



**Proposed Agenda for Birchwood Village City Council Workshop
March 31, 2025, 6:45 p.m.
City of Birchwood Village, Washington County, Minnesota**

Call to Order

Approve Agenda

Open Public Forum

Workshop Business

Old Business

1. Key Metrics-Bridget
2. Administrative Appeals-Ryan
3. Website-ADA compliance
4. Fine Arts Grant
5. City Planner Contract
6. Follow-up on CIP projects-April 7 open house

New Business

1. Council goals with timeline
2. Feedback from the resident survey
3. Bonfire to clear brush? Chipper/Shredder and stacked wood -Steve Dean
4. Resolution template
5. Update on hiring a City Administrator
6. Curb repair
7. Communication strategy
8. Updating City Hall-paint, desks, etc
9. City workday and treasure hunt-April 26
10. Re-keying City Hall
11. Annual meeting of council, staff, committees
12. Staff performance reviews
13. Heading on council agenda-mission statement/purpose
14. Review budget
15. Animal code updates

Adjourn

To: Birchwood City Council
From: Ryan Hankins
Re: Animal Code Updates

This is a change to two ordinances: Animals and the Fee Schedule. Please see the “Findings and Purpose” sections for remarks on the changes.

Thank you to Justin McCarthy and Bryan McGinnis for his kind assistance reviewing, proofreading and suggesting improvements, and to veterinarian Houston Clinch for providing advice on rabies and vaccinations.

Three documents follow:

1. [ACTION] Ordinance revising *Animals* Section of Fee Schedule.
2. [ACTION] Ordinance revising *605. Animals* City Code.
3. [REFERENCE] Markup of *605. Animals* City Code, for reference only.

ORDINANCE NO. _____

**CITY OF BIRCHWOOD VILLAGE
WASHINGTON COUNTY, MINNESOTA**

AN ORDINANCE AMENDING THE ANIMALS SECTION OF THE FEE SCHEDULE

Findings and Purpose:

The City Council may regulate animals under the powers granted by Minnesota Statute § 412 Subd. 21.

The regulation of chickens is necessary, but licensing of chickens, collecting the associated fees and enforcing the licensing requirements is more burdensome for a small city than the benefit the public derives. The removal of provisions for pig permits obviates pig permit fees.

It is not necessary to regulate dangerous and potentially dangerous dogs within the City Code; instead, fees can be assigned to fund the duties of the city prescribed in state statute.

The City Council of The City of Birchwood Village, Minnesota ordains:

The Animals Section of the Fee Schedule of the Municipal Code of the City of Birchwood Village is hereby amended to read as specified in EXHIBIT A.

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 the City of Birchwood Village City Council this XXth day of May, 2025

Jennifer Arsenault, Mayor

Attest:

City Administrator

EXHIBIT A

ANIMAL FEES	Chicken License – three years	605.028(2)	\$30.00	12/2022
	Pig License – three years	605.029(3)	\$30.00	12/2022
	Dog Permit - first year of term	605.021.1(1), 605.021.2	\$30.00	12/2022
	Dog Permit - second year or term	605.021.1(1), 605.021.2	\$25.00	12/2022
	Dog Permit - third year or term	605.021.1(1), 605.021.2	\$20.00	12/2022
	Dog Permit Late Fee	605.021.2	\$7.00	12/2022
	Dog Permit Administrative Fee	605.021.2	\$30.00	12/2022
	Potentially dangerous dog or dangerous dog appeal fee	<u>Minnesota Statute 347.51(2)</u>	\$100.00	12/2022
	Dangerous dog annual fee	605.024(9) 3 <u>Minnesota Statute 47.51(2)</u>	\$500.00	12/2022
	Potentially dangerous dog annual fee	605.024(11) <u>Minnesota Statute 347.51(2)</u>	\$100.00	12/2022
	Potentially dangerous dog or dangerous dog administrative review fee	605.024(12) <u>Minnesota Statute 347.51(3a)</u>	\$100.00	12/2022

ORDINANCE NO. _____

CITY OF BIRCHWOOD VILLAGE
WASHINGTON COUNTY, MINNESOTA

AN ORDINANCE AMENDING ORDINANCE NO. 605 ADOPTED ON MARCH 12, 2019,
AND TITLED “ANIMALS.”

Findings and Purpose:

The City Council may regulate animals under the powers granted by Minnesota Statute § 412 Subd. 21.

The League of Minnesota Cities suggests a dangerous dog code is not needed. Because that code is used infrequently, statute is a better guide than ordinance.

Cities have a legitimate interest in regulating and controlling dangerous dogs because the issue relates to the safety of city residents. The process for dealing with dangerous dogs is largely spelled out in state law. Cities do not need to have an ordinance in place in order to follow the process in state law. However, there is some room for cities to add stricter regulation through city ordinance, such as applying the same provisions to animals other than just dogs.

The code more clearly spells out when the City Administrator does not issue a permit: when an applicant has a criminal conviction for an offense related to animals.

Because there are only a handful of owners of these pets, licensing is administratively burdensome, it's unlikely chicken owners consistently obtain licenses, and the reduction of harm to human or animal health through licensing is low. Instead, we can promote animal and public health by eliminating provisions that require chickens to be kept in a rear yard, and instead insist that coops be at least 10 feet from property lines. We can also reduce administrative burden by removing provisions requiring that three quarters of neighbors give permission for the keeping of chickens. Determining property owners within a certain distance and managing and evaluating petitions is time-consuming for staff and prospective chicken owners. It risks selective enforcement; a property owner with three neighbors must avoid a veto by any neighbor.

The section allowing pigs is removed; Neither White Bear Lake, Maplewood, Mahtomedi, nor White Bear Township allows pigs; while one Birchwood resident previously fostered a pot-bellied pig, it's unlikely that any resident currently owns or wants a pig; if residents demand pigs, the council can revisit this.

Provisions requiring dog owners to clean up dog feces are reasonable, but provisions requiring owners to carry clean up equipment are unnecessary and unenforceable.

The League of Minnesota Cities indicates that searches of private property violate Constitutional rights.

Generally, in order to lawfully enter private property for investigative, enforcement, or other purposes, the city must either obtain voluntary consent from the Owner or an administrative search warrant.

The sections allowing access to premises have been removed; the City will have to seek consent or an administrative warrant.

Fencing of chickens is consolidated, and provisions requiring chickens to be kept only in certain yards of a property are eliminated; yards are often not clearly defined in Birchwood. Instead, a requirement is added that chicken shelters and runs not be located within 10 feet of a property line. Shelters must also be heated in winter.

It seems unnecessary to require veterinarians to report rabies cases to the City. The Department of Health and state Animal Health Board handle this.

The wild animal code is clarified and sections about disruptions of peace and quiet apply to any animal.

Rabies is difficult to regulate well. It is very uncommon in suburban areas. Generally, the animal must be isolated, and the city has a public purpose in ensuring that it is. An animal that has been vaccinated, or if the vaccination is expired, should be kept away from other animals, for, and an unvaccinated cat or dog should be quarantined for at least four months. Because this is a case where the city might have to take action strongly opposed by the animal's owner, some detail can ensure good process.

Duplicate language and sections and unused definitions are removed; outdated terms and pronouns are substituted. Penalties for most violations are reduced to petty misdemeanors.

The City Council of The City of Birchwood Village, Minnesota ordains:

Section 1. Ordinance No. 605 adopted on March 12, 2019 and titled "ANIMALS" is amended to read:

605. ANIMALS

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

1. Animal Control Officer. Any officer contracted by the City for enforcement of this chapter or contracted or employed by the City as a law enforcement officer.
2. Animal Shelter. Any premises contracted by the City for the purpose of impounding, quarantining, and caring for animals found in violation of this Code.

3. At Large. Any situation where an animal is found in any place other than the property of the Owner, is not under the control of any person of sufficient age and capacity to control it and is not under Restraint.
4. Dog. Any living domesticated canine.
5. Owner. A person having the right of property or custody of an animal or who keeps, harbors or feeds an animal or knowingly permits an animal to remain on or about any premises occupied by that person.
6. Quarantine. The strict confinement of an animal that precludes direct contact with other animals not concurrently in Quarantine or persons other than the caretaker.
7. Restraint. On a leash of not more than six feet in length or on a leash which can be retracted to a length of six 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 (active and functioning electronic or physical barrier which prevents the animal from leaving the property).
8. Unreasonable Disruption. A disturbance of peace and quiet, which includes, but is not limited to, the creation of noises by an animal, audible to an Animal Control Officer outside the building or premises where the animals 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.

605.020. **DOGS.** No person shall permit more than three Dogs over six months of age to be housed or be kept on any premises within the City.

605.021. **PERMIT.**

1. Dog permit 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. Upon completion of the City form and payment of the fee set in the fee schedule, the City Administrator shall issue a Dog permit to any applicant, except that no permit shall be granted:
 - a. for a Dog without a rabies vaccination or with an expired rabies vaccination; or
 - b. to an applicant who has been convicted within the past three years of a violation of any state or local law or regulation governing cruelty to animals or the keeping of animals.
2. Application.
 - a. The City permit application form shall require:
 - i. the name, address and phone number of the applicant; and
 - ii. identifying information of Dog, including sex and color, and, if known, age, breed and weight; and

- iii. proof of rabies vaccination.
 - b. The City may request and collect additional information, including microchip data, photos of the Dog and contact information such as an email address to aid in enforcement or if the Dog becomes missing. However, no permit shall be denied for failure to provide such information.
3. Term; renewal; late penalty charge. Dog permits shall be issued for three-year terms starting in 2025 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 2025 and a permit fee paid. A permit, if not revoked, shall be valid until the end of the permit deadline 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 permit applications received after the expiration date for any Dog that has been kept in the City for more than fourteen consecutive days.
4. Revocation. The City Administrator may revoke any Dog permits if the person holding the permit refuses or fails to comply with this code, 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, transfer ownership or humanely euthanize all dogs being owned, kept or harbored by such person; and no part of the permit fee shall be refunded.
5. Tags. Upon issuing a Dog permit, the City Administrator shall issue to the owner a durable tag stamped with an identifying number and with the month and year of expiration designed so 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. The City Administrator shall maintain a record of the identifying numbers and shall make this record available to the public.
6. Exemptions from division. Police canines of any political subdivision, certified seeing-eye and other service dogs may be kept without a permit. Nonresidents of the city may keep a Dog in the City for not longer than 30 days annually without a permit, if the nonresident has a valid Dog permit in another jurisdiction.

605.022. **DOG RESTRAINT SANITATION AND CONFINEMENT.**

1. At Large Dogs Prohibited. No Owner of any Dog, whether permitted or unpermitted, shall allow the Dog to run without Restraint or At Large.
2. Sanitation. Except on the Owner's property, the Owner of a Dog shall remove and dispose of all Dog feces.
3. Female dogs in heat. Every female Dog in heat in the city shall be confined in a building or secure enclosure that prevents contact with another dog, except for planned breeding.

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 an Animal Control Officer or the Humane Society and impounded in an Animal Shelter. 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, mail or electronic means of impoundment
2. Unclaimed Dog. If a Dog is not claimed by its Owner within five days, the Animal Control Officer shall, if possible, deliver it to a Humane Society or similar animal adoption organization, give the animal away, or, as a last resort, order the disposal of the animal in a humane manner.
3. Vaccination before release. The Owner shall show proof of rabies vaccination, or, if the dog is not currently vaccinated against rabies, shall, at the Owner's cost, arrange for the dog to be so vaccinated before it is released.
4. Fees; additional penalties. The Owner shall pay all expenses associated with Impoundment, regardless of whether the Owner claims the animal.
5. Return to owner of dog found at large. Notwithstanding (1) and (2), 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, it shall not be impounded and shall instead be delivered to the Owner.

605.024. **DANGEROUS DOGS.** Minnesota Statute §§ 347.50 through 347.565 shall regulate dangerous Dogs.

605.028. **CHICKENS.**

Restrictions. An Owner may keep chickens in the City subject to the following conditions:

1. Only hen chickens or pullets may be kept.
2. The number of chickens kept must be limited in number to the fewest of:
 - a. six per person; and
 - b. six per dwelling unit; and
 - c. six per lot, except that on any lot of less than 15,000 square feet of area, one per full 2,500 square feet of lot area.
3. Roosters are prohibited.
4. The butchering of chickens is prohibited.

5. Proper shelter in the form of barns, coops or hutches shall be provided in any area where chickens are permitted to roam. Chickens shall not be kept in a dwelling.
6. Shelters and chicken runs shall not be located within ten feet of any property boundary, except that this requirement shall be enforced only upon complaint of an owner or occupant of the abutting property.
7. Chicken shelters shall have a minimum size of three square feet per chicken, a maximum size of forty square feet, and must not exceed six feet in total height.
8. Chicken coops shall be elevated a minimum of twelve inches and a maximum of twenty-four inches to allow for circulation beneath the coop.
9. Chicken shelters shall be heated or during winter, and shelters shall conform to building, zoning and electrical codes.
10. Food materials that are stored outside shall be in closed containers with lids.
11. 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 week at a time, and shall be removed more often if necessary to eliminate odors that constitute a nuisance.
12. Chickens shall not be raised or kept for fighting. Cockfighting is prohibited.

605.067. ANIMALS WHICH CANNOT BE IMPOUNDED.

1. If an animal is known to be vicious or dangerous and cannot be safely apprehended after reasonable effort, an Animal Control Officer may immediately kill the animal.
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 guilty of a misdemeanor.

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.

1. Quarantine Period. Any animal that has bitten a person, or any animal reasonably suspected of being rabid, shall be confined for at least ten (10) days from the date of the bite or from the date it is picked up by the City's animal confinement contractor.

2. Testing. If there is reasonable cause to believe the animal may be rabid, a Doctor of Veterinary Medicine shall perform any necessary tests to determine whether the animal is infected.
3. Owner's Responsibility. The owner of the animal shall bear all costs associated with confinement, testing, and any necessary treatment, as well as any additional expenses resulting from the bite.

605.103. **REPORTS OF BITE CASES.** Every physician or other medical practitioner who treats an individual for an animal bite shall promptly report the incident to the Animal Control Officer and the City Council. Such report shall include the name and address of the person bitten and any other relevant information needed for rabies control.

605.104. **RESPONSIBILITIES OF VETERINARIANS.** Every licensed veterinarian shall notify the City Administrator and City Council of any animal in their care or observation that is diagnosed or reasonably suspected to be rabid, providing all pertinent information to aid in controlling the spread of rabies.

605.110. **PROHIBITED ANIMALS.** To protect the health, safety and welfare of the citizens of the City, no person shall keep any wild, dangerous or undomesticated animal.

Examples of wild animals considered capable of inflicting severe bodily harm to humans include but are not limited to:

1. Any animal defined as a "Regulated Animal" in M.S. § 346.155.
2. Any member of the family Canidae, such as wolves, coyotes, dingoes, and jackals, except Dogs.
3. Any crossbreed such as crossbreeds between Dogs and coyotes, or Dogs and wolves, but not including crossbred domesticated animals.
4. Any poisonous or venomous animal such as a venomous snake.
5. Any animal which by its size, vicious nature or other characteristic is dangerous to human beings.
6. Any other animal which is commonly considered wild and not domesticated.

Exception: Service or therapy animals are allowed if protected under the Americans with Disabilities Act.

605.111. **FARM ANIMALS.** Except as otherwise provided, no person shall keep or permit any horse, hog, mule, sheep, swine, goat, emu or other farm animal upon any lot or property, nor shall any person keep any pigeon or any other fowl upon any lot or property within the City of Birchwood Village.

- 605.112. **CRUEL TREATMENT.** Any person who treats an animal in a cruel or inhumane manner, or willfully or negligently causes or permits any animal to suffer torture or pain unnecessarily is guilty of a misdemeanor.
- 605.114. **MANNER OF KEEPING.** No person shall keep any 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 , nor shall any person allow an animal to cause a Public Nuisance as defined in Chapter 606 of the City Code. Violation shall be a misdemeanor.
- 605.115. **UNREASONABLE DISRUPTIONS.** Any Owner who permits an Unreasonable Disruption shall be guilty of a misdemeanor.
- 605.140. **INTERFERENCE.** Any person who interferes with, hinders, or molests any agent of the City Council in the performance of the agent’s duties, or who seeks to release any animal in the custody of the City Council or its agents, except as herein provided, is guilty of a misdemeanor.
- 605.160. **ENFORCEMENT.** Animal Control Officers are granted police powers and shall enforce the provisions of this code.
- 605.165. **REGULATION BY CITY.** The City Council may, by resolution, restrict and adopt regulations of animals on public property.
- 605.170. **PENALTIES FOR VIOLATION.** Unless otherwise specified, any person violating any of the provisions of this Code is guilty of a petty misdemeanor. In addition, the City may revoke all animal permits issued to such person and may refuse to issue animal permits for three years following the violation.

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 the City of Birchwood Village City Council this XXth day of May, 2025

Jennifer Arsenault, Mayor

Attest:

City Administrator

605. ANIMALS

605.010. **DEFINITIONS.** For the purposes 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.~~

~~9. 3. Animal Control Officer. Any officer contracted by the City for enforcement of this chapter or contracted or employed by the City as a law enforcement officer. The person or persons employed by the Council as its enforcement officer.~~

~~10. 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.~~

~~11. 5. At Large. Any situation where an animal is found in any place other than the property of the Owner, is not under the control of any person of sufficient age and capacity to control it and is not under Restraint. 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. Any living domesticated canine. Means any living domesticated canine or canid cross animal.~~

~~12.~~

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

~~8. Owner. A person having the right of property or custody of an animal or who keeps, harbors or feeds an animal or knowingly permits an animal to remain on or about any premises occupied by that person. Any person, group or persons, or corporation owning, keeping, or harboring an animal or animals for three (3) or more consecutive days.~~

~~13.~~

~~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).~~

~~14. 10. Quarantine. The strict confinement of an animal that precludes direct contact with other animals not concurrently in Quarantine or persons other than the caretaker. 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.~~

~~15. Restraint. On a leash of not more than six feet in length or on a leash which can be retracted to a length of six 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 (active and functioning electronic or physical barrier which prevents the animal from leaving the property).~~

~~16. Unreasonable Disruption. A disturbance of peace and quiet, which includes, but is not limited to, the creation of noises by an animal, audible to an Animal Control Officer outside the building or premises where the animals 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.~~

~~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.** ~~No person shall permit more than three Dogs over six months of age to be housed or be kept on any premises within the City. 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.**

~~—Dog 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. Upon completion of the City form and payment of the fee set in the fee schedule, the City Administrator shall issue a Dog permit to any applicant, except that no permit shall be granted: 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.~~

7.

~~a. for a Dog without a rabies vaccination or with an expired rabies vaccination; or 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. to an applicant who has been convicted within the past three years of a violation of any state or local law or regulation governing cruelty to animals or the keeping of animals. 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.~~

8. Application.

~~c. The City permit application form shall require:~~

~~i. the name, address and phone number of the applicant; and~~

~~ii. identifying information of Dog, including sex and color, and, if known, age, breed and weight; and~~

~~iii. proof of rabies vaccination.~~

~~d. The City may request and collect additional information, including microchip data, photos of the Dog and contact information such as an email address to aid in enforcement or if the Dog becomes missing. However, no permit shall be denied for failure to provide such information.~~

9. 2.—Term; renewal; late penalty charge. Dog permits shall be issued for three-year terms starting in 2022-2025 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 ~~2022-2025 by every owner~~ and a permit fee paid. A permit, if not revoked, shall be valid until the end of the permit ~~period~~ deadline 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 permit applications received after the expiration date for any Dog ~~renewal permits received after the expiration date for dogs~~ that have has been kept in the City for more than fourteen ~~(14)~~ consecutive days.

— Revocation. The City ~~Clerk or~~ Administrator may revoke any Dog permits issued under this division if the person holding the permit refuses or fails to comply with this ~~article~~ code, 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, transfer ownership or humanely euthanize ~~humanely dispose of~~ all dogs being owned, kept or harbored by such person; and no part of the permit fee shall be refunded.

10.

~~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~~

11. 4. Tags. Upon issuing a Dog per ~~permit to keep any dog under this division~~, the City ~~Clerk or~~ Administrator shall issue to the owner a ~~metallic or durable plastic~~ durable tag stamped with an identifying number and with the month ~~/date/~~ and year of expiration ~~and so designated~~ designed so that it may be conveniently fastened to a dog collar or harness. Such tag shall be fastened to the ~~dog's~~ Dog's collar or harness by the ~~owner~~ 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. Police canines of any political subdivision, certified seeing-eye and other service dogs may be kept without a permit. Nonresidents of the city may keep a Dog in the City for not longer than 30 days annually without a permit, if the nonresident has a valid Dog permit in another jurisdiction. 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.

12.

605.022. — DOG RESTRAINT SANITATION AND CONFINEMENT. RUNNING AT LARGE; NUISANCE.

4. At Large Dogs Prohibited. No Owner of any Dog, whether permitted or unpermitted, shall allow the Dog to run without Restraint or At Large.

5. Sanitation. Except on the Owner's property, the Owner of a Dog shall remove and dispose of all Dog feces.

Female dogs in heat. Every female Dog in heat in the city shall be confined in a building or secure enclosure that prevents contact with another dog, except for planned breeding.

6.

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 Ccity may be taken by law

~~enforcement, the animal control~~ 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~~ or electronic means 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.~~

~~7. 2-~~ Unclaimed Dog. If a Dog is not claimed by its Owner within five days, the Animal Control Officer shall, if possible, deliver it to a Humane Society or similar animal adoption organization, give the animal away, or, as a last resort, order the disposal of the animal in a humane manner.

~~8. Vaccination before release. The Owner shall show proof of rabies vaccination, or, if the dog is not currently vaccinated against rabies, shall, at the Owner's cost, arrange for the dog to be so vaccinated before it is released.~~

~~9. Fees; additional penalties. The Owner shall pay all expenses associated with Impoundment, regardless of whether the Owner claims the animal. 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.~~

~~10. 3-~~ Return to owner of dog found at large. Notwithstanding ~~the sections of this division (1) and (2)~~, 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, it shall not be impounded and shall instead be delivered to the Owner. ~~such dog need not be impounded and shall instead be delivered to the owner.~~

605.024. **DANGEROUS DOGS.** Minnesota Statute §§ 347.50 through 347.565 shall regulate 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.—Restrictions. An Owner may keep chickens in the City subject to the following conditions: Chickens may be kept within the City limits on residential properties subject to the following conditions:~~

- a. Only hen chickens or pullets may be kept.
- b. ~~a.—The number of chickens kept must be limited in number to the fewest of: A maximum of six (6) hen chickens or pullets are permitted.~~
 - i. six per person; and
 - ii. six per dwelling unit; and
 - iii. six per lot, except that on any lot of less than 15,000 square feet of area, one per full 2,500 square feet of lot area.
- c. ~~b.—Roosters are prohibited.~~
- d. ~~e.—The butchering of chickens is prohibited.~~
- e. ~~d. Shelter.—Proper shelter in the form of barns, coops or hutches shall be provided in any area where chickens are permitted to roam. Chickens shall not be kept in a dwelling. 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.~~
- f. ~~(1)—Shelters and chicken runs shall not be located within ten feet of any property boundary, except that this requirement shall be enforced only upon complaint of an owner or occupant of the abutting property. 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.~~
- g. ~~(2)—Chicken shelters shall have a minimum size of three square feet per chicken, a maximum size of forty square feet, and must not exceed six feet in total height. 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.~~
- h. Chicken coops shall be elevated a minimum of twelve inches and a maximum of twenty-four inches to allow for circulation beneath the coop.
- i. Chicken shelters shall be heated or during winter, and shelters shall conform to building, zoning and electrical codes.
- j. Food materials that are stored outside shall be in closed containers with lids.
- k. 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 week at a time, and shall be removed more often if necessary to eliminate odors that constitute a nuisance.

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

~~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 or, 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, and cannot be safely apprehended after reasonable effort, an Animal Control Officer may immediately kill the animal.~~~~

~~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 guilty of a misdemeanor. 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.**

~~4. Quarantine Period. Any animal that has bitten a person, or any animal reasonably suspected of being rabid, shall be confined for at least ten (10) days from the date of the bite or from the date it is picked up by the City’s animal confinement contractor.~~

~~5. Testing. If there is reasonable cause to believe the animal may be rabid, a Doctor of Veterinary Medicine shall perform any necessary tests to determine whether the animal is infected.~~

~~—Owner’s Responsibility. The owner of the animal shall bear all costs associated with confinement, testing, and any necessary treatment, as well as any additional expenses resulting from the bite.~~

~~—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.~~

~~6.~~

605.103. **REPORTS OF BITE CASES.** Every physician or other medical practitioner who treats an individual for an animal bite shall promptly report the incident to the Animal Control Officer and the City Council. Such report shall include the name and address of the person bitten and any other relevant information needed for rabies control. 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.** Every licensed veterinarian shall notify the City Administrator and City Council of any animal in their care or observation that is diagnosed or reasonably suspected to be rabid, providing all pertinent information to aid in controlling the spread of rabies. 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**~~ **PROHIBITED 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., no person shall keep any wild, dangerous or undomesticated animal.

Examples of wild animals considered capable of inflicting severe bodily harm to humans include but are not limited to:

7. Any animal defined as a "Regulated Animal" in M.S. § 346.155.

8. Any member of the family Canidae, such as wolves, coyotes, dingoes, and jackals, except Dogs.

9. Any crossbreed such as crossbreeds between Dogs and coyotes, or Dogs and wolves, but not including crossbred domesticated animals.

10. Any poisonous or venomous animal such as a venomous snake.

11. Any animal which by its size, vicious nature or other characteristic is dangerous to human beings.

12. Any other animal which is commonly considered wild and not domesticated.

Exception: Service or therapy animals are allowed if protected under the Americans with Disabilities Act.

605.111. **FARM ANIMALS.** Except as otherwise provided, no person shall keep or permit any horse, hog, mule, sheep, swine, goat, emu or other farm animal or any other fowl, including emus or pigeons, upon any lot or property, nor shall any person keep any pigeon or any other fowl, upon any lot or property within the City of Birchwood Village.

605.112. **CRUEL TREATMENT.** ~~No~~Any person ~~shall~~who ~~treats~~ an animal in a cruel or inhumane manner, or willfully or negligently ~~causes~~ or ~~permits~~ any animal to suffer torture or pain unnecessarily is guilty of a misdemeanor.

~~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 , nor shall any person allow an animal to cause a Public Nuisance as defined in Chapter 606 of the City Code. Violation shall be a misdemeanor.

605.115. **UNREASONABLE DISRUPTIONS.** Any Owner who permits an Unreasonable Disruption shall be guilty of a misdemeanor.

~~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~~Any person who ~~interferes~~ with, ~~hinders~~, or ~~molests~~ any agent of the City Council in the performance of ~~any duty of such agent~~the agent's duties, or ~~who~~ ~~seeks~~ to release any animal in the custody of the City Council or its agents, except as herein provided, is guilty of a misdemeanor.

~~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.** Animal Control Officers are granted police powers and shall enforce the provisions of this code.~~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.~~

605.165. **REGULATION BY CITY.** The City Council may, by resolution, restrict and adopt regulations of animals on public property.

605.170. **PENALTIES FOR VIOLATION.** Unless otherwise specified, any person violating any of the provisions of this Code is guilty of a petty misdemeanor. In addition, the City may revoke all animal permits issued to such person and may refuse to issue animal permits for three years following the violation. Any person violating any of the provisions of this Code shall be judged guilty of a misdemeanor.