

ORDINANCE 2026-02

AN ORDINANCE AMENDING ZUMBROTA CITY CODE CHAPTER 95: ANIMALS

The City Council of Zumbrota, Minnesota ordains:

Chapter 95 and section 95.01-95.19 of the Zumbrota City Code: Animals, is hereby repealed in its entirety and replaced with the following:

§ 95.00 – DEFINITIONS.

For the purpose of this chapter, the following words, terms, and phrases shall have the meanings ascribed to them, unless the context clearly indicates or requires a different meaning:

ANIMAL. Any mammal, reptile, amphibian, fish, bird (including all fowl or poultry) or other member commonly accepted as part of the animal kingdom, except *Homo sapiens*. Animals shall be classified as follows:

- DOMESTIC ANIMALS. Those animals commonly accepted as domesticated household pets. Unless otherwise defined, such animals shall include dogs, cats, caged birds, gerbils, hamsters, guinea pigs, domesticated rabbits, fish, non-poisonous, non-venomous and non-constricting reptiles or amphibians, and other similar animals.
- NON-DOMESTIC ANIMALS or WILD ANIMALS. Those animals commonly considered to be naturally wild and not naturally trained or domesticated, or which are commonly considered due to size, wild nature or other characteristics to be inherently dangerous to the health, safety, and welfare of people. Unless otherwise defined, such animals shall include:
 - Any member of the large cat family (family *felidae*) including but not limited to lions, tigers, cougars, bobcats, leopards and jaguars, but excluding commonly accepted domesticated house cats.
 - Any naturally wild member of the canine family (family *canidae*) including but not limited to wolves, foxes, coyotes, dingoes, and jackals, but excluding commonly accepted domesticated dogs.
 - Any crossbreeds such as the crossbreed between a wolf and a dog, unless the crossbreed is commonly accepted as a domesticated house pet.
 - Any member or relative of the rodent family including but not limited to any skunk (whether or not de-scented), raccoon, squirrel, or ferret, but excluding those members otherwise defined or commonly accepted as domesticated pets.
 - Any poisonous, venomous, constricting, or inherently dangerous member of the reptile or amphibian families including but not limited to rattlesnakes, boa constrictors, pit vipers, crocodiles and alligators.
 - Any animal the keeping of which is licensed or prohibited by the State or Federal law.
 - Any other animal which is not explicitly listed above but which can be reasonably defined by the terms of this subpart, including but not limited to bears, deer, weasels,

badgers, monkeys, apes, bison and game fish.

- **FARM ANIMALS.** Those animals commonly associated with a farm or performing work in an agricultural setting. Unless otherwise defined, such animals include, but are not limited to, members of the equestrian family (horses, mules, llamas, alpacas), bovine family (cows, bulls), sheep, poultry (chickens, turkeys), fowl (ducks, geese, ostriches, emus), swine (including Vietnamese pot-bellied pigs), goats, bees, and other animals associated with a farm, ranch, or stable.

ANIMAL HOSPITAL or VETERINARIAN. A place for the treatment, hospitalization, surgery, care, and boarding of animals and birds under the direction of one or more licensed veterinarians.

ANIMAL SHELTER. Any premises designated by the City Council for the purpose of impounding and caring for animals held under the authority of this chapter.

AT LARGE or RUNNING AT LARGE. Any animal that is not:

- Effectively contained, restrained, or confined within a fenced area, by voice control, or by other means on the owner's property;
- Effectively restrained by chain, cord, or leash to private property within the consent of the property owner;
- Effectively restrained by a chain, cord or leash not exceeding six (6) feet in length or by a "Flexi-Lead" or similar device when located on any street, public grounds, or other location besides the owner's property.

AUTHORIZED CITY PERSONNEL or ANIMAL CONTROL OFFICER or OFFICER. Any law enforcement officer of the city, animal control officer, and any persons designated by the city to assist in the enforcement of this chapter, including the Police Chief.

CAT. Any male or female of the feline species, commonly accepted as domesticated household pets.

DANGEROUS DOG. A dog meeting the definition of "dangerous dog" under Minnesota Statutes, section 347.50, subdivision 2, as amended.

DOG. Any male or female of the canine species, commonly accepted as domesticated household pets.

CITY. The City of Zumbrota, Minnesota.

IMPOUND FACILITY. The facility(ies) designated by the City Council as an animal impound facility for keeping animals that are impounded by authorized city personnel. An impound facility may be the Zumbrota Veterinary Clinic, an animal shelter or impound, a veterinary or animal hospital, a veterinary clinic, or other similar animal facility for the humane impoundment of animals.

KENNEL. Any place, building, tract of land, abode, or vehicle where more than four (4) dogs over six (6) months of age are kept and maintained for the business of selling, boarding for a fee, breeding for sale, or some other enterprise intended primarily for profit making purposes. Kennel shall include pet stores, but shall not include pet grooming shops or animal hospitals unless the pet grooming shop or animal hospital also engages in the boarding and/or breeding of dogs. Kennel does not include a licensed veterinarian or a licensed animal shelter.

KEEP. To own, stable, harbor, maintain, or act as a custodian for any animal.

OWNER. Any person or the parents or guardians of a person under eighteen (18) years of age who owns, harbors, keeps, has an interest in, or has care, custody, or control of any animal.

PERSON. Any individual, partnership, corporation, firm, organization, department or group, however organized.

POTENTIALLY DANGEROUS DOG. A dog meeting the definition of “potentially dangerous dog” under Minnesota Statutes, section 347.50, subd. 3, as amended.

PREMISES. Any building, structure, shelter or land whereupon animals are kept or confined.

PROPER ENCLOSURE. An enclosure meeting the definition of “proper enclosure” under Minnesota Statutes, section 347.50, subd. 4, as amended.

RELEASE PERMIT. A permit issued by authorized city personnel, or such other person in charge of an impound facility, veterinary hospital or veterinary clinic for the release of any animal that has been impounded therein. A release permit may be obtained upon payment of the applicable fees and any maintenance costs incurred in capturing and impounding the animal. The fees shall be as fixed from time to time by resolution of the City Council.

§ 95.01 RUNNING AT LARGE PROHIBITED.

(A) It shall be unlawful for any person who is the owner, or other person in possession or control of, a domestic animal, to permit such domestic animal to run at large. Domestic animals on a leash and accompanied by a responsible person or accompanied by and under the control and direction of a responsible person so as to be effectively restrained by command as by leash, shall be permitted in streets or on public land unless the city has posted an area with signs reading “Animals Prohibited.”

§ 95.02 LICENSE REQUIRED; FEES AND TERM.

(A) *License required.* It shall be unlawful for any person who is a resident of the city to own, keep, harbor or have custody of any dog over six (6) months of age without first obtaining a license therefor from the City Administrator, who shall keep a record of all licenses and shall issue a metal tag for each license. Owners who are not residents of the city are not required to obtain a license, provided that the dogs of such owners are not kept in the city for longer than thirty (30) days and shall be kept under restraint. Applications for licenses shall be made on forms prescribed by the City Administrator, which forms shall set forth:

- (1) Name and address of owner;
- (2) Name and address of person making the application;
- (3) Breed, sex and age of the dog for which license is sought;
- (4) Whether or not the animal is sterilized; and
- (5) Current rabies and distemper vaccination certificate.

(B) *License fees; expiration.* Dog licenses may be issued either for the life of the animal or annually for the fiscal year of January 1 through December 31; providing, the animal possesses a current rabies and distemper vaccination certificate and said license shall expire when the animal has no current rabies or distemper vaccination certificate. License fees for lifetime and annual licenses shall be fixed from time to time by resolution of the City Council. Lifetime licenses require animals to be microchipped and provide

proof of said microchipping as well as standard vaccination certificate. (1982 Code, § 503.02) Penalty, see § 10.99.

(C) *Licenses are not transferable.* The City Administrator shall not refund the license or any part thereof for any reason.

(D) Application for a dog license shall be upon a form prescribed by the City Administrator. The form will require certification by a veterinarian duly licensed to practice veterinary medicine within the State of Minnesota, that the dog for which application for license is being made, has been inoculated against rabies and distemper and whether the dog has been sterilized.

(E) Each dog shall be licensed within one month after valid license is required by this chapter. To specify, licenses must be obtained:

- (1) Upon expiration of a prior license;
- (2) When a dog is first purchased by, transferred to, or possessed by, an owner, without thirty (30) days after such purchase, transfer or possession; and
- (3) When a dog attains the age of six (6) months.

(F) Valid license tags shall be securely affixed to the collar of the animal so licensed in such a manner that the tag may be easily seen. The owner shall be responsible for ensuring that the tag is always worn by the animal when it is outside of the home. In the event such a tag is lost or destroyed, it shall be the responsibility of the owner to obtain a duplicate immediately. Duplicate tags shall be issued by the city at a cost.

(G) New residents shall have thirty (30) days to obtain a dog license.

§ 95.03 LIMITATION ON OWNERSHIP.

(A) It shall be unlawful for any person to own, keep, harbor, care for, have custody or control of, or knowingly permit at any time, except as otherwise allowed for in this chapter, more than four (4) dogs over the age of six (6) months, in or about their residence or any other location under the person's control within the city. A residence or other location may contain up to four (4) dogs over the age of six (6) months. This section shall not apply to the following:

- (1) One litter of pups under ninety (90) days of age born to a licensed dog;
- (2) Residents of newly annexed areas, provided that the owners have animals licensed within thirty (30) days after annexation occurs, and until such time as one or more of the illegal animals dies or for some other reason is not owned or possessed by the resident, after which time the resident may not acquire additional dogs or cats in excess of the limit;
- (3) Residents of the city owning greater than four (4) dogs over the age of six (6) months at the time of the final reading of this chapter, provided that the animals are licensed and have not been deemed to be nuisances or otherwise in violation of this chapter, and until such time as one or more of the illegal animals dies or for some other reason is not owned or possessed by the resident, after which time the resident may not acquire additional dogs in excess of the limit;
- (4) A licensed kennel;
- (5) A licensed animal shelter, or;
- (6) A licensed veterinarian or animal hospital.

§ 95.04 VACCINATION.

- (A) All dogs owned, kept, harbored, maintained, or transported within the city shall be vaccinated against rabies and distemper at least once every two (2) years by a state licensed veterinarian.
- (B) In addition, a certificate of vaccination must be kept on file which is stated the date of vaccination, owner's name and address, the animal's name (if applicable), sex, description and weight, the type of vaccine, and the veterinarian's signature. Upon demand by an officer, the owner or custodian of any animal in the city must, within two days of the demand, present such officer with the required certificate(s) of vaccination for the animal(s). In cases where certificates are not presented, the owner shall have seven (7) days in which to present the certificate(s) to the officer. Failure to do so shall be deemed a violation of this section.
- (C) The owner of any dog shall keep the dog's vaccination current. If a person brings a dog that is not vaccinated as required by this section into the city, the person must vaccinate the dog in the manner provided in this section within seven (7) days after the date the person brings the animal into the city. It shall be unlawful for any owner, custodian or a dog to fail to vaccinate such dog as provided herein, or to fail to provide proof thereof as provided herein.
- (D) Whenever a dog is anywhere within the city other than on the owner's property, it must wear a tag supplied by the veterinarian who vaccinated it evidencing that the dog is currently vaccinated.

§ 95.05 NUISANCES.

- (A) It shall be unlawful for any owner to keep a nuisance animal. For purposes of this section, a nuisance animal is one which:
 - (1) Habitually or frequently barks (as described in section D), howls, meows, clucks, quacks, or cries;
 - (2) Frequents school grounds, parks, public beaches or other public places unaccompanied by a responsible person;
 - (3) Chases vehicles, or otherwise interferes with the driving of automobiles on public streets;
 - (4) At any time has attacked or bitten a person off the owner's premises;
 - (5) At any time has destroyed property or habitually trespasses in a damaging manner on the property of a person other than the owner;
 - (6) Is vicious or shows vicious habits;
 - (7) Is at large;
 - (8) Molests or annoys any person if such person is not on the property of the animal's owner.
- (B) *Damage to property.* It shall constitute a nuisance and be unlawful for any person's dog or other animal to damage any lawn, garden, or other property, whether or not the owner has knowledge of the damage. Any animal covered by this subsection may be impounded as provided in this chapter or a complaint may be issued by anyone aggrieved by an animal under this chapter, against the owner of the animal.
- (C) *Cleaning-up excrement.* The owner of any animal or person keeping or having the custody or control of any animal shall be responsible for cleaning up any excrement of the animal and disposing of such excrement in a sanitary manner whether on their own property, on the property of others, or on public property.
- (D) It shall constitute a nuisance and be unlawful if any dog barks, whines, howls, bays, cries or makes other noise excessively so as to cause disturbance or discomfort to an individual provided that such noise lasts

for a period of more than three (3) minutes continuously or intermittent barking that continues for more than an hour and is plainly audible from a distance of one hundred (100) feet or more from the premises where the dog is kept. It shall not be a violation of this section if the dog was barking, crying or making other noise due to harassment or injury to the dog or a trespass upon the premises where the dog is located.

(E) Any officer may enter upon private property and seize any barking dog provided that the following conditions exist:

- (1) There is an identified complainant other than the officer making a contemporaneous complaint about the barking;
- (2) The officer reasonably believes that the barking meets the criteria in subsection (D);
- (3) The officer can demonstrate that there has been at least one previous complaint of a dog barking at this address on a prior date;
- (4) The officer has made reasonable attempts to contact the owner of the dog(s) or the owner of the property and those attempts have either failed or have been ignored;
- (5) The seizure will not involve forced entry into a private residence. Use of a key obtained from a property manager, landlord, innkeeper, or other person authorized to have such a key shall not be considered as a forced entry;
- (6) No other less intrusive means to stop the barking is available; and
- (7) Written notice of the seizure is left in a conspicuous place if personal contact with the owner of the dog is not possible.

(F) Any dog seized under the provisions of subsection (E) shall be taken to an impound facility and kept there to be reclaimed by the owner. The owner shall pay all required fees. Any dog seized under subsection (E) which is unclaimed may be disposed of according to the provisions of section 95.13.

(G) *Other.* Any animals kept contrary to this chapter are subject to impoundment as provided in this chapter.

(H) Officers shall respond to nuisance animals, as defined by this section, on a complaint basis.

§ 95.06 REMOVAL OF EXCREMENT REQUIRED.

(A) It shall be unlawful for any owner, or any other person in control of, any animal to permit such animal to defecate on any public property or any private property without the consent of the property owner, unless the excrement is removed immediately and disposed of in a sanitary manner in the proper receptacle. The provisions of this section shall not apply to seeing-eye dogs under the control of a blind person or dogs while being used in city police activity.

(1982 Code, § 503.035) (Ord. 97-02, passed 11-20-1997)

§ 95.07 CONFINEMENT OF INTACT FEMALE DOGS AND CATS.

(A) Every female dog or female cat in heat shall be confined in a building or other secure enclosure in such a manner that it cannot come into contact with another animal except for planned breeding.

(1982 Code, § 503.04)

§ 95.08 PROCEDURES RELATING TO DANGEROUS DOGS.

- (A) *Potentially dangerous and dangerous dogs.* The provisions of Minnesota Statutes sections 347.50 through 347.565 (commonly referred to as the “Dangerous Dog Regulations”) are hereby adopted and incorporated herein by reference, as the same may be amended from time to time, and must be adhered to in all respects, except as otherwise explicitly provided in this section.
- (B) *Declaration/designation of dangerous or potentially dangerous dog.* The Police Chief may declare a dog to be dangerous or potentially dangerous when the Police Chief has probable cause to believe that a dog is dangerous or potentially dangerous as those terms are defined in this chapter. In addition to those factors defining dangerous or potentially dangerous, the following factors may be considered in determining whether to designate a dangerous or potentially dangerous dog:
- (1) Whether any injury or damage to a person by the dog was caused while the dog was protecting or defending a person or the dog’s offspring within the immediate vicinity of the dog from an unjustified attack or assault;
 - (2) The strength and size of the dog, including jaw strength, and the animal’s propensity to bite humans or other domestic animals; and
 - (3) Whether the dog has wounds, scarring, is observed in a fight, or has other indications that the dog has been or will be used, trained, or encouraged to fight with another animal or whose owner is in possession of any training apparatus, paraphernalia or drugs used to prepare such dogs to fight with other animals.
- (C) *Designation review.* Beginning six (6) months after a dog is declared dangerous or potentially dangerous, an owner may request annually that the City Administrator or the City Administrator’s designee review the designation. The owner must provide evidence that the dog’s behavior has changed due to the dog’s age, neutering, environment, completion of obedience training that includes modification of aggressive behavior, or other factors. If the City Administrator or the City Administrator’s designee finds sufficient evidence that the dog’s behavior has changed, the City Administrator or their designee may rescind the dangerous or potentially dangerous designation.
- (D) *Exceptions.*
- (1) The provisions of this section do not apply to dogs used by law enforcement.
 - (2) Dogs must not be declared dangerous or potentially dangerous if the threat, injury, or danger was sustained by a person who was:
 - i. Committing a willful trespass or other tort upon the premises occupied by the owner of the dog at the time;
 - ii. Provoking, tormenting, abusing, or assaulting the dog, or who can be shown to have a history of repeatedly provoking, tormenting, abusing, or assaulting the dog; or
 - iii. Committing or attempting to commit a crime.
- (E) *Registration required.* No person may keep a potentially dangerous or dangerous dog within the city unless the dog is currently registered as provided in this section. The owner of or person keeping a dangerous or potentially dangerous dog must register the dog in accordance with Minnesota Statutes, section 347.51. The owner must obtain a registration certificate annually from the city and must register a newly declared dangerous or potentially dangerous dog within fourteen (14) days after notice that a dog has been declared dangerous or potentially dangerous. Regardless of any appeal of such designation that may be requested,

the owner must comply with the requirements of Minnesota Statutes, section 347.52, (a) and (c) regarding proper enclosures and notification to the city upon transfer or death of the dog, until and unless the City Council or a court of law reverses the declaration/designation.

(1) *Registration process for dangerous dogs.* The city will issue a registration certificate to the owner of a dangerous dog if the owner presents sufficient evidence that the requirements of Minnesota Statutes, sections 347.51 to 347.52 have been met.

- i. *Warning symbol.* The owner of a dangerous dog registered under this section must post a sign with the uniform dangerous dog warning symbol on the property in order to inform children that there is a dangerous dog on the property. The sign will be provided by the city upon issuance of the registration certificate.
- ii. *Tags.* A dangerous dog registered under this section must wear (be affixed to the dog) a standardized, easily identifiable tag, at all times, that contains the uniform dangerous dog symbol, identifying the dog as dangerous. The tag shall be provided by the city upon issuance of the registration certificate.

(2) *Registration process for potentially dangerous dogs.* The city will issue a registration certificate to the owner of a potentially dangerous dog if the owner presents sufficient evidence that:

- i. There is a proper enclosure;
- ii. The owner has paid the annual registration fee; and
- iii. The owner has had a microchip identification implanted in the potentially dangerous dog pursuant to Minnesota Statutes, section 347.515.

(3) *Registration fee.* In addition to any other fees under this section, the owner of or person keeping a dangerous or potentially dangerous dog must pay a dangerous or potentially dangerous dog registration fee that will be established from time to time by resolution of the City Council.

(F) *Notice and appeal hearing.* After a dog has been declared dangerous or potentially dangerous or has been seized for destruction pursuant to Minnesota Statutes, section 347.54, the city shall give notice pursuant to Minnesota Statutes, section 347.541 to the owner. The owner may appeal this designation or seizure in writing on the form required by the City Administrator within fourteen (14) days of the date of the notice of declaration or seizure. Failure to do so within fourteen (14) days of the date of the notice will terminate the owner's right to a hearing. If an appeal is properly and timely filed with the City Administrator, a hearing will be held pursuant to Minnesota Statutes, section 347.541.

(1) *Appeal fee.* In addition to any other fees under this chapter, the owner must pay an appeal fee for an appeal hearing that will be established from time to time by resolution of the City Council.

(2) *Time of hearing and hearing officer.* Pursuant to Minnesota Statutes, section 347.541, subd. 4, the appeal hearing will be held within fourteen (14) calendar days of the written request for hearing. The hearing officer must be an impartial employee of the city and shall be the City Administrator, or the City Administrator's designee, unless the City Administrator determines that another impartial person be retained by the city to conduct the hearing.

(3) *Decisions and costs.* If the declaration/designation or destruction is upheld by the hearing officer, actual expenses of the hearing up to a maximum of \$1,000, in addition to all maintenance and related costs for impound and/or destroying and disposing of the dog shall be the responsibility of the owner. The hearing officer shall issue a decision on the matter within ten (10) days after the hearing. The decision shall be delivered to the owner by hand delivery or registered mail as soon as practical and a copy shall be provided to the City Administrator. The decision of the hearing officer is final.

(G) *Failure to comply with order.* Any owner who fails to comply with an order to destroy a dangerous dog or a potentially dangerous dog or fails to otherwise comply with an order from the authorized city personnel, hearing officer or City Council is guilty of a misdemeanor. In addition, the authorized city personnel will confiscate/seize the dog and have it destroyed in a proper and humane manner and the costs thereof will be the responsibility of the owner.

§ 95.09 ENFORCEMENT.

- (A) The Police Chief is hereby designated as the city's animal control officer. The Police Chief along with authorized city personnel shall enforce the provisions of this chapter and any other applicable laws, statutes or rules, pertaining to the protection of animals and person. It shall also constitute a violation of this chapter for any person, within the city, to violate a statute or rule of the State of Minnesota dealing with the care, keeping, or treatment of animals.
- (B) Any officer or the animal control officer, having reasonable cause to believe that a person has or is violating a provision of this chapter or the conditions, limitations, restrictions or prohibitions of any permit or license the city issues under this chapter, may apply to the appropriate authority as prescribed by law for a warrant empowering the officer or animal control officer to enter the dwelling or residence of the owner or keeper of any animal for the purpose of investigating the same and to demand the owner's or keeper's presentation of the animal to the animal control officer, officer, or authorized city personnel.
- (C) The authorized city personnel and any other person designated by the City Council may enforce the provisions of this chapter.

§ 95.10 INTERFERENCE WITH AUTHORIZED CITY PERSONNEL PROHIBITED.

(A) No person shall in any manner molest, hinder, or interfere with any person authorized by the City Council or authorized city personnel to capture and seize dogs, cats or other animals and convey them to an animal shelter while such person is engaged in their official capacity of animal care and control duties, operations and functions on behalf of the city. Nor shall any unauthorized person break open an animal shelter, or attempt to do so, or take or attempt to take from any agent thereof any animal taken up by him or her in compliance with this chapter, or in any other manner interfere with or hinder such person or authorized city personnel in the discharge of his or her duties under this chapter.

§ 95.11 KENNELS; LICENSE REQUIRED.

- (A) It shall be unlawful for any person to maintain or keep more than four (4) dogs over six (6) months of age on the same premises without first having obtained a kennel license therefor from the city. Such license fee shall be set by City Council resolution. This requirement is in addition to any and all zoning regulations, other ordinances, and Minnesota Statutes.
- (B) The City Council is hereby authorized to approve, approve with conditions, or deny applications for kennel licenses in the city.
- (C) Each license issued pursuant to this section shall run from the date of issuance.
- (D) The applicant for a kennel license must be at least eighteen (18) years of age and have a legal real property interest in the location of the proposed kennel, based on zoning regulations.
- (E) An application for a kennel license shall be made to the City Administrator or the City Administrator's designee on forms provided by the city. An application shall contain the following:

- (1) The location (physical address) of the premises for the license.
 - (2) The applicant's name, address, date of birth, and telephone number, both home and work if applicable.
 - (3) The interest the applicant has in the proposed kennel location (real property interest).
 - (4) The name, address, and telephone number, both home and work if applicable, of one other person who may be contacted in the absence of the applicant.
 - (5) The maximum number and species of dogs and/or cats over the age of six (6) months to be kept on the premises.
 - (6) A site plan showing the location, size, and type of all structures for housing, fencing, and runs for dogs. If the license is for cats only, the plan needs to show only the location, size, and type of structures for housing the cats. Separate housing and runs for dogs shall be a minimum of fifty (50) feet from any neighboring habitable dwelling and a minimum of ten (10) feet from any property line. If the dogs and/or cats are to be kept primarily within a building, the applicant shall so state.
 - (7) Whether the applicant anticipates breeding the animals and, if so, how often and the expected size of the litters.
 - (8) The method to be used to keep the premises in a sanitary condition.
 - (9) The method to be used to keep the animals quiet.
 - (10) An agreement by the applicant that the premises may be inspected by the city at all reasonable times.
 - (11) Such other information as the city may reasonably require to adequately review an application.
- (F) Prior to the issuance of a new kennel license, the City Administrator or the City Administrator's designee shall cause the proposed location to be inspected for compliance with the requirements of this section.
- (G) Except as provided in the following section, a kennel shall be inspected every third year after the initial inspection. An application by an applicant other than the original applicant or the original applicant's spouse at a previously approved kennel shall be considered a new application.
- (H) The City Administrator or the City Administrator's designee may cause a kennel to be site inspected at any time a complaint relating to the site requirements is received by the city. If the inspection confirms a violation, the license holder will be notified of the deficiencies and given a reasonable time in which to make appropriate corrections. If the deficiencies are not corrected within the time provided, a second notice will be sent followed by a reinspection and a reinspection fee will be charged.
- (I) Failure to allow timely inspection as required under this section in accordance with the notice and directive of the City Administrator or the City Administrator's designee shall be a violation of this section, and the City Council may suspend or revoke or not renew the license.
- (J) Inspection fees for new and renewal applications and reinspection fees shall be established from time to time by resolution of the City Council.
- (K) The City Administrator or the City Administrator's designee shall make reasonable effort to notify a license holder or applicant prior to any site inspection.
- (L) The City Administrator or the City Administrator's designee may, in their discretion, refer an application to the Planning Commission for its review in the event that initial review of the application reveals planning and zoning issues.
- (M) New and renewal kennel licenses shall be issued by the City Council following review of the application by the City Administrator or the City Administrator's designee. In deciding whether to approve applications, the City Council shall take into consideration the following:

- (1) Accuracy and completeness of the application;
 - (2) Methods to be used for sanitation control and to maintain quiet;
 - (3) Quality and height of fencing or the adequacy of an alternative confinement method;
 - (4) Prior violations or complaints of state law or city ordinances stated with particularity regarding the applicant's keeping or maintenance of animals on the premises or at other locations.
- (N) Applications shall be considered at regular meetings of the City Council. Notice of meetings shall be sent by first-class mail to occupants of properties adjacent to, or within three hundred (300) feet, of the property upon which the proposed kennel will be located. Failure to provide such notice or a deficiency in the notice shall not invalidate the decision provided that the City Council has made a good faith effort to provide such notice.
- (O) No premises shall be licensed to allow use as a kennel if any of the buildings or enclosed yards or portions thereof are located closer than five hundred (500) feet to the nearest adjacent lot line. No kennel shall be located on less than five (5) acres of land. All buildings and dog runs from the kennel shall be enclosed in a secure fence of not less than six (6) feet height. Fencing shall meet zoning requirements.
- (P) The City Council may impose such conditions on a license, new or renewal, which may be deemed reasonably necessary and appropriate to comply with and carry out the purposes and intent of this section and to protect the public health, safety and welfare of persons within the city as well as the applicant and the applicant's animals.
- (Q) Final action on an application for a new or renewal kennel license shall be made within ninety (90) days after receipt by the city of a completed application. If an application is determined to be incomplete by the City Administrator or the City Administrator's designee, it shall be returned to the applicant without action and shall not be acted upon until it is complete and refiled.
- (R) The time period specified herein shall not begin to run until the applicant has fully completed the application form and provided all additional information or documentation. For good cause, the time period may be extended once for up to an additional sixty (60) days upon written notice to the applicant within the original ninety (90) day period. Failure to act on an application within the allotted time period, including any extensions thereof, shall be deemed approval of the application unless otherwise agreed to in advance by the applicant.
- (S) It shall be unlawful for any license holder to do or permit any of the following:
- (1) Allow any of the dogs to run at large on any street or public property or any private property not owned by the license holder or under the control of the license holder;
 - (2) Allow the premises to be kept in an unsanitary or unhealthful condition;
 - (3) Burn offal or waste;
 - (4) Allow the animals to bark, yelp, or fight so as to disturb the neighborhood either day or night;
 - (5) Allow any of the animals to bite or scratch anyone lawfully on or off the premises;
 - (6) Maintain any animals in such manner as to create a nuisance by way of noise, odor, or otherwise;
 - (7) Sell or cause to be sold any animal without first providing the purchaser with written certification as to the origin of the animal; and
 - (8) Keep or maintain more animals than provided for in the approved license.
- (T) *Revocation.* If a license holder fails to comply with the statements made in the application or with any reasonable conditions imposed on the license, violates any other provisions of this section, or fails to remedy any defects after the second notice thereof, the City Council may suspend or revoke, or not renew, the license or permit.

(U) *Kennel license fees.* Kennel license fees shall be as set forth in the city's fee schedule, as adopted and amended from time to time.

§ 95.12 BASIC CARE AND TREATMENT OF ANIMALS.

(A) Owners shall provide and have an affirmative obligation to adequately care for the animals in their care, control, and/or custody. Such standards of care include:

- (1) Adequate food;
- (2) Adequate water;
- (3) Adequate shelter that is properly cleaned;
- (4) Adequate space in the primary enclosure for the particular type of animal depending upon its age, size, species, and weight;
- (5) Adequate exercise;
- (6) Adequate care, treatment, and transportation; and
- (7) Veterinary care when needed to prevent suffering or disease transmission.

(B) *Animals in motor vehicles.*

- (1) A person may not leave any animal unattended in a standing or parked motor vehicle in a manner that endangers the animal's health or safety.
- (2) Authorized city personnel may use reasonable force to enter a motor vehicle and remove any animal which has been left in the vehicle in violation of subsection (B)(1). Authorized city personnel removing any animal under this subsection shall use reasonable means to contact the owner of the animal to arrange for its return. If the authorized city personnel are unable to contact the owner, the animal shall be taken to an impound facility or veterinary hospital or clinic if emergency care is required. A person found to be in violation of this subsection shall bear the costs and fees associated with any required care, treatment, impoundment, or kenneling of the animal.

(C) It shall be unlawful for any person to commit the following prohibited acts:

- (1) Overdrive, overload, torture, cruelly beat, neglect, or unjustifiably injure, maim, mutilate, or kill any animal, or cruelly work any animal when it is unfit for labor, whether it belongs to that person or to another person.
- (2) Expose an animal for which the person is the owner to extreme temperature causing injury to the animal.
- (3) Physically abuse any animal or animals, or commit an act tending to produce cruelty to animals.
- (4) Caging any animal for public display purposes unless the display cage is constructed of solid material on three sides to protect the caged animal from the elements and unless the horizontal dimension of each side of the cage is at least four times the length of the caged animal.
- (5) Intentionally and without justification do either of the following to a service animal while it is providing service or while it is in the custody of the person it serves:
 - a. Cause bodily harm to the animal; or
 - b. Otherwise render the animal unable to perform its duties.
- (6) Subject an animal to any other type of inhumane or cruel treatment prohibited by Minnesota Statutes, chapter 343, as it may be amended from time to time.

(D) The provisions of this section shall also apply to every animal shelter, other releasing agency, and every foster care provider, dealer, pet shop, exhibitor, kennel, and groomer.

§ 95.13 IMPOUNDING.

- (A) *Running at large.* Any animal running at large within the city is hereby declared a public nuisance. Any authorized city personnel may impound such dog or other animal found running at large and shall give notice of the impounding to the owner of such dog or other animal, if known. In case the owner is unknown, the authorized city personnel shall post notice at the Zumbrota Veterinary Clinic and at City Hall. The notice shall provide that if the dog or other animal is not claimed within the time specified below for reclaiming, it will be disposed of. Except as otherwise provided in this section, it shall be unlawful to kill, destroy, or otherwise cause injury to any animal, including dogs running at large.
- (B) *Biting animals.* Any animal that does not have a current vaccination against rabies and that has bitten any person, wherein the skin has been punctured or the services of a doctor are required, shall be confined in an impound facility as provided herein, for a period of not less than ten (10) days, at the expense of the owner. However, if the owner of the animal shall elect immediately upon receipt of notice of need for such confinement by the authorized city personnel to voluntarily and immediately confine the animal for the required period of time in a veterinary hospital or veterinary clinic of the owner's choosing, not outside a county in which the city is located, and provide immediate proof of such confinement in such manner as may be required by the authorized city personnel, the owner may do so unless otherwise directed by the authorized city personnel. The animal may be released at the end of such time if healthy and free from symptoms of rabies, and by the payment of all costs related thereto by the owner. If, however, the animal has a current vaccination against rabies and the owner has proof of such current vaccination by a certificate from a licensed veterinarian, the owner may confine the dog or other animal to the owner's property.
- (C) *Handling of animals bitten by a rabid animal.* For the purposes of this section, any bat, skunk, civet cat, raccoon, or fox, or similar wild animals, which bites an animal is deemed a "rabid animal." The following rules apply if an animal is bitten by such animal, has been exposed to rabies, or appears to be rabid.
- (1) If the animal that is bitten has not been vaccinated against rabies as provided in this chapter, the owner of the animal shall either immediately destroy the animal or place it in strict isolation for a minimum period of thirty (30) days at the owner's sole cost and expense. If the owner places the animal in isolation, it must be immediately vaccinated against rabies at the owner's sole cost and expense.
 - (2) If the bitten animal has been vaccinated against rabies as provided in this chapter, its owner must immediately revaccinate the animal against rabies at the owner's sole cost and expense, and must place the animal in strict isolation for a minimum period of thirty (30) days at the owner's sole cost and expense.
 - (3) If the animal is displaying symptoms of being rabid, it may be immediately seized by authorized city personnel and confined at an impound facility at the expense of its owner until it is found to be free of rabies.
 - (4) If the animal cannot be impounded or isolated without serious risk of personal injury, the animal may be immediately killed by the authorized city personnel if the authorized city personnel believes such action is reasonably necessary for the safety of a person or persons.
- (D) *Reclaiming.* All animals conveyed to an impound facility shall be kept, with humane treatment and sufficient food and water for their comfort, at least five (5) regular business days, unless the animal is a dangerous animal in which case it shall be kept for seven (7) regular business days or the time specified in state law, and except if the animal is a cruelly-treated animal in which case it shall be kept for ten (10) regular business days, unless sooner reclaimed by their owners or keepers as provided by this section. In case the owner or keeper shall desire to reclaim the animal from the impound facility, the following shall

be required, unless otherwise provided for in this code or established from time to time by resolution of the City Council.

- (1) Payment of the release fee and receipt of a release permit from the authorized city personnel.
- (2) Payment of maintenance costs, as required by the impound facility, per day or any part of day while the animal is in the pound, plus any additional costs identified by the impound facility while the animal was in said impound facility; and
- (3) If a dog is unlicensed, payment of a regular license fee pursuant to § 95.02 of this code, and valid certificate of vaccination against rabies and distemper.

(E) Disposition of unclaimed animals. At the expiration of the times for reclaiming animals established in this section, if the animal has not been reclaimed in accordance with the provisions of this section, the authorized city personnel may let any person claim the animal by complying with all provisions in this section, or release the animal to an animal shelter, or cause the animal to be destroyed in a proper and humane way and shall properly dispose of the remains thereof.

§ 95.14 NON-DOMESTIC OR WILD ANIMALS.

- (A) *General prohibition.* No person may own, possess, keep or offer for sale within the city any non-domestic or wild animal. Any owner of such animal at the time of the adoption of this chapter shall have thirty (30) days in which to remove the animal from the city after which time the city may impound the animal as provided for in section 95.13.
- (B) *Farm animals.* No person may own, possess, keep or offer for sale within the city any farm animals, unless within an authorized zoning district or as a lawful non-conforming use.
- (C) *Exceptions.* This section does not apply to the following:
 - (1) Animals specifically trained for and actually providing assistance to the handicapped or disabled;
 - (2) Animals which are brought into the city solely for participating in any licensed or permitted educational program, circus, event, exhibition or show; or
 - (3) Any bona fide operating zoo, scientific research institution or veterinary clinic or hospital, provided that such institution or hospital employs protective devices adequate to prevent such animals from escaping or injuring the public.

§ 95.15 DISEASED ANIMALS.

- (A) *Running at large.* No person shall keep or allow to be kept on his or her premises, or on premises occupied by them, nor permit to run at large in the city, any animal which is diseased so as to be a danger to the health and safety of any persons in the city.
- (B) *Confinement.* Any animal reasonably suspected of being diseased and presenting a threat to the health and safety of the public, may be apprehended, seized and confined in an impound facility by any person or authorized city personnel. The authorized city personnel shall have a qualified veterinarian examine the animal. If the animal is found to be diseased in such a manner so as to be a danger to the health and safety of the public, the authorized city personnel shall cause such animal to be killed and shall properly dispose of the remains. The owner of the animal killed under this section shall be liable to the city for the cost of maintaining, destroying and disposing of the animal, plus the costs of any veterinarian examinations and those from any impound facility, as applicable. (1982 Code, § 504.05)
- (C) *Release.* If the animal, upon examination, is not found to be diseased within the meaning of this section, the animal shall be released to the owner free of charge.

§ 95.16 ANIMALS PRESENTING A DANGER TO HEALTH AND SAFETY OF CITY.

- (A) If, in the reasonable belief of any authorized city personnel, an animal presents an immediate danger to the health and safety of any person, or the animal is threatening imminent harm to any person, or the animal is in the process of attacking any person, the person or authorized city personnel may immediately kill the animal in a proper and humane manner. Otherwise, the person or authorized city personnel may seize the animal and deliver it to an impound facility for confinement under section 95.13. If the animal is destroyed, the owner of the animal destroyed shall be liable to the city for the costs of destroying, maintaining and/or disposing of the animal, plus the costs of any veterinarian examinations and those from any impound facility, as applicable. If the animal is found not to be a danger to the health and safety of the city in the judgement of the authorized city personnel, it may then be released to the owner in accordance with section 95.13.

§ 95.17 LIVERY STABLES AND BARNES.

- (A) The owner or occupant of every livery stable, horse barn, or boarding stable shall clean and remove the manure therefrom with sufficient frequency to avoid nuisance from odors or from the breeding of flies, at least once in thirty (30) days from October 1 to May 1 of each year and once every two weeks at other times. Unless used for fertilizer, manure shall be removed by hauling beyond the city limits. If used for fertilizer, manure shall be spread upon the ground evenly and turned under at once as soon as the frost leaves the ground.

§ 95.18 VALIDITY AND SEVERABILITY.

- (A) This chapter shall be in addition to all lawful requirements contained in Minnesota Statutes, and in addition to all other city ordinances. If any section, subsection, sentence, clause, phrase, or word contained in this chapter is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining portion of the chapter.

§ 95.19 PENALTY.

(A) Any person found guilty of violating any providing of this chapter shall be guilty of a misdemeanor pursuant to City of Zumbrota Code of Ordinances, Section 10.99

Adopted this 22nd day of January 2026.

Todd Hammel, Mayor

Attest: _____
Brian Grudem, Administrator