The owner has had a microchip identification implanted in the potentially dangerous dog, and the name of the microchip manufacturer and identification number of the microchip must be provided to the animal control authority. If the microchip is not implanted by the owner, it may be implanted by the animal control authority with the costs borne by the dog's owner.

(2). Warning symbol. The owner has posted a warning symbol to inform children that there is a potentially dangerous dog on the property. The design of the warning symbol must have been approved by the Minnesota Commissioner of Public Safety.

(3). Proper enclosure. A proper enclosure exists for the potentially dangerous dog, and there is a posting on the premises with a clearly visible warning sign, including a warning symbol, to inform children that there is a potentially dangerous dog on the property.

(4). Bond/insurance. A surety bond issued by a surety company authorized to conduct business in the State of Minnesota in a form acceptable to the animal control authority in the sum of at least \$300,000.00 payable to any person injured by the potentially dangerous dog, or a policy of liability insurance issued by an insurance company authorized to conduct business in the State of Minnesota in the amount of at least \$300,000.00 insuring the owner for any personal injuries inflicted by the potentially dangerous dog.

(5). Photograph. The owner of the potentially dangerous dog shall make the dog available to be photographed for identification by the animal control authority at a time and place specified by the animal control authority.

(6). Proof of disclosure. The owner of a potentially dangerous dog who rents property from another where the dog will reside must submit proof of disclosure from the property owner that the property owner was notified, prior to entering

into the lease agreement and at the time of any lease renewal, that the person owns a potentially dangerous dog that will reside at the property.

11. Potentially dangerous dog regulations.

a. Annual fee. The owner of a potentially dangerous dog shall pay an annual fee as determined by council ordinance, in addition to any regular dog licensing fees, to obtain a certificate of registration for a dangerous dog under this section.

b. Annual renewal. The owner of a potentially dangerous dog must renew the registration of the dog annually until the dog is deceased and pay the annual renewal fee as determined by city council ordinance. If the dog is removed from the city, it must be registered as a potentially dangerous dog in its new jurisdiction.

c. Death/transfer from city. The owner of any potentially dangerous dog must notify the animal control authority in writing of the death of the dog, of its transfer to a residence outside of the city or of its transfer within the city within 30 days of the death or transfer.

d. Notice to landlord. The owner of a potentially dangerous dog who rents property from another where the dog will reside must disclose to the property owner, prior to entering into the lease agreement and at the time of any lease renewal, that the person owns a potentially dangerous dog that will reside at the property.

e. Sale. The owner of a potentially dangerous dog must notify the purchaser that the animal control authority has identified the dog as potentially dangerous. The seller must also notify the animal control authority in writing of the sale and provide the animal control authority with the new owner's name, address, and telephone number.

12. Annual review requests. If there are no additional reports of the behavior described in subsection (1)a. or (1)b. of this section within a 12-month period from the date of the designation as a dangerous dog or a six-month period from the date of the designation as a potentially dangerous dog, the dog's owner may request a review, in writing, of the declaration designation. The owner must provide documented evidence for review that the dog's behavior has changed due to environment, health, age, training, neutering or other relevant factor. The review request and supporting documentation must be submitted to the City of Birchwood Village Animal Control Authority, which shall rule on the review request based on the record. The owner of the dog shall be notified in writing of the review results within ten business days of receipt. An administrative fee shall be paid prior to the review. In cases where the owner has successfully completed a training program approved by the animal control authority, the administrative fee may be reduced or waived. The fees for such review shall be imposed, set, established and fixed by the city council, by resolution, from time to time.

605.028. **CHICKENS.**

1. Chickens may be kept within the City limits on residential properties subject to the following conditions:

a. A maximum of six (6) hen chickens or pullets are permitted.

b. Roosters are prohibited.

c. The butchering of chickens is prohibited.

d. Shelter. Proper shelter in the form of barns, coops or hutches shall be provided in any area where chickens are permitted to roam. Such shelters shall be adequately fenced to ensure the chickens remain on the owner's premises. Shelters must comply with all requirements of the Zoning Code concerning accessory structure and said structures shall not be placed in the front, side yard or side yard abutting a street on residential property. Said shelters shall be setback a minimum of 30-feet from an adjacent principal dwelling.

(1). All chicken coops must have a minimum size of three (3) square feet per chicken, a maximum size of forty (40) square feet, and must not exceed six (6) feet in total height.

(2). Chicken coops must be elevated a minimum of twelve (12) inches and a maximum of twenty-four (24) inches to allow for circulation beneath the coop.

e. Space. Chickens shall be fully contained on the property at all times through use of adequate fencing.

(1). Fencing must not exceed six (6) feet in height and must be built according to the zoning code.

(2). Chickens are restricted to the rear yard.

(3). Chicken runs may be enclosed with wood and/or woven wire materials, or any other material so long as the chickens cannot escape through the fencing.

f. Food Storage. Food materials that are stored outside shall be in closed containers with lids.

g. Manure Removal. All containment areas and shelters shall be maintained in a clean, sanitary, and odor free environment and shall be free from the presence of rodents or vermin at all times. 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.

h. Fighting. Chickens shall not be raised or kept for fighting. Cockfighting is prohibited.

- i. Consent. The applicant for any permit required under the provisions of this section shall provide with the application the written consent of seventy-five (75) percent of the owners or occupants of real property within the City and within one hundred (100) feet of the outer boundaries of the premises for which the permit is being requested. However, where a street or right of way separates the premises for which the permit is being requested from the other neighboring property, no consent is required from the owners or occupants of property located on the opposite side of the street or right of way.
2. License. No person shall keep, maintain or breed chickens on property located within the City of Birchwood Village unless a license is obtained pursuant to the provisions stated herein. Application shall be made on a form provided by the City Clerk or Administrator. The fee shall be established from time to time by resolution as set forth in Chapter 701.
 - a. A license shall be issued for a period of three years.
 - b. Upon completion of the application form and receipt of the license fee, the City Clerk or Administrator shall cause a license to be issued to the applicant.
3. Inspection. The Animal Control Officer shall, at any reasonable time, be permitted upon the premises where chickens are kept for the purpose of making an inspection to determine compliance with this Chapter.

605.029. MINIATURE VIETNAMESE POT-BELLIED PIGS.

1. Restrictions. Miniature Vietnamese Potbellied Pigs may be kept within the City limits if it is kept as a “Domestic-House Pet” as defined in Code 605.010 (1), and shall be subject to the following conditions:
 - a. The possession of a Vietnamese Potbellied Pig is limited to two (2) per residence.
 - b. Male Vietnamese Potbellied Pigs must be neutered when they reach the age of four weeks.
 - c. Adult Vietnamese Potbellied Pigs shall not weigh more than 120 pounds or stand more than 22 inches at the shoulders.
 - d. Vietnamese Potbellied Pigs shall undergo a blood test to show that the animal is free from pseudorabies.
2. Consent. The applicant for any permit required under the provisions of this section shall provide with the application the written consent of seventy-five (75) percent of the owners or occupants of real property within the City and within 100 feet of the outer boundaries of the premises for which the permit is being requested. However, where a street or right-of-way separates the premises for which the permit is being requested from the other neighboring property, no consent is required from the owners or occupants or property located on the opposite side of the street or right-of-way.

3. License. No person shall keep, maintain Vietnamese pot-bellied pigs on property located within the City of Birchwood Village unless a license is obtained pursuant to the provisions stated herein. Application shall be made on a form provided by the City Clerk or Administrator. The fee shall be established from time to time by resolution as set forth in Chapter 701.

a. A license shall be issued for a period of two years.

b. Upon completion of the application form, receipt of the license fee, and proof that the Vietnamese potbellied pig is free from pseudorabies, the City Clerk or Administrator shall cause a license to be issued to the applicant.

4. Inspection. The Animal Control Officer shall, at any reasonable time, be permitted upon the premises where Vietnamese pot-bellied pig(s) are kept for the purpose of making an inspection to determine compliance with this Chapter.

605.055. **ODOR.** 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 606, entitled "Public Nuisance," of the City Code.

605.067. **ANIMALS WHICH CANNOT BE IMPOUNDED.**

1. If an animal is known to be vicious, dangerous, rabid or exposed to rabies and such animal cannot be impounded after all reasonable effort or cannot be impounded without serious risk to the persons attempting to impound, such animal may be immediately killed.

2. When an animal cannot be impounded and is in violation of any part of this part of this chapter, the owner, as defined herein, shall be issued a citation.

605.100. **DISEASE CONTROL.**

605.101. **RABIES CONTROL.** The Minnesota State Health Laws and Regulations pertaining thereto shall apply in cases of rabid animals, animals which have bitten any person or animals suspected of being rabid.

605.102. **BITING ANIMALS TO BE QUARANTINED.** Whenever any animal has bitten a person or whenever a known or suspected rabid animal is picked up by the animal confinement contractor, such animal shall be kept in confinement for a period of ten (10) days after the occurrence. Upon reasonable belief that the animal may be rabid, the animal shall be subjected to the tests necessary to establish the same by a doctor of veterinary medicine for the purpose of determining if it is infected with rabies. The confinement, testing and treatment expenses, in addition to all other expenses incurred as the result of an animal biting a person, shall be the expense of the owner of the animal.

- 605.103. **REPORTS OF BITE CASES.** It shall be the duty of every physician or other practitioner to report to the Animal Control Officer and the City Council names and addresses of persons treated for bites inflicted by animals, together with as much as other information as will be helpful in rabies control.
- 605.104. **RESPONSIBILITIES OF VETERINARIANS.** It shall be the duty of every licensed veterinarian to report to the City Council his diagnosis of any animal observed by him as a rabies suspect.
- 605.110. **KEEPING OF ANIMALS.** To protect the health, safety and welfare of the citizens of the City, it shall be unlawful to keep any wild, dangerous or undomesticated animal within the corporate limits of the City, except as permitted pursuant to the provisions of this Ordinance.
- 605.111. **FARM ANIMALS.** Except as otherwise provided, no person shall keep or permit any horse, hog, mule, sheep, goat or other farm animal or any other fowl, including emus or pigeons, upon any lot or property within the City of Birchwood Village.
- 605.112. **CRUEL TREATMENT.** No person shall treat an animal in a cruel or inhumane manner, or willfully or negligently cause or permit any animal to suffer torture or pain unnecessarily.
- 605.113. **DOG KENNELS.** No person shall operate a dog kennel or permit a dog kennel to be on his premises within the City.
- 605.114. **MANNER OF KEEPING.** No person shall keep any dog, cat or other animal in the City in an unsanitary place or condition or in a manner resulting in objectionable odors or in such a way as to constitute a nuisance or disturbance by reason of barking, howling, fighting, or other noise or in such a way as to permit the animal to annoy, injure, or endanger any person or property.
- 605.120. **EXEMPTIONS.** The licensing and vaccinations requirements of this Code shall not apply to any animal belonging to a non-resident of the City and kept within the City for not longer than thirty days, provided all such animals shall at all times while in the City be kept within a building, enclosure or vehicle, or be under restraint by the owner.
- 605.140. **INTERFERENCE.** No person shall interfere with, hinder, or molest any agent of the City Council in the performance of any duty of such agent, or seek to release any animal in the custody of the City Council or its agents, except as herein provided.
- 605.150. **RECORDS.**
1. It shall be the duty of the City Clerk or Administrator to keep, or cause to be kept, accurate and detailed records of the licensing, impoundment and disposition of all animals coming into his custody.

2. It shall be the duty of the City Clerk or Administrator to keep, or cause to be kept, accurate and detailed records of all bite cases reported to him, and his investigation reports of these cases, and of all reports of alleged violations and actions taken thereon.

605.160. **ENFORCEMENT.** The provisions of this Code shall be enforced by the City Clerk or Administrator (or their designee), City Police Officers, Deputy Sheriffs of Washington County or any other person or persons designated by the City Council.

605.170. **PENALTIES FOR VIOLATION.** Any person violating any of the provisions of this Code shall be judged guilty of a misdemeanor.

EFFECTIVE DATE: This ordinance becomes effective on the date of its publication, or upon the publication of a summary of the ordinance as provided by M.S. § 412.191, subd. 4, as it may be amended from time to time, which meets the requirements of M.S. § 331A.01, subd. 10, as it may be amended from time to time.

“ADOPTED BY ORDINANCE 2019-01-02; MARCH 12, 2019.”

“Adopted by ordinance 2022-10-02; March 1, 2023.”