



<b>Case number:</b>	10000G-10
<b>Address:</b>	City of Bloomington
<b>Application type:</b>	Consider proposed City Code amendments regarding the keeping and treatment of domestic, farm and wild animals; the regulation of agriculture and gardening; and the administrative fine schedule
<b>Applicant:</b>	City of Bloomington

**This file will contain the following items as they become available:**

1. Agenda information
2. Staff report
3. Location map

**Additional information**

To receive copies of submitted development applications, supplemental documents, and (in some cases) building and site plans please contact the Planning Division at 952-563-8920 or [planning@ci.bloomington.mn.us](mailto:planning@ci.bloomington.mn.us).

**Your comments are important!**

If you wish to communicate to the Planning Commission about this agenda item, please include:

- Your name
- E-mail address
- Full mailing address (number, street name, city, state, ZIP)
- Daytime telephone number
- Case file number
- Date of hearing

You may not receive a detailed response to your e-mail, but your comments, if received in time, will be presented to the Planning Commission.

If you wish to send comments via e-mail, write to [planning@ci.bloomington.mn.us](mailto:planning@ci.bloomington.mn.us). Anonymous e-mails will not be forwarded.

Originator <b>Community Development/Legal</b>	Item <b>City Code Amendment – Animal Standards</b>		
Agenda Section <b>HEARINGS/PUBLIC INPUT Ordinances</b>	By <b>LM/LN</b>	Approved	Date <b>September 2, 2010</b>

Item 1

Case 10000G-10

## GENERAL INFORMATION

Applicant: City of Bloomington

Request: Consider proposed City Code amendments regarding the keeping and treatment of domestic, farm and wild animals; the regulation of agriculture and gardening; and the administrative fine schedule

## CHRONOLOGY

City Council Meeting: 5/03/10 – Study meeting discussion.

City Council Meeting: 7/26/10 – Study meeting discussion.

Administrative Hearing: 8/05/10 – Hearing with interested parties.

Planning Commission Meeting: 8/19/10 – Study meeting discussion.

Planning Commission Agenda: 9/02/10 – Public hearing scheduled.

City Council Agenda: 09/27/10 – Tentative date for public hearing

## DEADLINE FOR AGENCY ACTION

Not applicable – deadline waived by applicant.

## STAFF CONTACT

Lynn Moore, Environmental Health Manager  
(952) 563-8970  
[lmoore@ci.bloomington.mn.us](mailto:lmoore@ci.bloomington.mn.us)

**Council Action**

Motion by \_\_\_\_\_ Second by \_\_\_\_\_ to \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## **BACKGROUND**

Following a resident request, the City Council directed staff to update Bloomington's animal standards. Lynn Moore, Environmental Health Manager and Lisa Netzer, Associate City Attorney have prepared the attached ordinance with input from the City Council, Planning Commission, the public and City staff. A memo from Ms. Moore and Ms. Netzer describing the ordinance is attached.

While Planning Commissioners should review the full ordinance, please focus especially on the changes to Chapters 19 and 21 (the Zoning Ordinance). Many of the existing standards date from the 1950s when farms were interspersed with subdivisions. In addition to animal standards, the proposed ordinance updates standards for agriculture and community gardening.

## **PUBLIC OUTREACH**

Efforts to raise public awareness of this ordinance included:

- Legal notice in the Bloomington Sun Current
- Posting on the Bloomington website
- E-mail notice sent to all parties on the E-Subscribe mailing list for Zoning Ordinance Updates (301 subscribers as of July, 2010)
- Interviews with media organizations
- Administrative hearing
- E-mails to all members of the public who contacted the City on this issue

## **RECOMMENDATION**

In Case 10000G-10, staff recommends approval of the attached ordinance to revise animal standards.

## **ATTACHMENTS**

- Memo from Ms. Moore and Ms. Netzer
- Chart comparing animal standards in other Minnesota Cities
- Proposed ordinance
- Correspondence received from the public since the Administrative Hearing
- 8/20/10 Star Tribune Article
- Meeting Minutes/Synopses
  - 5/03/10 City Council
  - 7/26/10 City Council
  - 8/05/10 Administrative Hearing

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**DATE:** August 11, 2010  
**TO:** Planning Commission  
**FROM:** Lynn Moore, Environmental Health Manager  
Lisa Netzer, Associate City Attorney  
**RE:** Animal Ordinance amendments

Background

In the spring of 2010, Animal Control officers and Environmental Health staff discovered a number of homes raising chickens within Bloomington. The City Code still reflected the farming community that Bloomington once was, and allowed any farm animal as long as the structure the animals lived in were 100 feet or more from any other lot in a residential district. Only fur farms, kennels, poultry farms and commercial animal farms were specifically not permitted. Other sections of the animal code, which were scattered through the chapters of the code, needed updating as well.

The City Council directed staff to research other cities' requirements for chickens and farm animals. This information was presented to the City Council at the May 3, 2010 study session and Council directed staff to draft ordinance language to allow a limited number of farm poultry with smaller setbacks. Most members of the Council were interested in promoting some limited form of urban agriculture. Council also asked staff to reorganize all regulations for animals in a comprehensive ordinance. Several divisions provided input for the amendments (Animal Control, Police, Legal, Environmental Health, Planning, and Licensing). Staff presented the draft regulations to Council at the July 26, 2010 study session and received additional policy direction on: smaller lot sizes may only raise hen chickens as opposed to farm poultry, potbellied pigs will be treated as farm animals requiring larger setbacks, and screening requirements for chickens.

Following the study session, staff made the Council directed changes and presented the new ordinance at a public hearing. The hearing was held on August 5, 2010. Fifteen residents came to the hearing. Eight residents made comments. The three main comments/concerns from six residents included smaller property line setbacks than 30 feet (10 or 20 feet is better), allow more than four hens (6-8 better) and the four foot solid privacy fence screening is too strict (would like to see bushes and trees allowed). Two residents spoke against changing the City Code to allow the keeping of chickens. They asked for six-foot high solid fence screening, fifty foot setbacks and annual permits or licenses for chickens. This feedback will be presented to Council.

City staff now brings this draft ordinance before the Planning Commission. In reorganizing the code, staff found outdated provisions in the zoning provisions of Chapters 19 and 21. Bloomington previously allowed "commercial agriculture" in residentially zoned lots. Staff saw an opportunity to update the definition of agriculture and address the new issue of community gardens within the City.

Staff asks your feedback on the entire new ordinance, but asks for specific comments on the new zoning changes.

### Summary of proposed amendments

#### *Chapter 12, Article V. Animal Code – New*

- Reorganization of sections from Chapter 14 into six new divisions: General Provisions, Domestic Animals, Rabies Control, Farm Animals, Wild Animals and Inspection/Enforcement.
- New combined definitions section with new definitions
- Added regulations for domestic animal shelters in additions to dog shelters
- Changed dangerous dog requirements to dangerous animal
- Added a new division for chickens, farm poultry, farm animals and bees
- New regulations for keeping chickens (four hens only, setbacks, owner occupancy, specifications for shelters, enclosures and prevention of nuisance conditions)
- New regulations for keeping farm poultry, farm animals and bees
- New language for inspection and enforcement

#### *Chapter 14*

- Licensing section on dogs combined with cats and licenses added for ferrets
- Commercial Animal Establishments licensing now includes kennels
- New temporary license for Commercial Animal Establishments to eliminate TCUPs

#### *Chapter 19*

- Deleted “kennel” definition to eliminate confusion. Boarding of pets is covered in Pet Services Facility
- Agriculture as a permitted use in single-family and flood overlay districts updated to “agriculture, limited” and moved setback requirements and prohibited uses to Chapter 21
- Agriculture as a permitted or provisional use deleted from industrial, industrial park and freeway development districts

#### *Chapter 21*

- Use tables updated to reflect changes in Chapter 19 for agriculture
- Fence material regulations updated to exempt the use of chicken wire for farm poultry enclosures
- New use standards section for limited agriculture and gardening consistent with new setbacks for chickens, farm poultry and farm animals in Chapter 12

#### *Civil Fine Schedule*

- Updates to reflect proposed amendments

Farm Animal Regulation Comparison

4/27/2010

Twin Cities Metro Area

Outstate Minnesota

City	Bloomington's Current	Blaine	Burnsville	Eagan	Edina	Eden Prairie	Maple Grove	Minnnetonka	Minneapolis	Plymouth	Richfield	Rosemount	St. Paul	Woodbury	Brainerd	Duluth	Rochester	St. Cloud	Winona
Allows Farm Animals on Residential lots	Y	N	Y	N	N	N	N	Small animals	Small animals, chickens, ducks, pigeons	N	Swine, chickens, ducks, geese, pigeons, other fowl	Chickens, ducks, geese, pigeons	Hoofed animals, rabbits, mink, ferrets, chickens, turkeys, ducks, geese, pigeons	N	Chickens	Chickens	Chickens	N	Chickens
Allows Farm Animals only in Agricultural Zones	NA	Y	NA	Y - 5 acre minimum	NA	Y	Y		NA	Y	NA		NA	Y				Y	
Allows hens (chicken) on Residential lots	Y		Y		N	N	N	Y	Y	N	Y	Y	Y	N	Y	Y	Y	N	Y
Number of Chickens Allowed	No number		4					5 per 1/2 acre	Per permit	NA	3 fowl, but with a license can have 25 pigeons	3	Per permit	NA	4*	5	3		12
Property line setbacks for enclosures, coops, runs, etc.	100'		10' to property lines & 50' to houses	50'				10'			Swine is 75', none listed for fowl	10' property line & 75' from dwellings		200'	Enclosure & run 25' from any neighboring dwellings	Enclosure 25' from dwellings	Enclosure & run 25' from any neighboring dwellings		
Has a screening requirement			Y									Y			Y		Y		
Enclosure size or design requirements			< 6' tall, maximum of 10 sqft per chicken, elevated off ground 12-24"									< 6' tall, on cement footings and 12-24" off the ground			Coop & run 4-10 sqft per chicken, coop & run <6 ft tall, run <20sqft per chicken, coop 24" off ground	10 sq feet space (coop&run) per chicken minimum & roofed structure with adequate ventilation	< 10sqft per chicken, <6ft tall & 24" off ground, concrete footings, run < 20sqft per chicken		Per zoning code
Requirements for enclosure maintenance			Y						Y			Y	Y		Y	Y	Y		Y
Has a waiver or written consent process	N		NA					N	Y		N	N	Y	N	Y		N		
% of neighbors/within # of feet								NA	80%/100'		NA		75%/150'	NA	All abutting		N		
Requires an annual license/Fee	N							NA	\$50 initial \$40 renewal		N		Y	NA	\$30 annual	Y	\$20 annual		

\*In Brainerd, chickens are counted in total animal count - 4 animals, all 4 can be chickens or you can have 2 dogs and 2 chickens

ORDINANCE NO. 2010-\_\_\_\_\_

**AN ORDINANCE AMENDING CHAPTERS 1, 9, 10, 12, 14, 19, 21 AND THE ADMINISTRATIVE FINE SCHEDULE OF THE CITY CODE AS THEY RELATE TO COMMUNITY GARDENS AND TO THE KEEPING AND TREATMENT OF DOMESTIC, FARM AND WILD ANIMALS**

The City Council of the City of Bloomington hereby ordains:

Section 1. That Chapter 1 of the City Code is hereby amended by deleting those words that are in ~~strike through~~ font and adding those words that are underlined, to read as follows:

\* \* \*

**CHAPTER 1**

**INTERPRETATION AND ENFORCEMENT OF THE CITY CODE**

**ARTICLE II. ADMINISTRATIVE MEDIATION AND HEARING PROCESS**

\* \* \*

**SEC. 1.11. CITY CODE PROVISIONS THAT ARE ADMINISTRATIVE OFFENSES.**

A violation of the following provisions of the City Code shall be an administrative offense that may be subject to the administrative mediation and hearing process of this Article.

\* \* \*

- ~~(22) Chapter 14, Article III, Animal Licenses and Regulations, Division A. Dogs;~~
- ~~(23) Chapter 14, Article III, Animal Licenses and Regulations, Division B. Rabies Control;~~
- ~~(24) Chapter 14, Article III, Animal Licenses and Regulations, Division C. Animal Welfare;~~
- ~~(25) Chapter 14, Article III, Animal Licenses and Regulations, Division D. Animal Noise;~~
- ~~(26) Chapter 14, Article III, Animal Licenses and Regulations, Division E. Animals Running Loose;~~
- ~~(27) Chapter 14, Article III, Animal Licenses and Regulations, Division F. Wild Animals;~~
- ~~(28) Chapter 14, Article III, Animal Licenses and Regulations, Division H. Animal Feeding Prohibitions;~~
- (22) Chapter 12, Article IV, Animal Code, Division A. General Provisions and Animal Welfare;
- (23) Chapter 12, Article IV, Animal Code, Division B. Domestic Animals and Dangerous Animals;
- (24) Chapter 12, Article IV, Animal Code, Division C. Rabies Control;
- (25) Chapter 12, Article IV, Animal Code, Division D. Farm Animals;
- (26) Chapter 12, Article IV, Animal Code, Division E. Wild Animals;
- (27) Chapter 12, Article IV, Animal Code, Division F. Inspection and Enforcement of Animal Code;
- (28) Chapter 14, Article III, Animal Licenses, Division A. Dogs, Cats and Ferrets and Division B. Commercial Animal Establishments;

\* \* \*

Section 2. That Chapter 9 of the City Code is hereby amended by deleting those words that are in ~~strike through~~ font and adding those words that are underlined, to read as follows:

**CHAPTER 9**

**PUBLIC HEALTH**

**ARTICLE I. PUBLIC NUISANCES AFFECTING HEALTH**

\* \* \*

**SEC. 9.05. ANIMAL CARCASSES RESERVED.**

Every person owning or having in charge any domestic animal that has died or been killed on account of disease shall immediately bury the carcass thereof at least three feet deep in the ground or cause the same to be consumed by fire. No person shall sell, offer to sell, or give away such carcass when the animal died or was killed on account of disease, nor convey such carcass along any public road or upon any land not his own; nor shall any person negligently or willfully permit diseased animals owned or controlled by him to escape his control or to run at large. Every violation of any provision of this Section shall be a misdemeanor.

\* \* \*

**SEC. 9.07. ADDITIONAL NUISANCES AFFECTING HEALTH.**

The following are hereby declared to be nuisances affecting health, in addition to those nuisances described in Sections 9.01 through 9.06 of this Article:

\* \* \*

(2) All diseased animals running at large.

\* \* \*

(5) Carcasses of animals not buried or otherwise properly disposed of or ~~destroyed~~ within 24 hours after death.

\* \* \*

Section 3. That Chapter 10 of the City Code is hereby amended by deleting those words that are in ~~strikethrough~~ font and adding those words that are underlined, to read as follows:

**CHAPTER 10**

**ENVIRONMENTAL CONTROL**

\* \* \*

**ARTICLE IV. NOISE CODE**

\* \* \*

**SEC. 10.30. PUBLIC NUISANCE NOISES PROHIBITED.**

(b) The following acts constitute a presumptive public nuisance.

(6) **Noise Made by Animals.** Noise made by dogs and other animals shall be governed by ~~Article III, Division D of Chapter 14~~ the provisions of the Animal Code, Article IV of Chapter 12 of this Code.

\* \* \*

Section 4. That Chapter 12 of the City Code is hereby amended by deleting those words that are in ~~strikethrough~~ font and adding those words that are underlined, to read as follows:

**CHAPTER 12**

**PUBLIC PEACE AND SAFETY**

**ARTICLE I. GENERAL PROVISIONS**

\* \* \*

**SEC. 12.01.01. DEFINITIONS.**

When used in this Chapter, the following words, terms, and phrases shall have the following meanings, unless the context clearly indicates otherwise:

\* \* \*

(i) **Nuisance service call** - public officer response to a verified incident of any activity, conduct or condition occurring on private property that is likely to unreasonably interfere with the quiet enjoyment of neighboring properties or the safety, health, morals, welfare, comfort, or repose of the residents therein, including without limitation:

\* \* \*

- (13) Failure to comply with dangerous ~~dog~~ animal requirements in violation of Division B of Chapter 12 Section 14.96 of this City Code or Minnesota Statutes Chapter 347.
- (14) Failure to comply with animal noise regulations in violation of Section ~~44.124~~ 12.99 of this City Code.
- (15) Failure to restrain a domestic animal in violation of Section ~~44.121.06~~ 12.102 of this City Code.
- (16) Cruelty to animals in violation of Section ~~44.146~~ 12.93 of this City Code or Minnesota Statutes Chapter 343, as may be amended from time to time.
- (17) Excess number of domestic animals in violation of Section ~~44.147~~ 12.101 of this City Code.
- (18) Illegal possession of a wild animal in violation of Section ~~44.126~~ 12.120 of this City Code.
- (19) ~~Unlicensed~~ Failure to obtain license for a dog, cat or ferret in violation of Section 14.88 of this City Code.
- (20) Excess number of chickens, farm animals or farm poultry in violation of Sections 12.115 and 12.116 of this City Code.
- (21) Nuisance conditions associated with chickens, farm animals or farm poultry in violation of Division D. of Chapter 12.

\* \* \*

**SEC. 12.03. PROPERTY CONDITIONS CONSTITUTING A PUBLIC NUISANCE.**

The following property conditions are declared to be nuisances affecting public peace, welfare and safety:

\* \* \*

(31) The ground feeding of wild animals prohibited under Bloomington City Code Section ~~44.137.05~~ 12.122.

\* \* \*

- (33) Excess number of domestic animals, chickens, farm poultry or farm animals in violation of Section 12.101, 12.115 or 12.116.
- (34) Failure to locate or maintain animal shelter or enclosure in violation of Section 12.104, 12.115 or 12.116.

\* \* \*

**ARTICLE IV. ANIMAL CODE**

**Division A. General Provisions**

**SEC. 12.90. FINDINGS AND PURPOSE.**

This Ordinance is enacted to establish standards for the regulation of domestic, farm and wild animals in the City of Bloomington to protect the health, safety and general welfare of the public. The principle objectives of this Article of City Code are:

- (a) To prevent nuisance conditions associated with the keeping of animals.
- (b) To prevent the inhumane or cruel treatment of animals.
- (c) To enact regulations governing potentially dangerous animals, dangerous animals, and animal enclosures.
- (d) To prescribe City animal shelter procedures and to provide for animal enforcement procedures.
- (e) To control the spread of rabies in the community and to protect the general public from animals that pose a risk of rabies infection.

- (f) To preserve a balance of wild animals and birds and prevent the unselective catching, maiming and destruction of wild animals, birds and domestic animals that come in contact with traps.
- (g) To prescribe uniform procedures relating to the impoundment of animals found to be in violation of state law and City code.
- (h) To prohibit the keeping of wild animals as pets in an urban setting in an effort to prevent the risk of harm to the general public.
- (i) To prevent nuisance conditions associated with the feeding of wild animals, specifically disruption to their natural feeding habits, their concentration at artificial feeding centers making them more susceptible to disease transmission, the attraction of predators, and the accumulation of feces in and around the area of artificial feeding.
- (j) To prescribe standards for the keeping of domestic animals, chickens, farm poultry and farm animals to avoid nuisance conditions, disease transmission and property blight.

### **SEC. 12.91. DEFINITIONS.**

The following words and terms, when used in this Article, shall have the following meanings unless the context clearly indicates otherwise:

**Animal** - every non-human species of animal, including domestic, farm and wild.

**Animal Control Authority** - the Bloomington Police Department having oversight and control over the City's animal control officers or designee.

**Animal Control Officer** - an officer employed by or under contract with the City who is responsible for animal control enforcement.

**Animal Requiring a License** - a dog, cat or ferret that is three (3) months or older.

**Aquarium** - a building or institution in which aquatic animals are kept for commercial exhibition or display.

**At-large** - an animal is "at-large" when it is off the premises owned or occupied by its owner and is not accompanied or under restraint of the owner, or other competent person, as defined in this Section.

**City Animal Shelter** - any premises designated by the City for the purposes of impounding and caring for all animals held under authority of this Article.

**Clean** - the absence of dirt, grease, rubbish, garbage, animal and bodily excretions, and other offensive, unsightly, or extraneous matter.

**Commercial Animal Establishment** - any business that breeds, raises, sells, boards, distributes or exhibits animals for entertainment or educational purposes including, but not limited to, kennels, aquariums, pet shops, petting zoos, riding schools or stables, zoological parks, or performing animal exhibitions as licensed under Section 14.94.

**Compendium of Animal Rabies Control ("Compendium")** - the Compendium of Animal Rabies Control prepared by the National Association of State Public Health Veterinarians and provided by the Minnesota Board of Animal Health.

**Coop** - a type of shelter for farm poultry.

**Cruelty** - every act, omission, or neglect which causes or permits unnecessary or unjustifiable pain, suffering, or death.

**Custodian** - a person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having care, custody, or control of an animal, provided that the animals are kept only temporarily on the premises and are owned by others.

**Dangerous Animal** - an animal that has:

- (a) Without provocation, inflicted substantial bodily harm on a human being on public or private property;
- (b) Killed a domestic animal without provocation while off the owner's property; or
- (c) Been found to be potentially dangerous, and after the owner has notice that the animal is potentially dangerous, the animal aggressively bites, attacks, or endangers the safety of humans or domestic animals.

**Daylight Hours** - that period of the day from one-half hour before sunrise until one-half hour after sunset.

**Domestic Animal** - any of the various non-venomous animals domesticated so as to live and breed in a tame condition and commonly accepted as household pets. Domestic animals do not include

any animals considered to be farm poultry, farm animals or wild animals as defined in this Article. Domestic animals may also be known as pets. Domestic animals are limited to:

- (a) **Dogs** - any animal in whole (excluding hi-breds with wolves, coyotes, or jackals) of the species *Canis familiaris*, which are required to be properly vaccinated against rabies pursuant to law;
- (b) **Cats** – any animal in whole (excluding hi-breds with ocelots or margays) of the species *Felis catus*, which are required to be properly vaccinated against rabies pursuant to law;
- (c) **Ferrets** – any animal of the species *Mustela putorius furo*, which are required by this City Code to be spayed or neutered, and are required to be properly vaccinated against rabies pursuant to this City Code;
- (d) **Birds** – any of the class of *Aves* (birds) that are caged and otherwise kept inside the residence, excluding all farm poultry;
- (e) **Rabbits** – any animal of the order *Lagomorpha* that are caged and kept inside or in an outdoor hutch near the dwelling or garage;
- (f) **Rodents** – any of the order *Rodentia* such as mice, rats, gerbils, hamsters, chinchillas and guinea pigs that are caged and otherwise kept inside the residence;
- (g) **Reptiles** – any of the class *Reptilia* such as snakes less than six (6) feet in length, lizards, and turtles that are caged and otherwise kept inside the residence;
- (h) **Amphibians** – any of the class of *Amphibia* such as salamanders, frogs, and toads that are caged and otherwise kept inside the residence;
- (i) **Hedgehogs** – any of the order of *Erinaceomorpha* such as hedgehogs and moon rats that are caged and otherwise kept inside the residence;
- (j) **Sugar gliders** – any animal of the species *Petaurus breviceps* that are caged and otherwise kept inside the residence; and
- (k) **Fish** – all varieties commonly raised as pets in tanks inside or in decorative outdoor ponds at homes or commercial businesses unless specifically prohibited by state or federal law.

**Enclosure** – a fenced area or run where animals are confined outdoors.

**Enclosure for a Dangerous Animal** – securely confined space indoors or a securely enclosed and locked pen or structure suitable to prevent the animal from escaping and providing protection from the elements for the animal. An enclosure for a dangerous animal does not include a porch, patio, or any parts of a house, garage, or other structure that would allow the animal to exit of its own volition, or any house or structure in which windows are open or in which door or window screens are the only obstacles that prevent the animal from escaping.

**Farm Animal** – any of the various species of animals domesticated as to live and breed in a tame condition and kept for agricultural purposes such as, but not limited to, horses, cattle, goats, sheep, llamas, potbellied pigs, pigs, and bees. Farm animals do not include any animal considered to be farm poultry, domestic or wild animals as defined in this Article.

**Farm Poultry** - any of the various species of domesticated poultry as to live and breed in a tame condition and kept for agricultural purposes such as, but not limited to, chickens, ducks, geese, turkeys, pigeons, swans, and doves. Farm poultry does not include any animal considered to be domestic animals, farm animals or wild animals as defined in this Article.

**Good Repair** - free of corrosion, breaks, cracks, chips, pitting, excessive wear and tear, leaks, obstructions, and similar defects so as to constitute a good and sound condition.

**Great Bodily Harm** - bodily injury which creates a high probability of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ, or other serious bodily harm.

**Health Authority** – the City of Bloomington Environmental Health Division or designee.

**Hearing Officer** - an impartial person retained by the City to conduct the hearings prescribed in this Article.

**Issuing Authority** - the City of Bloomington License Section or designee.

**Own** - to keep, harbor, or have control, charge, or custody of an animal. This term shall not apply to animals owned by others which are temporarily maintained on the premises of a veterinarian or other pet services facility operator.

**Owner** - any person owning, possessing, keeping, harboring or having an interest in or having care, custody or control of an animal, excluding veterinarians or pet services facility operators temporarily maintaining an animal on their premises where the animal is owned by another.

**Other Animal Kept as a Pet** - an animal other than a dog, cat or ferret for which a rabies vaccine is licensed for the species by the United States Department of Agriculture. An animal that is deemed a prohibited wild animal pursuant to Division E. of this Chapter shall not be kept as a pet even though a rabies vaccine is licensed for the animal and such an animal shall not be included in the definition of "Other Animal Kept as a Pet".

**Performing Animal Exhibition** - any commercial spectacle, display, act, or event in which performing animals are used.

**Person** - one or more natural persons, a partnership, including a limited partnership, a corporation, including a foreign, domestic or nonprofit corporation, a trust, or any other business organization.

**Pet** - see domestic animal.

**Pet services facility** - a business establishment that provides any of the following services or retail activity either individually or in combination, for pets and domestic animals: sales, animal sales, veterinary care, animal hospital, short-term daily care, training classes, boarding and grooming.

**Pet Shop** - any person, whether operated separately or in connection with another business enterprise, that buys, exhibits, or sells any species of domestic animal.

**Picket** - to secure an animal by means of a chain or metallic cable to a fixed object, thereby confining the animal to a specified area.

**Potentially Dangerous Animal**- any animal that:

- (1) when unprovoked, inflicts bites on a human or domestic animal on public or private property;
- (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.

**Provocation** - an act that an adult could reasonably expect may cause an animal to attack or bite.

**Rabid Animal** - an animal showing signs associated with rabies that are observed and reported by a veterinarian, or an animal diagnosed as positive for rabies by a recognized laboratory, or both. Any skunk, wolf, wolf hybrid, civet cat, raccoon, opossum, bat, or fox that bites a dog or cat shall be deemed to be a rabid animal for the purposes of this Article.

**Rabies Control Authority** – the Bloomington Police Department having oversight and control over the City's animal control officers or designee.

**Rabies Suspect** - any animal which is considered as a potentially rabid animal under guidelines of the U.S. Centers for Disease Control and Prevention and the Minnesota Department of Health, which has bitten any person and caused an abrasion of the skin of such person or has otherwise exposed that person to its saliva through an open wound or mucous membrane.

**Regular Business Day** - a day during which the City animal shelter is open to the public for not less than four (4) consecutive hours between the hours of 8:00 a.m. and 7:00 p.m.

**Riding School or Stable** - any place that has available for hire, boarding, and/or riding instruction, any horse, pony, donkey, mule, llama, or burro; or any place that regularly buys, sells, or trains the above animals, including a trotting track or rodeo.

**Shelter** – a structure, stable, barn or coop designed to provide shelter from weather and safety for animals.

**Substantial Bodily Harm** - bodily injury which involves a temporary or permanent but substantial disfigurement, or which causes temporary or permanent but substantial loss or impairment of the function of any bodily member or organ, or which causes a fracture of any bodily member.

**Trap** - any mechanical device, snare, artificial light, net, bird line, ferret, hawk, vehicle, or any contrivance whatever.

**Trapping** - the setting or laying or otherwise using of a trap anywhere in the City to catch, snare or otherwise restrain free movement of mammals, fish or birds.

**Under Restraint** – an animal is under restraint if:

- (1) the animal is within a secure vehicle;

- (2) the animal is within a secure fence or building within the owner's property limits;
- (3) the animal is picketed in accordance with this Article of the City Code;
- (4) the animal is controlled by a leash, provided that when persons or other animals are within twenty (20) feet of the animal the leash is shortened to six (6) feet; or
- (5) the animal:
  - (A) is within the owner's property limits, or is involved in a scheduled animal show or obedience demonstration or trial, is legally involved in hunting or retrieving game animals, or is within the boundaries of a City park or other City-owned property designated and posted by the Manager of Parks and Recreation as an off-leash site specifically designed for that type of animal; and
  - (B) is controlled by a competent person and is immediately obedient to that person's command.

**Vaccination Against Rabies** - the inoculation of a dog, cat or other animal kept as a pet with a rabies vaccine licensed for that species by the United States Department of Agriculture and administered in accordance with recommendations listed in the most current Compendium of Animal Rabies Control. The vaccination must be performed by or under the supervision of a veterinarian.

**Veterinarian** - a veterinarian licensed in the State of Minnesota or another state of the United States.

**Veterinary Hospital** - any establishment maintained or operated by a licensed veterinarian for surgery, diagnosis, and treatment of diseases and injuries of animals.

**Wild Animal** - every non-human species of the animal kingdom, including those born or raised in captivity, except the following:

- (1) Animals defined in this section as domestic animals or pets;
- (2) Animals defined in this section as farm animals or farm poultry;
- (3) Song birds or other wild species of birds other than turkeys, ducks and geese, that may be fed from feeders five (5) feet off of the ground for application of Sections 12.122 only.

**Zoological Park** - any permanent facility operated by a person, partnership, corporation or government agency, other than a pet shop, commercial animal establishment or pet services facility, displaying or exhibiting one (1) or more species of animals.

#### **SEC. 12.92. ADOPTED BY REFERENCE.**

For the purpose of prescribing regulations governing the keeping of animals, the City of Bloomington hereby adopts the following rules and statutes as may be amended or recodified from time to time:

- (a) Minnesota Statutes, Sections 343.20 to 343.40 for prevention of cruelty to animals;
- (b) Minnesota Statutes Chapter 346 regarding stray and companion animals;
- (c) Minnesota Statutes, Section 346.57 regarding dog, cat or ferrets in motor vehicles;
- (d) Minnesota Statutes Chapter 347 regarding cats and dogs;
- (e) Minnesota Statutes Sections 347.51, 347.515 and 347.52 regarding dangerous dogs; and
- (f) Minnesota Statutes, Sections 609.226 and 609.227 regarding assault by dog.

#### **SEC. 12.93. CRUELTY TO ANIMALS.**

- (a) Cruelty to animals, as defined by Minnesota State Statute as may be amended from time to time or this City Code, is prohibited.
- (b) No person shall sponsor, promote, train an animal to participate in, or contribute to the involvement of an animal in any activity or event in which any animal is a victim of cruelty as defined herein or is induced or encouraged to perform through the use of chemical, mechanical, electrical, or manual devices in a manner that will cause or is likely to cause physical injury or suffering to the animal.
- (c) All equipment used on a performing animal shall fit properly and be in good working condition.

#### **SEC. 12.94. DUTIES OF OFFICERS IN INVESTIGATING CRUELTY COMPLAINTS.**

- (a) **Investigation Authority.** Animal control officers or licensed peace officers are hereby empowered and authorized to make inspections and conduct investigations of alleged violations of this Division and state law regarding cruelty to animals.

- (b) **Duty of Animal Control Officers Regarding Exposure of Animals.** Pursuant to Minnesota Statutes, Section 343.29, the animal control officer or licensed peace officer may remove, shelter, and care for any animal which:
- (1) Is not properly sheltered from the cold, hot, or inclement weather;
  - (2) Is not properly fed or watered, or provided with suitable food and drink; or
  - (3) Is observed in circumstances where the animal's safety or life is threatened.
- (c) **Process for Removal of Animals in Cruelty Investigations.** When necessary, the animal control officer or licensed peace officer may deliver the animal to another person to be sheltered and cared for, and furnished with suitable food and drink. In all cases, the owner, if known, shall be immediately notified pursuant to state law, and the person having possession of the animal shall have a lien thereon for its actual costs of care and keeping. If the owner or custodian is not known and cannot by reasonable effort be ascertained or does not, within ten (10) days after notice, redeem the animal by paying the expenses authorized by state law, the animal may be treated as a stray under state law. Upon a proper determination by a veterinarian, any animal taken into custody pursuant to state law and this Section of the City code may be immediately disposed of when the animal is suffering and is beyond cure through reasonable care and treatment. The expenses of disposal shall be subject to the provisions of state law.

#### **SEC. 12.95. TRAPPING OF ANIMALS.**

- (a) **Trapping Prohibition.** Trapping anywhere in the City is prohibited.
- (b) **Exception for Governmental Officials.** The provisions of this Section do not apply to wildlife conservation or animal control officers, or other designated representatives of the City, county, state or federal government who may in the course of their duties be required to use a trap to catch, snare, kill or otherwise restrain the free movement of any animal, wildlife or birds for humane or otherwise authorized purposes.
- (c) **Exception for Unsafe Conditions.** The provisions of this Section do not apply to persons who may employ a trap on their private property to prevent an unsafe condition or the waste of destruction of their property when such persons have complied with the provisions of the laws, rules and regulations of the State of Minnesota and have taken reasonable steps such as, but not limited to fencing, repellents, and elimination of supplemental feeding to deter unwanted animals, wildlife or birds from their property.
- (d) **Exception for Live Traps.** Live trapping shall be permitted on private property within the City provided that the person employing live traps shall have the consent of the owner of such property to enter upon the property for the purpose of trapping, and when such persons have complied with the provisions of the laws, rules and regulations of the State of Minnesota.
- (e) **Prohibition of Steel Jawleg-Hold Traps.** No person shall set or use a steel jawleg-hold or killer trap within the corporate limits of the City unless specifically authorized to do so by a governmental agency on that government's property. Nothing herein shall affect one's right, under Minnesota Statutes, Section 97B.665, to take certain animals on land owned or occupied by the person where the animal is causing damage.

#### **SEC. 12.96. ANIMALS AS PROMOTIONAL DEVICES.**

No person shall give away any live animal, fish, reptile, or bird as a prize for, or as an inducement to enter any contest, game, or other competition; as an inducement to enter a place of amusement; or as an incentive to any business agreement whereby the offer was for the purpose of attracting trade.

#### **SEC. 12.97. NOTIFICATION OF INJURED ANIMAL.**

Any person who, as the operator of a motor vehicle, strikes a domestic animal shall immediately report such injury or death to the appropriate law enforcement official or the animal's owner.

#### **SEC. 12.98. SANITATION.**

No person shall permit feces, urine, or food scraps to remain in any place where any animal is kept for a period that is longer than what is reasonable and consistent with proper health and sanitation or odor prevention.

**SEC. 12.99. NOISE MADE BY ANIMALS.**

No person owning, operating, having charge of, or occupying any building or premises shall keep or allow to be kept any dog or other animal which shall, by any noise, unreasonably disturb the peace and quiet including, but is not limited to, the creation of any noise by any animal which can be heard by any person, including animal control officers or licensed peace officers, from a location outside of the building or premises where the animal is being kept and which animal noise occurs repeatedly over at least a fourteen-minute period of time, at an average of at least twelve animal noises per minute.

**SEC. 12.100. RUNNING AT-LARGE PROHIBITION.**

No owner shall allow or permit their animal to be at-large within the City. An animal is at-large when it is off the premises owned or occupied by its owner and is not accompanied or under restraint of the owner, or other competent person.

**Division B. Domestic Animals****SEC. 12.101. LIMITATION ON NUMBER OF DOMESTIC ANIMALS.**

No person shall keep in any one household unit, lot, or premise or portion thereof, more than four (4) dogs, cats, ferrets, rabbits or other domestic animals, excluding fish, over six (6) months old, or a combination thereof. Furthermore, no more than two (2) of the four (4) animals shall be boarded for compensation or kept for sale unless a person has a valid commercial animal establishment license from the City according to Section 14.94. For example, a single household may have one (1) dog, two (2) cats, and one (1) hamster for a total of four (4) domestic animals or pets.

**SEC. 12.102. GENERAL DOG REGULATIONS.**

- (a) **Restraint.** A custodian of any dog within the City shall keep the dog under restraint at all times.
- (b) **Disposal of Feces.** A custodian of any dog within the City shall immediately clean from any sidewalk, street, park, school, public place, or private property of another any feces of the dog and shall dispose of such feces in a sanitary manner. Violation of this provision shall be a petty misdemeanor.
- (c) **Picketing.** A dog shall not be picketed so as to be within ten (10) feet of any lot line or sidewalk or within fifty (50) feet of any dwelling unit other than the owner's. A dog shall not be picketed in any front yard of a residence or building.
- (d) **Female Dog in Estrus.** Every female dog in estrus shall be kept confined within a building in such manner that the dog cannot come in contact with any intact male dog except for proper breeding purposes within such building. The female dog in estrus may be taken from the confined area on a secure leash controlled by a person of sufficient age or into a confined outdoor enclosure within the owner's property in order for the dog to urinate and/or defecate.
- (e) **License Tag.** All dogs must be licensed in accordance with Sections 14.85 through 14.89. A valid durable license tag must be securely fastened to the dog's choke chain, collar, or harness, which must be worn by the dog at all times.
- (f) **General Duty of Owners.** Every owner of a dog must exercise reasonable care and take all necessary steps and precautions to protect other people, property and animals from injuries or damage which might result from the dog's behavior, regardless of whether such behavior is motivated by playfulness or ferocity.

**SEC. 12.103. TRANSPORTATION OF DOGS.**

No person shall carry or cause to be carried any dog upon any vehicle or otherwise, without providing suitable racks, crates, carriers or cages of suitable size for the dog during transportation, unless the dog is placed in the passenger area of the vehicle.

**SEC. 12.104. REGULATIONS REGARDING DOMESTIC ANIMAL SHELTERS.**

- (a) **Minimum Requirements for Dogs.** A custodian of any dog which is kept outdoors or in an unheated enclosure shall provide the dog with shelter and bedding as prescribed in Minnesota

Statutes, Section 343.40 and this Section of this Code as a minimum. The shelter shall include a moisture-proof and windproof structure of suitable size to accommodate the dog and allow retention of body heat. It shall be made of durable material with a solid moisture-proof floor or a floor raised at least two inches from the ground. Between November 1 and March 31 the structure must have a windbreak at the entrance. The structure shall be provided with sufficient quantity of suitable bedding material consisting of hay, straw, cedar shavings, blankets, or the equivalent, to provide insulation and protection against the cold and dampness and promote retention of body heat. Shade from the direct rays of the sun, during the months of June to September shall be provided.

- (b) **Minimum Requirements for Domestic Animals Other than Dogs.** A custodian of any domestic animal which is kept outdoors or in an unheated enclosure shall provide a moisture-proof and windproof structure appropriate for the type of animal there housed, and shall be constructed in a workmanship-like manner to deter rodents and predators.
- (c) **Screening.** Visual screening in the form of a fence or live evergreen plantings shall be provided where the shelter for dogs or other domestic animals is readily visible from abutting properties. A shelter is readily visible if more than 50 percent of its horizontal length can be viewed from within a primary dwelling on an abutting lot.
- (i) Fences shall screen the maximum amount of the shelter possible while meeting other requirements of this code.
- (ii) Live plantings shall screen a minimum of fifty percent (50%) of the length and fifty percent (50%) of the height of the shelter at the time of planting. Plant materials shall be selected to screen the entire length and height of the shelter at full maturity.
- (d) **Location.** A shelter for a dog or other domestic animal shall not be placed closer than ten (10) feet to any lot line or closer than fifty (50) feet of any dwelling unit other than the owner's. A shelter shall not be placed in the front yard of a residence or building. A shelter shall be situated closer to the domestic animal owner's dwelling than to any of the neighboring dwellings.
- (e) **Sanitation Requirements.** No person shall permit feces, urine, or food scraps to remain in a shelter for a period that is longer than what is reasonable and consistent with proper health and sanitation, or odor prevention.

#### **SEC. 12.105. REGULATIONS REGARDING POTENTIALLY DANGEROUS ANIMAL.**

- (a) **Determination of Potentially Dangerous Animal.** A City animal control officer or other law enforcement official shall determine that an animal is a potentially dangerous animal if the officer believes, based upon the officer's professional judgment, that an animal:
- (1) Has, when unprovoked, inflicted bites on a human or domestic animal on public or private property; or
- (2) Has, when unprovoked, chased or approached a person, including a person on a bicycle, upon the streets, sidewalks or any public or private property, other than the animal owner's property, in an apparent attitude of attack; or
- (3) Has known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.
- (b) **Notice of Potentially Dangerous Animal.** Upon a determination by a City animal control officer or other law enforcement official that an animal is potentially dangerous pursuant to state law or Section 12.98(a) of this Code, the City shall provide a Notice of Potentially Dangerous Animal to the owner of the animal by mailing or personally serving the owner of record, or by posting a copy of the notice at the place where the animal is kept, or by delivering it to a person of suitable age residing on that property. Service upon any owner shall be effective as to all owners. The notice shall include the following:
- (1) a description of the animal deemed to be potentially dangerous;
- (2) the factual basis for that determination;
- (3) the identity of officer who has made the determination;
- (4) an order that the owner have a microchip implanted in the animal for identification and provide the City animal control authority with the name of the microchip manufacturer and the serial identification number of the microchip implanted within 30 days of the date of service;

- (5) an order that the owner provide the City animal control authority with written notice of any relocation of the animal from its current residence, providing any new owner's full name, address, daytime and evening telephone numbers and the relocation address at least ten (10) days prior to any such relocation or new ownership; and
- (6) the criminal penalties for violation of the requirements pertaining to potentially dangerous animals.
- (c) **Requirements.** It shall be the joint responsibility of each owner of any animal kept or harbored within the City and determined to be potentially dangerous under this Section of the Code or under the provisions of a substantially similar local or state law to have a microchip implanted in the animal for identification and provide the City animal control authority with proof thereof, including the name of the microchip manufacturer and its serial identification number, within thirty (30) days of any owner's receipt of the notice of potentially dangerous animal or within ten (10) days of the animal's location within the City, whichever occurs first. It shall also be the joint and several responsibility of each owner of any potentially dangerous animal kept or harbored within the City to provide the City animal control authority with written notice of any intended relocation of the animal from its current residence and provide any new owner's full name, address, daytime and evening telephone numbers and the relocation address at least ten (10) days prior to any such relocation or new ownership.

### **SEC. 12.106. REGULATIONS REGARDING DANGEROUS ANIMALS.**

- (a) **Determination of Dangerous Animal by City.** A City animal control officer or other law enforcement official shall determine that an animal is a dangerous animal if the officer believes, based upon the officer's professional judgment, that an animal:
  - (1) Has, without provocation, inflicted substantial bodily harm on a human being on public or private property; or
  - (2) Has killed a domestic animal without provocation while off the owner's property; or
  - (3) Has been determined to be a potentially dangerous animal, and after the owner has notice that the animal is potentially dangerous, the animal aggressively bites, attacks, or endangers the safety of humans or domestic animals.
- (b) **Exemption.** Animals may not be declared dangerous if the threat, injury, or damage was sustained by a person:
  - (1) who was committing, at the time, a willful trespass or other tort upon the premises occupied by the owner of the animal;
  - (2) who was provoking, tormenting, abusing, or assaulting the animal or who can be shown to have repeatedly, in the past, provoked, tormented, abused, or assaulted the animal; or
  - (3) who was committing or attempting to commit a crime.
- (c) **Notice of Dangerous Animal.** Upon a determination by a City animal control officer or other law enforcement official that an animal is dangerous pursuant to state law or Section 12.106 (a) of this Code, the City shall provide a Notice of Dangerous Animal to the owner of the animal by mailing or personally serving the owner of record, or by posting a copy of the notice at the place where the animal is kept, or by delivering it to a person of suitable age residing on that property. Service upon any owner shall be effective as to all owners. The notice shall include the following:
  - (1) a description of the animal deemed to be dangerous;
  - (2) the factual and statutory basis for that determination;
  - (3) the name of the officer making the determination and his or her telephone number;
  - (4) a description of any substantial or great bodily harm on a human being inflicted by the animal on public or private property without provocation;
  - (5) a statement as to whether or not the animal's destruction is being sought by the City;
  - (6) an order that the owner to have a microchip implanted in the animal for identification, providing the City animal control authority with the name of the microchip manufacturer and the serial identification number of the microchip implanted within fourteen (14) days of the owner's receipt of the notice;
  - (7) an order that the animal be kept at all times either confined in a proper enclosure as defined in Section 12.91 of this Code or muzzled in a manner that will prevent the animal from biting

any person or animal but will not cause injury to the animal or interfere with its vision or respiration;

- (8) an order that the owner to provide the City animal control authority with written notice of death or any relocation of the animal from its current residence and provide any new owner's full name, address, daytime and evening telephone numbers and the relocation address at least ten (10) days prior to any such relocation or new ownership;
- (9) the criminal penalties for violations of Section 12.106 of this Code;
- (10) a statement informing the owner of the right to appeal the officer's dangerous animal determination, and if applicable, prior potentially dangerous animal determinations for the animal, within fourteen (14) days of the date of the notice and that failure to appeal within fourteen (14) days will terminate the owner's right to a hearing under this section;
- (11) a statement that if an appeal request is made within fourteen (14) days of the notice, the owner must immediately comply with the requirements of subsection (d) until such time as the hearing officer issues an opinion;
- (12) a statement that in the event that the dangerous animal determination is upheld by the hearing officer, the actual expenses of the hearing, up to a maximum of \$1,000 will be the responsibility of the owner;
- (13) a statement that if the hearing officer affirms the dangerous animal declaration, the owner will have fourteen (14) days from receipt of that decision to comply with all other requirements of this Section and Minnesota Statutes Sections 347.51, 347.515 and 347.52;
- (14) a statement that all the City's actual costs of the care, keeping and disposition of the animal are the responsibility of the person claiming an interest in the animal, except to the extent that a court or hearing officer finds that the seizure or impoundment was not substantially justified by law; and
- (15) a Request for an Appeal of the Dangerous Animal Designation form.
- (d) **Requirements Upon Receipt of a Notice of Dangerous Animal.** After receipt of the notice, the owner must do the following:
- (1) at all times keep the animal either confined in a proper enclosure as defined in Section 12.91 of this Code or muzzled in a manner that will prevent the animal from biting any person or animal but that will not cause injury to the animal or interfere with its vision or respiration;
- (2) provide the City animal control authority with written notice of the death of the animal or any relocation of the animal from its current residence and provide any new owner's full name, address, daytime and evening telephone numbers and relocation address at least ten (10) days prior to any such relocation and, if requested, execute an affidavit under oath setting forth the circumstances of the animal's death or relocation.
- (e) **Appeal of the Dangerous Animal Designation.** Within fourteen (14) days after receipt of the notice of dangerous animal any owner may request an appeal of that determination and, if applicable, prior potentially dangerous animal designations, by completing and serving upon the City animal control authority a Request for Appeal of Dangerous Animal Designation on the form provided along with the notice, including at a minimum the following information:
- (1) the full name, address, daytime and evening telephone numbers of the person requesting an appeal;
- (2) the full name and address of all of the animal's owners;
- (3) the ownership interest of the person requesting the appeal;
- (4) the names of any witnesses to be called at the hearing;
- (5) a list and copies of all exhibits to be presented at the hearing; and
- (6) a summary statement as to why the animal should not be declared dangerous.
- Failure to timely submit a completed Request for Appeal shall be deemed a waiver of the right to appeal and consent to the designation of the animal as dangerous under state law and Section 12.107 of this Code.
- (f) **Hearing Procedure.**
- (1) Within fourteen (14) days after receipt of the Request for Appeal, the City animal control authority shall schedule and conduct a hearing before a hearing officer and provide reasonable notice of the time, date and place thereof to the owner requesting the hearing.

- (2) The hearing shall be held at a place to be determined by the City animal control authority during the City's normal business hours.
- (3) At the hearing, the parties shall have the opportunity to present evidence in the form of exhibits and testimony. Each party may question the other party's witnesses. The strict rules of evidence do not apply and the records of the animal control officer or law enforcement official are admissible without further foundation. Objections as to the evidence presented can be made on the basis of the evidence being incompetent, irrelevant, immaterial or unduly repetitious. The hearing officer shall admit and give probative weight to evidence, including reliable hearsay evidence, which possesses probative value commonly accepted by reasonable and prudent persons in the conduct of their affairs. The order of proof shall follow the burden of proof with the initial burden upon the City animal control authority to demonstrate by a preponderance of the evidence that the animal is dangerous pursuant to Section 12.106 of this Code or state law. The hearing shall be tape recorded and a full record of the hearing shall be kept by the hearing officer.
- (4) Within ten (10) days of the conclusion of the hearing, the hearing officer shall make written findings of fact and reach a written conclusion as to whether the animal is a dangerous animal pursuant to Section 12.106 of this Code or state law. Separate findings shall be made as to whether or not the factors set forth in subsection (k) of this Section were established with a corresponding conclusion as to whether or not the animal should be euthanized by the City animal control authority. Upon receipt of those findings and conclusions or as soon thereafter as reasonably possible, the City animal control authority must personally serve a written copy thereof to the owner who requested the hearing or a person of suitable age at the residence of such owner. The decision of the hearing officer is final without any further right of administrative appeal. An aggrieved party may obtain review thereof by petitioning the Minnesota Court of Appeals for a Writ of Certiorari not more than thirty (30) days after service of the hearing officer's written decision.
- (5) In the event that the dangerous animal determination is upheld by the hearing officer, the City shall, within thirty (30) days of the decision, mail an invoice to the animal's owner for the full actual costs of the hearing, including reimbursement for staff time spent preparing for and attending the hearing, up to a maximum of \$1,000.
- (g) **Dangerous Animals Requirements.** Upon a determination after a hearing that the animal is dangerous under Section 12.106 of this Code or state law, or upon the expiration of the fourteen (14) day appeal period where no owner serves upon the City animal control authority a timely and completed Request for Appeal of the Dangerous Animal Designation, or upon the relocation of an animal to this City from another location where the animal was previously declared dangerous under either state law or a local law substantially similar to Section 12.106 of this Code, it shall be the joint responsibility of each owner of the dangerous animal kept or harbored within the City to strictly comply with the following requirements:
- (1) Keep the animal in a proper enclosure as defined in Section 12.91 of this Code and state law or, if the animal is outside the proper enclosure, the animal must be muzzled and restrained by a substantial chain or leash not longer than six (6) feet and under the physical restraint of a responsible person. The muzzle must be made in a manner that will prevent the animal from biting any person or animal but that will not cause injury to the animal or interfere with its vision or respiration. The premises where the animal is kept must prominently post the uniform dangerous animal symbol, to inform children that there is a dangerous animal on the property, which has been approved by the state commissioner of public safety and provided by the City at the time of initial registration upon payment by the owner of a fee to cover both the costs of the symbol and the costs of issuance;
- (2) Register the animal as a dangerous animal with the City in accordance with state law, paying the fees set forth in Section 14.03 and providing such proof of compliance with the requirements of this Section as required by the Issuing Authority, along with a surety bond issued by a surety company authorized to conduct business in the State of Minnesota in a form acceptable to the Issuing Authority in the sum of at least \$300,000 payable to any person injured by the dangerous animal, 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, insuring the owner for any personal injuries inflicted by the dangerous animal and renew the registration of the animal annually until the animal is deceased. If the

animal is removed from the City, it must be registered as a dangerous animal in its new location;

- (3) Cause the animal to be implanted with a microchip for identification and provide the City animal control authority with proof thereof including, the name of the microchip manufacturer and the serial identification number of the microchip implanted within fourteen (14) days of the date the animal was determined to be dangerous, or within ten (10) days of the animal's relocation into the City. Failure to do so, requires the City animal control authority to seize the animal and have a microchip implanted at the owner's expense;
  - (4) Maintain affixed to the animal's collar at all times a standardized, easily identifiable tag identifying the animal as dangerous and containing the uniform dangerous animal symbol, as approved by the state's commissioner of public safety;
  - (5) Cause the animal to be sterilized at the owner's expense and provide the City animal control authority with proof thereof, including the name, address and telephone number of the veterinarian who performed the procedure, within thirty (30) days of the date the animal was determined to be dangerous or upon failure to do so, allow the City animal control authority to seize the animal and have it sterilized at the owner's expense;
  - (6) Provide the City animal control authority with written notice of the death of the animal within thirty (30) days thereof and if requested execute an affidavit under oath setting forth the circumstances of the animal's death and disposition;
  - (7) Provide the City animal control authority with written notice of any intended relocation of the animal from its current residence on record and provide any new owner's full name, address, daytime and evening telephone numbers and the relocation address at least ten (10) days prior to any such relocation or new ownership;
  - (8) Accompany the sale or transfer of the animal to another owner with a written statement signed and notarized by the transferee listing his or her full name, address, daytime and evening telephone numbers and acknowledging that the City animal control authority has identified the animal as dangerous and provide a copy thereof to the City animal control authority and also to Hennepin County; and
  - (9) Provide the owner of real property where the dangerous animal will reside with a written disclosure that the City animal control authority has identified the animal as dangerous prior to entering into a lease agreement and at the time of any lease renewal.
  - (10) A shelter for dangerous dogs shall not exceed 2,000 square feet and shall securely confine dogs indoors or in a securely enclosed and locked pen or structure suitable to prevent the dog from escaping and providing protection from the elements. A proper shelter 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 windows or doors are open or in which a door or window screen is not a sufficient obstacle that prevents the dog from exiting.
- (h) **Confiscation of Dangerous Animals.** Failure to strictly comply with any of these requirements will result in the summary seizure and impoundment of the animal by the City animal control authority. In addition, if the animal's owner is convicted of violating Section 12.106 of this Code or state laws regulating dangerous animals, the criminal court as a part of its sentence may order that the animal be confiscated and euthanized in a proper and humane manner and that the owner pay the costs incurred in confiscating, confining and destroying the animal. Where an owner is convicted of violating Section 12.106 of this Code or state laws regulating dangerous animals and is thereafter charged with a subsequent such violation relating to the same animal, the animal must be summarily seized and impounded by the animal control authority. Upon conviction of that subsequent offense, the court may order as part of its sentence that the animal be euthanized in a proper and humane manner and that the owner pay the cost of confiscating, confining and destroying the animal. Any person who harbors, hides or conceals or aids and abets the harboring, hiding or concealment of an animal determined to be dangerous under Section 12.106 of this Code or state laws regulating dangerous animals shall be guilty of a misdemeanor.
- (i) **Reclaiming Seized Animal.** A confiscated dangerous animal not subject to destruction under this Section may be reclaimed by an owner upon payment of impoundment and boarding fees and presenting proof of compliance with all of the requirements of Section 12.106 of this Code or state laws regulating dangerous animals. A confiscated animal not reclaimed under this Section within

seven (7) days may be euthanized in a proper and humane manner with the owner being responsible for the costs of confiscation, boarding and destruction.

- (j) **Security.** A person claiming an interest in a seized animal may prevent disposition or destruction of the animal pending the outcome of any appeal by posting security in an amount sufficient to provide for the animal's actual cost of care and keeping. The security must be posted within seven (7) days of the seizure, including the date of seizure.
- (k) **Destruction of Animal in Certain Circumstances.** Where the City animal control authority seeks to destroy an animal, it must provide the owner with specific notice, in writing, of its intent to destroy the animal and provide the owner with a full and fair opportunity for a hearing on this issue using the procedure set forth at subsection (f) of this Section. Prior to destroying the animal, specific findings must be made, as follows:
- (1) that the attack resulted in substantial or great bodily harm to a human victim on public or private property without provocation; and either
  - (2) the attack was particularly vicious as demonstrated by its inflicting multiple bites on a human victim or bites on multiple human victims in the same attack on public or private property without provocation; or
  - (3) the animal bit a human victim on public or private property without provocation in an attack where more than one animal participated in the attack.
- Based upon these findings, the animal may be euthanized in a proper and humane manner by the City animal control authority with the owner being responsible for the costs of confiscation, boarding and destruction.
- (l) **Assessment of the City's Costs.** In accordance with Section 12.15, subd. 2 of the City Charter, unpaid costs of confiscation, confinement and destruction of an animal, as well as the costs of a dangerous animal hearing pursuant to this Section may be assessed against the property where the animal was kept, harbored, possessed or owned. Prior to any assessment for these costs, the City animal control authority shall seek voluntary payment of these costs by notifying the owner of the property in writing of the costs due and owing. On or before the first day of October of each year, the unpaid costs and the late fees, including an administrative charge of \$25.00 due upon the mailing of the notice of proposed assessment, together with interest thereon at the maximum lawful rate permitted under Minnesota law against said lot or parcel of land, together with a description of the premises and the name of the owner, shall be certified to the County Auditor and shall be collected in the same manner as taxes and/or special assessments against the premises. The charge shall be a perpetual lien on the premises until paid. Prior to the certification to the County Auditor, the owner shall be given written notice of the proposed assessment and be provided an opportunity to be heard before the City Council.
- (m) **Animal Ownership Prohibited.** No person, or any other member of that person's household, may own any animal in the City where the person has:
- (1) been convicted of a third or subsequent violation of Minnesota Statute Sections 347.51, 347.515, or 347.52 or City Code Sections 12.98(c) or 12.99(g);
  - (2) been convicted of a violation of Minnesota Statute Section 609.205(4);
  - (3) been convicted of a gross misdemeanor violation of Minnesota Statute Section 609.226, subd. 1;
  - (4) been convicted of a violation of Minnesota Statute Section 609.226, subd. 2; or
  - (5) had an animal ordered euthanized under Minnesota Statute Section 347.56 or this Section of City Code and been convicted of one or more violations of Minnesota Statute Sections 347.51, 347.515, 347.52 or 609.226, subd. 2 or City Code Sections 12.106 (c) or 12.107 (g).
- (n) **Animal Ownership Prohibition Review.** Beginning three (3) years after being disqualified from animal ownership under Minnesota Statute Section 347.52(1) or section 12.106 (m) and annually thereafter, the person may request that the animal control authority review the prohibition. The animal control authority may consider such facts as the seriousness of the violation or violations that led to the prohibition, any criminal convictions, or other factors the animal control authority deems relevant. The prohibition may be rescinded entirely or with limitations or conditions. Failure to comply with stated conditions or limitations or if the person is convicted of an offense listed in subsection (m) or any animal violation involving unprovoked bites or animal attacks, the animal control authority may permanently prohibit the person from owning an animal.

- (o) **Review of Dangerous Animal Designation.** Beginning six (6) months after an animal is declared dangerous hereunder, an owner may request annually that the City animal control authority review the designation by serving upon it with a written request for review that includes the full name, address and telephone numbers of the requestor, a list of the names and addresses of all owners of the animal, the requestor's ownership interest, and a summary of the basis for the claimed change in the animal's behavior. The request for review shall be accompanied by all documents in support of the contention that the animal's aggressive behavior has been modified. Within fourteen (14) days of the receipt of the request, the animal control authority shall make a determination in writing as to whether or not to rescind the dangerous animal designation. Should the designation be rescinded, the animal shall nonetheless continue to be considered potentially dangerous and subject to the requirements of Section 12.105 of this Code.

### **Division C. Rabies Control**

#### **SEC. 12.107. PURPOSE; APPLICABILITY.**

The purpose of this Division is to control the spread of rabies in the community and to protect the general public from animals that pose a risk of rabies infection. Nothing in this Division shall authorize the ownership of an animal that is a prohibited wild animal as defined in Section 12.91 of this City Code.

#### **SEC. 12.108. DEFINITIONS.**

The following words and terms, when used in this Division, shall have the meanings as define in Section 12.91 of this Article.

#### **SEC. 12.109. VACCINATION REQUIREMENTS.**

- (a) **Vaccination Requirements for Animals Kept as Pets.** Every dog, cat, ferret or other animal kept as a pet shall be vaccinated against rabies.
- (b) **Timing of Vaccination.** Animals kept as pets that are too young to be vaccinated against rabies as indicated by the Compendium shall be vaccinated against rabies within thirty (30) days after they reach the minimum age for vaccination as allowed by the Compendium.
- (c) **Revaccination.** A vaccinated animal kept as a pet shall be revaccinated at intervals not to exceed the effective duration of the vaccination as listed in the Compendium.
- (d) **Newly Acquired or Imported Animals.** Unvaccinated animals kept as pets that are acquired or moved into the City shall be vaccinated within thirty (30) days of purchase or arrival, unless the animal is under the minimum age as specified in paragraph (b) of this Section.
- (e) **Administration of Vaccine by Veterinarian Required.** Because of techniques and tolerances, species limitations, and public health implications, animal rabies vaccines shall be administered only by or under the supervision of a veterinarian.
- (f) **Unvaccinated Animals.** Any animal of a species for which no rabies vaccination is licensed for that species by the United States Department of Agriculture shall be considered unvaccinated for rabies, regardless of that animal's vaccination history.
- (g) **Exception.** A severely ill animal required to have rabies vaccination may receive an exception to the requirement if the owner provides a signed letter from a veterinarian stating the exception is necessary and includes proof of past rabies vaccination as verified by a titer test.

#### **SEC. 12.110. DISPOSITION OF RABIES SUSPECTS.**

- (a) **Unvaccinated Animals That Are Rabies Suspects.** Any dog, cat or ferret that is a rabies suspect and is not vaccinated in accordance with Section 12.109 of this Code shall be seized, impounded, and quarantined under the supervision of a veterinarian or in an animal-tight enclosure approved by the Rabies Control Authority, for a period of not less than ten (10) days following the exposure. After expiration of the quarantine period, an examination by the Rabies Control Authority or by a veterinarian shall be conducted and if, after the examination, the animal has no clinical signs of rabies, it may be released to the owner after payment of impoundment fees, or, in the case of a stray, it shall be humanely euthanized or placed in the custody of a suitable person for adoption and care.

- (b) **Vaccinated Animals That Are Rabies Suspects.** Any dog, cat or ferret that is a rabies suspect and is vaccinated in accordance with Section 12.109 of this Code shall be quarantined by the owner or other responsible person as required by the Rabies Control Authority for a period of ten (10) days. If the owner or the other responsible person is not confining the animal during the ten (10) day period, the Rabies Control Authority may confiscate the animal for proper confinement. After expiration of the quarantine period, an examination by the Rabies Control Authority or a veterinarian shall be conducted and if, after the examination, the animal has no clinical signs of rabies, it may be released from quarantine after payment of impoundment fees.
- (c) **Other Animals That Are Rabies Suspects.** Any rabies suspect which is not a dog, cat or ferret may be seized and may, after notice to its owner, if known, and a hearing conducted by the City's Hearing Officer, be humanely euthanized and submitted to the Veterinary Diagnostic Laboratory at the University of Minnesota for examination for rabies. An owner may waive his or her rights to a hearing under this subsection. If a hearing is conducted, the City's Hearing Officer may consider evidence regarding the species of the animal, the circumstances of the bite, the epidemiology of rabies in the area, and the period of virus shedding for the species, if known. Prior vaccination of an animal does not preclude the necessity for euthanasia and testing if the period of virus shedding is unknown for that species.
- (d) **Payment of Fees.** The owner shall be responsible for the payment of all impound, disposal, and boarding fees established pursuant to Section 12.128 of this Article.
- (e) **Release Requirements.** Animals quarantined pursuant to this Section shall not be released until a written report is received by the Animal Control Authority from a veterinarian stating the veterinarian has inspected the animal and no signs of rabies were observed.

#### **SEC. 12.111. DISPOSITION OF ANIMALS BITTEN OR EXPOSED BY A RABID ANIMAL.**

Any animal kept as a pet that is known to have been bitten by a rabid animal and that has not been vaccinated in accordance with Section 12.109 of this Code shall be reported to the Minnesota Board of Animal Health and handled following the Minnesota Board of Health procedures.

#### **SEC. 12.112. IMPOUNDMENT OF UNVACCINATED ANIMALS.**

Animals kept as pets found to be in violation of this Division shall be impounded in accordance with Division F. of this Article.

#### **SEC. 12.113. RESPONSIBILITIES OF VETERINARIANS AND OWNERS.**

- (a) **Reporting of Rabies Suspects.** It shall be the duty of every veterinarian to report to the Rabies Control Authority the diagnosis of any animal within the City of Bloomington observed by the veterinarian as a rabies suspect.
- (b) **Preparation of Vaccination Certificate.** A veterinarian shall, at the time of vaccinating an animal, complete in duplicate a valid National Association of State Public Health Veterinarians' Rabies Vaccination Certificate, or a comparable substitute, that includes the following information:
- (1) the owner's name, address, and telephone number;
  - (2) a description of the animal (predominant breed, sex, color, age, name, and weight);
  - (3) the date of vaccination;
  - (4) the rabies vaccination tag number;
  - (5) the type of rabies vaccine administered;
  - (6) the manufacturer's serial number of the vaccine;
  - (7) the listed duration date of the vaccination; and
  - (8) the veterinarian's signature and code number.
- (c) **Distribution of Vaccination Certificate.** The owner shall keep the original Vaccination Certificate issued by the veterinarian and present the Certificate at the time of applying for a domesticated animal license.
- (d) **Issuance of Vaccination Identification Tags.** The veterinarian shall issue a metal or durable plastic tag, serially numbered, at the time of vaccination, which indicates that the animal has been vaccinated.
- (e) **Vaccination or City License Tag on Animal Required.** The owner of an animal:

- (1) not requiring a City license shall ensure that the vaccination tag is securely attached to the collar or harness;
- (2) requiring a City license, including dogs, cats or ferrets shall ensure the City-issued license tag is securely attached to the collar or harness; or
- (3) not commonly expected to wear a collar or harness, but is required to be vaccinated, shall make available the vaccination certification upon request.

When an animal described in (1) or (2) above is out-of-doors, either on the owner's premises but not confined or off the owner's premises, the collar or harness with the appropriate tag attached shall be worn.

#### **SEC. 12.114. REPORTS OF PERSONS TREATED FOR ANIMAL BITES.**

Every physician or other person shall report to the Rabies Control Authority the name and addresses of persons treated for bites inflicted by animals within the City.

### **Division D. Chickens, Farm Poultry and Farm Animals**

#### **SEC. 12.115. CHICKENS.**

- (a) **Limitation on the Number of Chickens.** No person shall keep on any single-family or two-family residential property more than four (4) total hen chickens. This is in addition to the maximum of four (4) domestic animals or pets.
- (b) **Three or More Dwelling Unit Properties.** Chickens are not allowed on properties with three or more dwelling units.
- (c) **No Roosters.** No person shall keep roosters, or adult male chickens, on any property within the City.
- (d) **No Cockfighting.** Cockfighting is specifically prohibited within the City.
- (e) **No Slaughtering.** The slaughter of chickens is prohibited on residentially used or zoned properties.
- (f) **Ownership Occupancy.** The owner of the chickens shall live in the dwelling on the property.
- (g) **No Breeding.** The raising of chickens for breeding purposes is prohibited on residentially used or zoned properties.
- (h) **No Chickens in Dwellings or Garages.** Chickens over the age of four weeks shall not be kept inside of a dwelling or garage.
- (i) **Shelter and Enclosure Requirements.** Chickens shall be properly protected from the weather and predators in a shelter or coop, and have access to the outdoors in an enclosure or fenced area. The shelter and/or enclosure shall meet all of the following requirements:
  - (1) Applicable building and zoning requirements of Chapters 15, 19 and 21.
  - (2) Setback for shelters and enclosures for chickens, is a minimum of 50 feet from any lot used residentially or platted for future residential use.
  - (3) The shelter shall be situated closer to the chicken owner's dwelling than to any of the neighboring dwellings.
  - (4) Shelter and enclosure must not be located between the owner's dwelling and an adjacent street unless setback at least 50 feet from the property line adjacent to the street.
  - (5) Screening from abutting residentially used properties and streets in the form of a solid privacy fence of at least four (4) feet in height constructed according to the fence standards of Section 21.301.08 shall be provided for the shelter and enclosure.
  - (6) A shelter shall not exceed 120 square feet in size and shall not exceed six (6) feet in height.
  - (7) An enclosure or fenced area for chickens shall not exceed 20 square feet per bird and shall not exceed six (6) feet in height and shall have protected overhead netting to prevent attracting predators and other animals running at large.
  - (8) An enclosure or fenced area may be constructed with wood and/or woven wire materials that allow chickens to contact the ground.
  - (9) Constructed in a workmanship-like manner to deter rodents and predators.

- (j) **Prevention of Nuisance Conditions.** Owners shall care for chickens in a humane manner and shall prevent nuisance conditions by ensuring the follow conditions are met:
- (1) The shelter and enclosure are maintained in good repair, and in a clean and sanitary manner free of vermin and objectionable odors.
  - (2) Feces and discarded feed is regularly collected and stored in a leak-proof container with a tight-fitting cover to prevent nuisance odors and the attraction of vermin until it can be disposed properly.
  - (3) Chicken feed shall be stored in leak-proof containers with a tight-fitting cover to prevent attracting vermin.
  - (4) Feces, discarded feed and dead birds shall not be composted.
  - (5) Chickens shall be secured inside of a shelter from sunset to sunrise each day to prevent nuisance noise and attracting predators.
  - (6) Chickens shall remain in either the shelter or enclosure at all times and shall not run at large.
  - (7) The shelter shall be winterized to protect the chickens in cold weather.
- (k) **Sale of farm poultry or eggs.** Owners cannot advertise the sale of chickens or eggs and must comply with all requirements and performance standards for home enterprises in Section 19.63.09 and all Minnesota Department of Agriculture requirements for the sale of eggs.

### **SEC. 12.116. FARM POULTRY, FARM ANIMALS AND BEES.**

- (a) **Limitation on the Number of Farm Poultry, Farm Animals and Bees.**
- (1) Owners of farm animals, such as, but not limited to, horses, cattle, goats, sheep, llamas, potbellied pigs, and pigs, shall have at least one acre per animal.
  - (2) Owners of bees, shall have at least one acre per bee hive not exceeding twenty-four (24) cubic feet in size.
  - (3) Owners of one (1) acre lots may have four (4) hen chickens, meeting all of the requirements set forth in Section 12.115, or farm poultry, such as, but not limited to, ducks, geese, turkeys, pigeons, swans, and doves, and shall have no more than four (4) farm poultry meeting the requirements of Section 12.116.
  - (4) The types and numbers of animals Section 12.116 (a) 1, 2, and 3 or a combination thereof or in addition to four (4) household domestic animals or pets. For example a one acre property able to meet all regulations set forth in City code may have one (1) farm animal, one (1) bee hive, four (4) farm poultry or four (4) chickens and four (4) domestic animals.
- (b) **Three or More Dwelling Unit Properties.** Farm poultry, farm animals and bees are not allowed on properties with three or more dwelling units.
- (c) **No Slaughtering.** The slaughter of farm poultry and farm animals is prohibited on residentially used or zoned properties.
- (d) **No Roosters.** No person shall keep roosters, or adult male chickens, on any property within the City.
- (e) **No Cockfighting.** Cockfighting is specifically prohibited within the City
- (f) **Ownership Occupancy.** The owner of the farm poultry, farm animals and bees shall live in the dwelling on the property.
- (g) **No Breeding.** The raising of farm poultry and farm animals for breeding purposes is prohibited on residentially used or zoned properties.
- (h) **No Farm Poultry or Farm Animals in Dwellings or Garages.** Farm poultry, farm animals and bees shall not be kept inside of a dwelling or garage.
- (i) **Shelter and Enclosure Requirements for Farm Poultry.** Farm poultry shall be properly protected from the weather and predators in a shelter or coop, and have access to the outdoors in an enclosure or fenced area. The shelter and/or enclosure shall meet all of the following requirements:
- (1) Applicable building and zoning requirements of Chapters 15, 19 and 21.
  - (2) Setback for shelters and enclosures for farm poultry, is a minimum of 100 feet from any lot used residentially or platted for future residential use and 150 feet from any dwelling on a neighboring lot.

- (3) The shelter shall be situated closer to the farm poultry owner's dwelling than to any of the neighboring dwellings.
- (4) Shelter and enclosure must not be located between the owner's dwelling and an adjacent street unless setback at least 50 feet from the property line adjacent to the street.
- (5) Screening from abutting residentially used properties and streets in the form of a solid privacy fence of at least four (4) feet in height constructed according to the fence standards of Section 21.301.08 shall be provided for the shelter and enclosure.
- (6) A shelter shall not exceed 120 square feet in size and shall not exceed six (6) feet in height.
- (7) An enclosure or fenced area for farm poultry shall not exceed 20 square feet per bird and shall not exceed six (6) feet in height and shall have protected overhead netting to prevent attracting predators and other animals running at large.
- (8) An enclosure or fenced area may be constructed with wood and/or woven wire materials that allow farm poultry to contact the ground.
- (9) Constructed in a workmanship-like manner to deter rodents and predators
- (j) **Shelter and Enclosure Requirements for Farm Animals.** Farm animals shall be properly protected from the weather and predators in a shelter, barn or stable, and have access to the outdoors in an enclosure or fenced area. The shelter and/or enclosure shall meet all of the following requirements:
  - (1) Applicable building and zoning requirements of Chapters 15, 19 and 21. Shelters are considered accessory buildings and must meet all City Code standards for accessory buildings including size, height, setback and number limitations.
  - (2) Setback for shelters, or barns, for farm animals, including bee hives, is a minimum of 100 feet from any lot used residentially or platted for future residential use and 150 feet from any dwelling on a neighboring lot.
  - (3) Setback for enclosures, or fenced areas, for farm animals is a minimum of 50 feet from any lot used residentially or platted for future residential use and 100 feet from any dwelling on a neighboring lot.
  - (4) Shelter shall be situated closer to the farm animal owner's dwelling than to any of the neighboring dwellings.
  - (5) Shelter, enclosure and fenced area must not be located between the owner's dwelling and an adjacent street unless setback at least 50 feet from the property line adjacent to the street.
  - (6) Screening from abutting residentially used properties and streets in the form of a solid privacy fence of at least four (4) feet in height constructed according to the fence standards of Section 21.301.08 shall be provided for the shelter and enclosure.
  - (7) Constructed in a workmanship like manner to deter rodents and predators.
  - (8) The shelter shall be winterized to protect the animals in cold weather.
- (k) **Prevention of Nuisance Conditions.** Owners shall care for farm poultry and farm animals in a humane manner and shall prevent nuisance conditions by ensuring the follow conditions are met:
  - (1) The shelter and enclosure are maintained in good repair, and in a clean and sanitary manner free of vermin and objectionable odors.
  - (2) Feces and discarded feed is regularly collected and stored in a leak-proof container with a tight-fitting cover to prevent nuisance odors and the attraction of vermin until it can be disposed properly.
  - (3) Farm poultry and farm animal feed stored in leak-proof containers with a tight-fitting cover to prevent attraction of vermin.
  - (4) Feces, discarded feed and dead farm poultry and farm animals shall not be composted.
  - (5) Farm poultry and farm animals shall be secured inside of a shelter from sunset to sunrise each day to prevent nuisance noise and attracting predators.
  - (6) Farm poultry and farm animals shall remain in the shelter or enclosure at all times and shall not run at-large.

**SEC. 12.117. OWNER RESPONSIBLE.**

The owner of any farm animal or farm poultry shall be responsible for the conduct and control of any such animal irrespective of whether such animal has escaped from a shelter or enclosure.

**SEC. 12.118. PROHIBITED CONDUCT.**

- (a) No person shall use a farm animal:
- (1) upon a public sidewalk or sidewalk easement;
  - (2) upon the public streets and rights-of-way of the City except during daylight hours;
  - (3) in public places and places of public accommodation;
  - (4) upon private property of another without the permission of the owner of the property;
  - (5) in a careless manner or in disregard of the rights of others.

**SEC. 12.119. EXCEPTIONS.**

The limitations upon the use of farm animals expressed in this Article shall not apply to the use of horses for law-enforcement purposes.

### **Division E. Wild Animals**

**SEC. 12.120. THE KEEPING OR SELLING OF WILD ANIMALS PROHIBITED.**

- (a) No person shall own, possess, or have custody on his or her premises any wild animal for display, training, or exhibition purposes, whether gratuitously or for a fee.
- (b) No person shall keep or permit to be kept any wild animal as a pet or on their property.
- (c) No person shall offer for sale any wild animal unless specifically authorized by federal or state law.

**SEC. 12.121. EXCEPTIONS; PERMITS AND LICENSES.**

- (a) **Temporary Events.** A traveling circus, zoological park, or show which keeps wild animals for a temporary exhibition must obtain City approvals for allowing such animals within the City for a period not to exceed thirty (30) days, provided the person, traveling circus, zoological park, or show has obtained a state permit or is exempt from such requirement pursuant to Minnesota Statutes, Section 97A.401. The City approval shall specify the conditions to protect the general public and to prevent cruelty or neglect to such animals. Temporary events shall meet all of the requirement of Division B Commercial Animal Establishments of Chapter 14 of this code.
- (b) **Permanent Exhibitions.** A zoological park or other institution engaged in a permanent display of wild animals may be issued a conditional use permit by the City provided applicable zoning requirements are met and may be issued a commercial animal establishment license pursuant to Division B. of Chapter 14 provided the applicable licensing requirements are met.
- (c) **Veterinary Hospitals.** Any bona fide veterinary hospital is exempt from this Division and may hold such wild animals, provided protective devices adequate to prevent such animals from escaping or injuring the public are provided.
- (d) **Wildlife Rehabilitators.** Persons keeping wild animals as part of a bona fide institutional program to return such animals to the wild are exempt from the requirements of this Section, provided the location of the premises complies with all zoning requirements of Chapter 19 or 21 of this Code.

**SEC. 12.122. FEEDING OF WILD ANIMALS PROHIBITED.**

- (a) **Prohibition.** No person shall feed or allow the feeding of wild animals as defined in Section 12.91 of this City Code, such as, but not limited to, raccoons, deer, turkeys, ducks and geese, within any area of the City of Bloomington. For the purpose of this Section, feeding shall mean provision of non-birdseed mixtures, grain, fruit, vegetables, hay, mineral salt or other edible material, either on the ground or at a height of less than five (5) feet above the ground. Living food sources, such as fruit trees and other live vegetation, shall not be considered as prohibited feeding.
- (b) **Exceptions.** This prohibition shall not apply to veterinarians, City, county, state or federal officials who in the course of their duties have wild animals in their custody or under their management.

## Division F. Inspection and Enforcement of the Animal Code

### SEC. 12.123. ANIMAL ENFORCEMENT PROCEDURES.

- (a) The City shall designate animal control officers, licensed peace officers or other Police Department designee for the purpose of enforcing the provisions of this Division and state law and shall:
- (1) Have the right to demand the exhibition of an animal and the animal license, if such a license is required by state statute or this City Code;
  - (2) Be required to keep accurate records of the impoundment and disposition of all animals in the custody of the City;
  - (3) Be required to investigate reported injuries from animals, and to keep accurate records of such cases;
  - (4) Be required to keep accurate records of all money received and to comply with proper auditing and bookkeeping standards;
  - (5) Carry out prevention of cruelty duties as prescribed in this Division, Minnesota Statutes, Sections 343.20-343.40, and Minnesota Statutes Chapter 346; and
  - (6) Perform enforcement duties as prescribed in Minnesota Statutes, Sections 609.226 and 609.227, and Minnesota Statutes Chapter 347.
- (b) No person shall interfere with, hinder, or molest a City animal control officer, licensed peace officer or Police Department designee enforcing this City Code or state law. No person shall seek to release any animal in the custody of a City animal control officer, licensed peace officer or Police Department designee except as herein provided.
- (c) For the purposes of discharging the duties imposed by this City Code and in order to further the investigation of any state statute or City Code violations regarding animals, City animal control officers or any licensed peace officer, upon demonstration of cause, may apply for issuance of a warrant to enter premises upon which an animal is kept or harbored.

### SEC. 12.124. INSPECTIONS AND ENFORCEMENT.

The Animal Control Authority or Health Authority shall conduct investigations of complaints of violations to this Article. If the Animal Control Authority or Health Authority determine that violations to any requirements of the this or any other Article, Division or Section of this Code or applicable state laws exist, the Animal Control Authority or Health Authority may provide written notice to both the animal owner and the owner of the property in violation, stating the nature of the violations and a deadline for correcting the violations. In addition, City may initiate appropriate civil and/or criminal actions upon failure of an owner and property owner to correct any violation of the City Code or applicable state laws, rules or regulations. The failure to remove or correct each noted violation in the notice within the time period noted shall constitute a separate violation for each day the violation continues to exist. Failure to pay outstanding civil fines or fees may result in future animal license ineligibility if applicable. The Animal Control Authority may also choose to proceed to criminal charges when necessary.

### SEC. 12.125. IMPOUNDMENT PROCEDURES.

- (a) **Impoundment.** Every animal found by an animal control officer or licensed peace officer to be in violation of state law or City code may be impounded in the City animal shelter. All animals impounded shall be confined in a humane manner.
- (b) **Recordkeeping.** The Animal Control Authority shall maintain records of animals in their custody, pursuant to Minnesota Statutes, Section 35.71, subd. 3 and such records shall include the following:
- (1) the description of the animal by species, breed, sex, approximate age, and other distinguishing traits;
  - (2) the location at which the animal was seized;
  - (3) the date of seizure;
  - (4) the name and address of the person from whom the animal was received; and
  - (5) the name and address of the person to whom the animal was transferred.

- (c) **Notification to Owner.** Immediately upon impounding an animal, a City animal control officer or licensed peace officer shall make every reasonable effort to locate and notify the owner of the impounded animal.

**SEC. 12.126. REDEMPTION OF IMPOUNDED ANIMALS.**

- (a) **Injured Animals.** If an injured animal is impounded, the animal control officer or licensed peace officer shall immediately attempt to locate and notify the owner of such animal. If it is the opinion of a licensed veterinarian that a critically injured animal will unnecessarily suffer, such animal may be humanely euthanized even though attempts to locate or notify the owner have been unsuccessful. The owner shall be responsible for the cost of euthanization and/or the reasonable costs of care and treatment.
- (b) **Abused Animals.** Animals impounded pursuant to state and local cruelty laws shall be redeemed pursuant to Minnesota Statutes, Section 343.235.
- (c) **Unlicensed Animals.** Dogs, cats, ferrets or other animals kept as pets, which are required to be licensed by City Code, impounded because they were found by an animal control officer or licensed peace officer to be unlicensed or unregistered may be reclaimed by their owners or other person designated by the owners within seven (7) regular business days after the animal has been impounded, provided that the owner or other designated person makes payment to the City of the impound fees and charges as set by the City Council. If an animal impounded is not claimed within seven (7) regular business days, it shall become the property of the City and shall either be humanely euthanized or placed in the custody of a suitable person for adoption and care.
- (d) **Wild Animals.** Any wild animal kept in violation of this Article may be impounded by the City. If such an animal is not reclaimed by its owner within seven (7) regular business days after the impoundment of such animal, the animal may be euthanized in a humane manner or placed in the custody of a suitable person for care. Any person reclaiming such impounded animal shall pay the costs of impounding and keeping the animal and shall agree not to keep or sell the animal in violation of this Article or state or federal law.
- (e) **Dangerous Animals.** Dangerous animals shall be confiscated and reclaimed pursuant to Minnesota Statutes Section 347.54 and Section 12.106 of this Article.
- (f) **Animals Running Loose.** An animal found at-large may be taken and impounded by licensed peace officers or animal control officers. If after a period of seven (7) regular business days an impounded animal is not claimed or redeemed by its owner, it shall become the property of the City and may be euthanized in a humane manner or placed in the custody of a suitable person for adoption and care. Immediately upon the impoundment of any animal, the animal control officer shall make a reasonable effort to notify the owner of the impoundment and of the procedure for regaining possession of the impounded animal. Any animal impounded under this Section may be reclaimed by the owner within seven (7) regular business days upon payment of impound fees and charges as set by the City Council.
- (g) **Animals With No Current Proof of Rabies Vaccination from Current City License or Vaccination Tag.** Immediately upon impounding the animal, the Rabies Control Authority or other official shall make every reasonable effort to locate and notify the owner of the impounded animal. Any animal impounded because of lack of a current rabies vaccination tag may be reclaimed at any time by its owner by furnishing proof or rabies vaccination, paying all impoundment fees prior to release, and by obtaining a valid rabies vaccination tag.
- (h) **Rabies Suspects.** Redemption of rabies suspects shall be governed by Division C. of this Article.
- (i) **Animals Bitten or Exposed By a Rabid Animal.** Redemption of animals bitten or exposed by a rabid animal shall be governed by Division C. of this Article.

**SEC. 12.127. DOGS, CATS AND FERRETS PURCHASED OR ADOPTED FROM THE ANIMAL CONTROL SHELTER; SPAYING OR NEUTERING REQUIRED.**

- (a) When a dog, cat or ferret, or other animal required to be sterilized by this City Code, not previously sterilized is sold or released for adoption by the City animal shelter, the buyer or adoption party must sign a written agreement to have the dog, cat or ferret sterilized. If the dog, cat or ferret, or other animal required to be sterilized, is less than six (6) months old, the buyer or adopting party shall agree to have the animal sterilized by the age of six (6) months. If the dog, cat or ferret, or

other animal required to be sterilized, is more than six (6) months old, the buyer or adopting party shall agree to have the animal sterilized within thirty (30) days of purchase or adoption.

(b) No person, having agreed in writing to have an animal sterilized pursuant to this Section, shall intentionally fail or refuse to have such sterilization performed within the time specified in the agreement. Violation of this subpart is a misdemeanor.

(c) Nothing in this Section shall be construed to authorize the City to sterilize a dog, cat, ferret, or other animal required to be sterilized, which has been reclaimed by its owner, or for which the period to reclaim as owner has not expired.

**SEC. 12.128. IMPOUNDMENT AND BOARDING FEES.**

Impoundment and boarding fees shall be borne by the owner and shall be established in a resolution of the City Council and made available to the general public.

**SEC. 12.129. VARIANCES TO THE ANIMAL CODE.**

All zoning variances, including but not limited to, setback requirements, screening and fencing, shall proceed according to the variance procedures set out in Chapters 19 and 21 of this City Code. The City shall not consider variances or exceptions to the Animal Code requirements including, but not limited to, number of animals allowed at one residence, shelter or enclosure, sterilization, breeding prohibition, and slaughter prohibition.

**SEC. 12.130. PENALTIES AND SEVERABILITY.**

Unless otherwise specifically noted herein, a violation of any provision of City's Animal Code, Article IV of Chapter 12, shall be a misdemeanor under Minnesota law. In addition, the provisions of this Division shall be subject to enforcement by administrative citations and subject to civil fines pursuant to the Administrative Mediation and Hearing Process set forth in Chapter 1, Article II of this Code, and nuisance service call provisions of Section 12.15 as well as by civil district court action. If any section, subsection, sentence, clause, or phrase of this Division is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Division. The City Council hereby declares that it would have adopted the Division in each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

\* \* \*

Section 5. That Chapter 14 of the City Code is hereby amended by deleting those words that are in ~~strike through~~ font and adding those words that are underlined, to read as follows:

**CHAPTER 14**

**LICENSES AND PERMITS**

**ARTICLE I. GENERAL PROVISIONS**

**SEC. 14.03. FEES.**

Except as otherwise stated in this Code, the fees for the various licenses and permits shall be as hereinafter stated.

<b>License/Permit</b>	<b>Required by Section</b>	<b>Annual Fee</b>
* * *		
<u>Animals, domestic</u>	<u>14.88</u>	
<u>(A) Dog, individual</u>		<u>17.50</u>
<u>(B) Cat, individual</u>		<u>5.00</u>
<u>(C) Ferret, spayed or neutered individual</u>		<u>5.00</u>

<u>(D) Transfer fee</u>	<u>14.89(g)</u> <u>and (i)</u>	<u>2.00</u>
<u>(E) Duplicate</u>	<u>14.89(f)</u>	<u>2.00</u>
<u>(F) Dangerous Animal Registration, individual</u>	<u>12.107</u>	<u>250.00</u>
<u>(G) Dangerous Animal Symbol Sign</u>	<u>12.107(g)</u>	<u>25.00</u>
* * *		
Gats	44.105	5.00
* * *		
Dogs	14.88	
(A) — Individual license		17.50
(B) — Late penalty		2.00
(C) — Transfer fee		2.00
(D) — Duplicate		2.00
(E) — Kennel		45.00
(F) — Dangerous Dog Registration	14.14.96(g)	500.00
(G) — Dangerous Dog Symbol		25.00
* * *		
Commercial animal establishments, <u>annual</u>	14.30594	160.00
Commercial animal establishments, <u>temporary</u>	14.94	80.00

\* \* \*

### ARTICLE III. ANIMAL LICENSES AND REGULATIONS

#### Division A. Dogs, Cats and Ferrets

**SEC. 14.85. PURPOSE.**

The purpose of this Division is to prescribe dog, cat or ferret licensing procedures; ~~to enact regulations governing potentially dangerous dogs, dangerous dogs, and dog enclosures; to prescribe City animal shelter procedures; to provide for dog enforcement procedures; and to prohibit certain acts that are cruel to dogs.~~

**SEC. 14.86. FINDINGS OF THE CITY COUNCIL.**

The City Council of the City of Bloomington makes the following findings of fact regarding the need ~~to regulate and license dogs:~~

- (1) ~~The regulation licensing of dogs, cats and ferrets, kept as pets, is found by the City Council to be necessary in order to protect the health and safety of the community. Unrestrained and/or unlicensed dogs, cats, and ferrets can expose human beings and other animals to dangerous diseases like rabies if the City did not require vaccination for annual licensure; can cause damage to public and private property as nuisance conditions if the City did not track total number of licensed animals per residence; can exacerbate the existing overpopulation of dogs, cats and ferrets; can disrupt the quiet enjoyment of residential areas and parks; and can expose human beings and other animals to unsanitary and unhealthy conditions.~~
- (2) ~~The improper impoundment or enclosure of dogs can constitute a public health nuisance. Nuisances can be created by site, odor, noise, and sanitation problems associated with improper dog enclosures and impound facilities.~~
- (3) ~~The regulation of potentially dangerous dogs and dangerous dogs is deemed necessary by the City in light of the threat such dogs pose to the safety of human beings and other animals in the community. Dogs deemed to be potentially dangerous or dangerous pose a serious risk to the health and safety of the community.~~
- (4) ~~Procedures for determining whether a dog is potentially dangerous or dangerous to the community are warranted. The procedures prescribed herein balance the interest in immediate public~~

protection from potentially dangerous and dangerous dogs with reasonable due process rights of dog owners.

#### SEC. 14.87. DEFINITIONS.

The definitions used in this Article are those specified in the Animal Code, Section 12.91. The following words and terms, when used in this Division, shall have the following meanings, unless the context clearly indicates otherwise:

**Animal**—every non-human species of animal, both domestic and wild.

**Animal Control Authority**—the Commander of Administration within the Bloomington Police Department having oversight and control over the City's animal control officers.

**Animal control officers**—an officer employed by or under contract with the City who is responsible for animal control enforcement.

**Animal shelter**—any premises designated by the City for the purposes of impounding and caring for all dogs found in violation of this Division.

**At large**—a dog shall be at large when it is not under restraint as defined in this Division.

**Custodian**—a person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having care, custody, or control of a dog, excluding veterinarians or kennel operators provided that the dogs are kept only temporarily on the premises and are owned by others.

**Dangerous Dog**—any dog that has:

- (1) without provocation, inflicted substantial bodily harm on a human being on public or private property;
- (2) killed a domestic animal without provocation while off the owner's property; or
- (3) been found to be potentially dangerous, and after the owner has notice that the dog is potentially dangerous, the dog aggressively bites, attacks, or endangers the safety of humans or domestic animals.

**Dog**—any animal in whole or in part of the species canis familiaris.

**Dog enclosure**—an area less than 2,000 square feet constructed for sheltering or enclosing dogs.

**Great bodily harm**—bodily injury which creates a high probability of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss of impairment of the function of any bodily member or organ, or other serious bodily harm.

**Health officer**—a person designated by the City to enforce state and local health laws.

**Hearing officer**—an impartial employee of the City or an impartial person retained by the City to conduct the hearings prescribed in this Division.

**Issuing Authority**—the City of Bloomington License Section.

**Kennel**—any lot or premises or portion thereof on which more than four (4) dogs, cats, or other household domestic animals over six (6) months old, or a combination thereof, are kept or on which more than two (2) such animals are boarded for compensation or kept for sale.

**Own**—to keep, harbor, or have control, charge, or custody of a dog. This term shall not apply to dogs owned by others which are temporarily maintained on the premises of a veterinarian or kennel operator.

**Owner**—any person owning, possessing, keeping, harboring or having an interest in or having care, custody or control of a dog, excluding veterinarians or kennels temporarily maintaining a dog on their premises where the dog is owned by another.

**Person**—one or more natural persons, a partnership, including a limited partnership, a corporation, including a foreign, domestic or nonprofit corporation, a trust, or any other business organization.

**Picket**—to secure a dog by means of a chain or metallic cable to a fixed object, thereby confining the dog to a specified area.

**Potentially Dangerous Dog**—any dog that:

- (1) when unprovoked, inflicts bites on a human or domestic animal on public or private property;
- (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.~~

~~**Proper enclosure** – securely confined indoors or in a securely enclosed and locked pen or structure suitable to prevent the dog 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 windows are open or in which door or window screens are the only obstacles that prevent the dog from exiting.~~

~~**Provocation** – an act that an adult could reasonably expect may cause a dog to attack or bite.~~

~~**Regular business day** – a day during which the City animal shelter is open to the public for not less than four (4) consecutive hours between the hours of 8:00 a.m. and 7:00 p.m.~~

~~**Substantial bodily harm** – bodily injury which involves a temporary or permanent but substantial disfigurement, or which causes temporary or permanent but substantial loss or impairment of the function of any bodily member or organ, or which causes a fracture of any bodily member.~~

~~**Under Restraint** – a dog is under restraint if:~~

- ~~(1) the dog is within a secure vehicle;~~
- ~~(2) the dog is within a secure fence or building within the owner's property limits;~~
- ~~(3) the dog is picketed in accordance with this Division of the City Code;~~
- ~~(4) the dog is controlled by a leash, provided that when persons or other animals are within twenty (20) feet of the dog the leash is shortened to six (6) feet; or~~
- ~~(5) the dog:
 
  - ~~(A) is within the owner's property limits, or is involved in a scheduled dog show or obedience demonstration or trial, is legally involved in hunting or retrieving game animals, or is within the boundaries of a City park or other City-owned property designated and posted by the Manager of Parks and Recreation as an off-leash site; and~~
  - ~~(B) is controlled by a competent person and is immediately obedient to that person's command.~~~~

~~**Veterinarian** – a veterinarian licensed in the State of Minnesota.~~

#### **SEC. 14.88. ~~DOG LICENSE REQUIRED ANIMALS REQUIRING A LICENSE.~~**

All persons who own a dog, cat or ferret within the City that is ~~three (3)~~six (6) months or older shall have the animal licensed in accordance with this Division. Hospitals, clinics, and other facilities operated by veterinarians that are used for the care and treatment of dogs animals are exempt from this Section of this Code, as are dogs belonging to the City Police Department, or dogs, cats and ferrets belonging to a nonresident of the City provided the dogs, cats or ferrets are not kept within the City for more than thirty (30) days.

#### **SEC. 14.89. DOG ANIMALS REQUIRING A LICENSE APPLICATION PROCESS.**

- (a) **License Requirement and Application.** It is unlawful for an owner of an dog animal requiring a license that is ~~three (3)~~six (6) months old or older to keep or harbor it within the City of Bloomington without having first obtained a license therefore in accordance with this Division. No dog application for an animal requiring a license application shall be accepted unless it is completed and signed by an owner who is at least 18 years of age on the application form provided by the Issuing Authority, which shall include at a minimum the following information: the full name, date of birth or in the alternative, Minnesota driver's license or Minnesota state identification card number, home address, and daytime and evening telephone numbers of each owner of the dog animal requiring a license; the name, breed, color, age, sex and reproductive status of the dog animal requiring a license; the street address where the dog animal requiring a license, or any other animal intended to live within the home will be kept or harbored; a current certificate of rabies vaccination for the dog animal requiring a license; and any other information deemed to be necessary by the Issuing Authority.
- (b) **License Fee.** The license fee shall be as set forth in Section 14.03 of this Code. The fee shall be paid at the time the application for the license is submitted to the Issuing Authority.
- (c) **License Validity.** All licenses issued under this Division of this Code shall expire on December 31 of the year for which the license was issued and shall only be valid for the animal identified on the license application unless the license is transferred under subpart (g) of this Section.

- (d) **Penalties.** Failure to obtain a license for an animal requiring a license shall be subject to penalties in Section 12.130. **Fees** In addition to the prescribed license fee, a penalty as set forth in Section 14.03 of this Code shall be assessed against a dog owner who fails to obtain a license:
- (1) More than thirty (30) days after the dog reached three (3) months of age; or
  - (2) More than thirty (30) days after the applicant moved into the City with a dog older than three (3) months of age; or
  - (3) By January 31 of the current year.
- (e) **Individual Dog Animal License, Not Required for Kennel-Commercial Animal Establishment Licensees or Pet Services Facilities.** Individual licenses for dog animals requiring a license kept in a kennel-Commercial Animal Establishment licensed under Section 14.147305 or in Pet Services Facilities defined in Section 12.91 of this Code need not be obtained by the kennel-operator.
- (f) **License Tag.** Upon acceptance of the license application the Issuing Authority shall provide the dog owner of an animal requiring a license with a metallic license tag, which shall be stamped with a number and the year for which the license was issued. If the metallic license tag issued for an dog animal requiring a license is lost, the owner shall obtain a duplicate tag upon the payment of a fee as specified in Section 14.03 of this Code. A valid durable license tag must be securely fastened to the choke chain, collar, or harness. If the dog, cat or ferret is out-of-doors, either on the owner's premises but not confined or off the owner's premises, the collar or harness with the license tag attached shall be worn.
- (g) **Transfer of License.** If a City licensed dog animal dies and within the license year and a dog animal requiring a license is secured by the owner to replace the previous dog animal the license for the deceased dog animal may be transferred to the replacement dog animal upon completion of a new application form identifying the replacement dog animal requiring a license and payment of a transfer fee as specified in Section 14.03 of this Code. No transfer of license from one species to another is allowed.
- (h) **Change in Ownership.** If there is a change of ownership, as defined in Section 14.87 of this Code, of a City licensed dog animal requiring a license, the new owner must apply for a license within thirty (30) days and pay the fee charged for a new license if the dog animal continues to be kept or harbored in the City of Bloomington.
- (i) **Reciprocity.** Upon proof of current rabies vaccination, an dog animal requiring a license who that has a valid and current license from another city within the State of Minnesota may secure a Bloomington dog license by surrendering the other license, completing a new application form and paying a transfer fee as set forth in Section 14.03 of this Code.

#### **SEC. 14.90. GENERAL DOG REGULATIONS.**

- (a) **Restraint.** A custodian of any dog within the City shall keep the dog under restraint at all times.
- (b) **Disposal of Feces.** A custodian of any dog within the City shall clean from any sidewalk, street, park, school, public place, or private property of another any feces of the dog and shall dispose of such feces in a sanitary manner. Violation of this provision shall be a petty misdemeanor.
- (c) **Picketing.** A dog shall not be picketed so as to be within ten (10) feet of any lot line or sidewalk or within fifty (50) feet of any dwelling unit other than the owner's. A dog shall not be picketed in any front yard of a residence or building.
- (d) **Female Dog in Estrus.** Every female dog in estrus shall be kept confined within a building in such manner that the dog cannot come in contact with any intact male dog except for proper breeding purposes within such building. The female dog in estrus may be taken from the confined area on a secure leash controlled by a person of sufficient age or into a confined outdoor enclosure within the owner's property in order for the dog to urinate and/or defecate.
- (e) **License Tag.** A valid metallic license tag must be securely fastened to the dog's choke chain, collar, or harness, which must be worn by the dog at all times.
- (f) **General Duty of Owners.** Every owner of a dog must exercise reasonable care and take all necessary steps and precautions to protect other people, property and animals from injuries or damage which might result from the dog's behavior, regardless of whether such behavior is motivated by playfulness or ferocity.

**SEC. 14.91. REGULATIONS REGARDING CRUELTY TO DOGS.**

- (a) ~~**State Cruelty Provisions Incorporated.** The provisions of Minnesota Statutes, Sections 343.20 to 343.37 ("Prevention of Cruelty to Animals") and Minnesota Statutes, Section 346.57 ("Dog, cat or ferrets in Motor Vehicles") as those provisions apply to dogs are hereby incorporated by reference and adopted as part of this Section.~~
- (b) ~~**Transportation Requirements.** No person shall carry or cause to be carried any dog upon any vehicle or otherwise, without providing suitable racks, crates, carriers or cages of suitable size for the dog during transportation, unless the dog is placed in the passenger area of the vehicle.~~

**SEC. 14.92. REGULATIONS REGARDING DOG ENCLOSURES.**

- (a) ~~**Minimum Requirements.** A custodian of any dog which is kept outdoors or in an unheated enclosure shall provide the dog with shelter and bedding as prescribed in Minnesota Statutes, Section 343.40 and this Section of this Code as a minimum.~~
- (b) ~~**Screening.** A dog enclosure shall be screened from view of all adjacent properties. Screening shall consist of a solid fence, or equivalent, as approved by the Manager of Environmental Services, not less than five (5) feet in height. The screening must include in its design provision for air to circulate under and through the screening material. All such screening must be constructed in a structurally sound and physically attractive manner, and the screening must be maintained as to not create a blighting influence to the neighborhood. These screening requirements shall apply to all existing dog enclosures as well as future enclosures.~~
- (c) ~~**Location.** A dog enclosure shall not be placed closer than ten (10) feet to any lot line or closer than fifty (50) feet of any dwelling unit other than the owner's. A dog enclosure shall not be placed in the front yard of a residence or building.~~
- (d) ~~**Sanitation Requirements.** No person shall permit feces, urine, or food scraps to remain in a dog enclosure for a period that is longer than what is reasonable and consistent with proper health and sanitation, or odor prevention.~~

**SEC. 14.93. DOG ENFORCEMENT PROCEDURES.**

- (a) ~~The City shall designate animal control officers or licensed peace officers for the purpose of enforcing the provisions of this Division and state law. An animal control officer or licensed peace officer shall:~~
- (1) ~~Have the right to demand the exhibition of a dog and the dog license;~~
  - (2) ~~Be required to keep accurate records of the impoundment and disposition of all dogs in the custody of the City;~~
  - (3) ~~Be required to investigate reported injuries from dogs, and to keep accurate records of such cases;~~
  - (4) ~~Be required to keep accurate records of all money received and to comply with proper auditing and bookkeeping standards;~~
  - (5) ~~Carry out prevention of cruelty duties as prescribed in this Division, Minnesota Statutes, Sections 343.20-343.40, and Minnesota Statutes Chapter 346; and~~
  - (6) ~~Perform enforcement duties as prescribed in Minnesota Statutes, Sections 609.226 and 609.227, and Minnesota Statutes Chapter 347.~~
- (b) ~~No person shall interfere with, hinder, or molest a City animal control officer or licensed peace officer enforcing this Division or state law. No person shall seek to release any dog in the custody of a City animal control officer or licensed peace officer except as herein provided.~~

**SEC. 14.94. DOG IMPOUNDMENT PROCEDURES.**

~~Impoundment of dogs shall be in accordance with Division I of this Article of the City Code.~~

**SEC. 14.95. REGULATIONS REGARDING POTENTIALLY DANGEROUS DOG.**

- (a) ~~**Determination of Potentially Dangerous Dog.** A City animal control officer or other law enforcement official shall determine that a dog is a potentially dangerous dog if the officer believes, based upon the officer's professional judgment, that a dog:~~

- (1) Has, when unprovoked, inflicted bites on a human or domestic animal on public or private property; or
  - (2) Has, when unprovoked, chased or approached 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 known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.
- (b) **Notice of Potentially Dangerous Dog.** Upon a determination by a City animal control officer or other law enforcement official that a dog is potentially dangerous pursuant to state law or Section 14.95(a) of this Code, the City shall provide a Notice of Potentially Dangerous Dog to the owner of record, or if none, any owner of such dog by personally serving the owner or a person of suitable age at the residence of such owner. Service upon any owner shall be effective as to all owners. The notice shall include the following:
- (1) a description of the dog deemed to be potentially dangerous;
  - (2) the factual basis for that determination;
  - (3) the identity of officer who has made the determination;
  - (4) an order that the owner have a microchip implanted in the dog for identification and provide the City animal control authority with the name of the microchip manufacturer and the serial identification number of the microchip implanted within 30 days of the date of service;
  - (5) an order that the owner provide the City animal control authority with written notice of any relocation of the dog from its current residence, providing any new owner's full name, address, daytime and evening telephone numbers and the relocation address at least ten (10) days prior to any such relocation or new ownership; and
  - (6) the criminal penalties for violation of the requirements pertaining to potentially dangerous dogs.
- (c) **Requirements.** It shall be the joint and several responsibility of each owner of any dog kept or harbored within the City and determined to be potentially dangerous under this Section of the Code or under the provisions of a substantially similar local or state law to have a microchip implanted in the dog for identification and provide the City animal control authority with proof thereof, including the name of the microchip manufacturer and its serial identification number, within thirty (30) days of any owner's receipt of the notice of potentially dangerous dog or within ten (10) days of the dog's location within the City, whichever occurs first. It shall also be the joint and several responsibility of each owner of any potentially dangerous dog kept or harbored within the City to provide the City animal control authority with written notice of any intended relocation of the dog from its current residence and provide any new owner's full name, address, daytime and evening telephone numbers and the relocation address at least ten (10) days prior to any such relocation or new ownership.

#### **SEC. 14.96. REGULATIONS REGARDING DANGEROUS DOGS.**

- (a) **Determination of Dangerous Dog by City.** A City animal control officer or other law enforcement official shall determine that a dog is a dangerous dog if the officer believes, based upon the officer's professional judgment, that a dog:
- (1) Has, without provocation, inflicted substantial bodily harm on a human being on public or private property; or
  - (2) Has killed a domestic animal without provocation while off the owner's property; or
  - (3) Has been determined to be a potentially dangerous dog, and after the owner has notice that the dog is potentially dangerous, the dog aggressively bites, attacks, or endangers the safety of humans or domestic animals.
- (b) **Exemption.** Dogs may not be declared dangerous if the threat, injury, or damage was sustained by a person:
- (1) who was committing, at the time, a willful trespass or other tort upon the premises occupied by the owner of the dog;
  - (2) who was provoking, tormenting, abusing, or assaulting the dog or who can be shown to have repeatedly, in the past, provoked, tormented, abused, or assaulted the dog; or
  - (3) who was committing or attempting to commit a crime.

- (c) ~~**Notice of Dangerous Dog.** Upon a determination by a City animal control officer or other law enforcement official that a dog is dangerous pursuant to state law or Section 14.96(a) of this Code, the City shall provide a Notice of Dangerous Dog to the owner of the dog by mailing or personally serving the owner of record, or by posting a copy of the notice at the place where the dog is kept, or by delivering it to a person of suitable age residing on that property. Service upon any owner shall be effective as to all owners. The notice shall include the following:~~
- ~~(1) a description of the dog deemed to be dangerous;~~
  - ~~(2) the factual and statutory basis for that determination;~~
  - ~~(3) the name of the officer making the determination and his or her telephone number;~~
  - ~~(4) a description of any substantial or great bodily harm on a human being inflicted by the dog on public or private property without provocation;~~
  - ~~(5) a statement as to whether or not the dog's destruction is being sought by the City;~~
  - ~~(6) an order that the owner to have a microchip implanted in the dog for identification, providing the City animal control authority with the name of the microchip manufacturer and the serial identification number of the microchip implanted within fourteen (14) days of the owner's receipt of the notice;~~
  - ~~(7) an order that the dog be kept at all times either confined in a proper enclosure as defined in Section 14.87 of this Code or muzzled in a manner that will prevent the dog from biting any person or animal but will not cause injury to the dog or interfere with its vision or respiration;~~
  - ~~(8) an order that the owner to provide the City animal control authority with written notice of any relocation of the dog from its current residence and provide any new owner's full name, address, daytime and evening telephone numbers and the relocation address at least ten (10) days prior to any such relocation or new ownership;~~
  - ~~(9) the criminal penalties for violations of Section 14.96 of this Code;~~
  - ~~(10) a statement informing the owner of the right to appeal the officer's dangerous dog determination, and if applicable, prior potentially dangerous dog determinations for the animal, within fourteen (14) days of the date of the notice and that failure to appeal within fourteen (14) days will terminate the owner's right to a hearing under this section;~~
  - ~~(11) a statement that if an appeal request is made within fourteen (14) days of the notice, the owner must immediately comply with the requirements of subsection (d) until such time as the hearing officer issues an opinion;~~
  - ~~(12) a statement that in the event that the dangerous dog determination is upheld by the hearing officer, the actual expenses of the hearing, up to a maximum of \$1,000 will be the responsibility of the owner;~~
  - ~~(13) a statement that if the hearing officer affirms the dangerous dog declaration, the owner will have fourteen (14) days from receipt of that decision to comply with all other requirements of this Section and Minnesota Statutes Sections 347.51, 347.515 and 347.52;~~
  - ~~(14) a statement that all the City's actual costs of the care, keeping and disposition of the dog are the responsibility of the person claiming an interest in the dog, except to the extent that a court or hearing officer finds that the seizure or impoundment was not substantially justified by law; and~~
  - ~~(15) a Request for an Appeal of the Dangerous Dog Designation form.~~
- (d) ~~**Requirements Upon Receipt of a Notice of Dangerous Dog.** After receipt of the notice, the owner must do the following:~~
- ~~(1) at all times keep the dog either confined in a proper enclosure as defined in Section 14.87 of this Code or muzzled 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;~~
  - ~~(2) provide the City animal control authority with written notice of the death of the animal or any relocation of the dog from its current residence and provide any new owner's full name, address, daytime and evening telephone numbers and relocation address at least ten (10) days prior to any such relocation and, if requested, execute an affidavit under oath setting forth the circumstances of the dog's death or relocation.~~
- (e) ~~**Appeal of the Dangerous Dog Designation.** Within fourteen (14) days after receipt of the notice of dangerous dog any owner may request an appeal of that determination and, if applicable, prior potentially dangerous dog designations, by completing and serving upon the City animal control~~

authority a Request for Appeal of Dangerous Dog Designation on the form provided along with the notice, including at a minimum the following information:

- (1) the full name, address, daytime and evening telephone numbers of the person requesting an appeal;
- (2) the full name and address of all of the dog's owners;
- (3) the ownership interest of the person requesting the appeal;
- (4) the names of any witnesses to be called at the hearing;
- (5) a list and copies of all exhibits to be presented at the hearing; and
- (6) a summary statement as to why the dog should not be declared dangerous.

Failure to timely submit a completed Request for Appeal shall be deemed a waiver of the right to appeal and consent to the designation of the dog as dangerous under state law and Section 14.96 of this Code.

(f) **Hearing Procedure.**

- (1) Within fourteen (14) days after receipt of the Request for Appeal, the City animal control authority shall schedule and conduct a hearing before a hearing officer and provide reasonable notice of the time, date and place thereof to the owner requesting the hearing.
- (2) The hearing shall be held at a place to be determined by the City animal control authority during the City's normal business hours.
- (3) At the hearing, the parties shall have the opportunity to present evidence in the form of exhibits and testimony. Each party may question the other party's witnesses. The strict rules of evidence do not apply and the records of the animal control officer or law enforcement official are admissible without further foundation. Objections as to the evidence presented can be made on the basis of the evidence being incompetent, irrelevant, immaterial or unduly repetitious. The hearing officer shall admit and give probative weight to evidence, including reliable hearsay evidence, which possesses probative value commonly accepted by reasonable and prudent persons in the conduct of their affairs. The order of proof shall follow the burden of proof with the initial burden upon the City animal control authority to demonstrate by a preponderance of the evidence that the animal is dangerous pursuant to Section 14.96 of this Code or state law. The hearing shall be tape recorded and a full record of the hearing shall be kept by the hearing officer.
- (4) Within ten (10) days of the conclusion of the hearing, the hearing officer shall make written findings of fact and reach a written conclusion as to whether the dog is a dangerous dog pursuant to Section 14.96 of this Code or state law. Separate findings shall be made as to whether or not the factors set forth in subsection (k) of this Section were established with a corresponding conclusion as to whether or not the dog should be destroyed by the City animal control authority. Upon receipt of those findings and conclusions or as soon thereafter as reasonably possible, the City animal control authority must personally serve a written copy thereof to the owner who requested the hearing or a person of suitable age at the residence of such owner. The decision of the hearing officer is final without any further right of administrative appeal. An aggrieved party may obtain review thereof by petitioning the Minnesota Court of Appeals for a Writ of Certiorari not more than thirty (30) days after service of the hearing officer's written decision.
- (5) In the event that the dangerous dog determination is upheld by the hearing officer, the City shall, within thirty (30) days of the decision, mail an invoice to the dog's owner for the full actual costs of the hearing, including reimbursement for staff time spent preparing for and attending the hearing, up to a maximum of \$1,000.

(g) **Dangerous Dogs Requirements.** Upon a determination after a hearing that the dog is dangerous under Section 14.96 of this Code or state law, or upon the expiration of the fourteen (14) day appeal period where no owner serves upon the City animal control authority a timely and proper Request for Appeal of the Dangerous Dog Designation, or upon the relocation of a dog to this City from another location where the dog was previously declared dangerous under either state law or a local law substantially similar to Section 14.96 of this Code, it shall be the joint and several responsibility of each owner of the dangerous dog kept or harbored within the City to strictly comply with the following requirements:

- (1) Keep the dog in a proper enclosure as defined in Section 14.87 of this Code and state law or, if the dog is outside the proper enclosure, the dog must be muzzled and restrained by a

substantial chain or leash not longer than six (6) feet and under the physical restraint of a responsible 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. The premises where the dog is kept must prominently post the uniform dangerous dog symbol, to inform children that there is a dangerous dog on the property, which has been approved by the state commissioner of public safety and provided by the City at the time of initial registration upon payment by the owner of a fee to cover both the costs of the symbol and the costs of issuance;

- (2) Register the dog as a dangerous dog with the City in accordance with state law, paying the fees set forth in Section 14.03 and providing such proof of compliance with the requirements of this Section as required by the Issuing Authority, along with a surety bond issued by a surety company authorized to conduct business in the State of Minnesota in a form acceptable to the Issuing Authority in the sum of at least \$300,000 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, insuring the owner for any personal injuries inflicted by the dangerous dog and renew the registration of the dog annually until the dog is deceased. If the dog is removed from the City, it must be registered as a dangerous dog in its new location;
  - (3) Cause the dog to be implanted with a microchip for identification and provide the City animal control authority with the name of the microchip manufacturer and the serial identification number of the microchip implanted within fourteen (14) days of the date the dog was determined to be dangerous or upon failure to do so, allow the City animal control authority to seize the dog and have it sterilized at the owner's expense;
  - (4) Maintain affixed to the dog's collar at all times a standardized, easily identifiable tag identifying the dog as dangerous and containing the uniform dangerous dog symbol, as approved by the state's commissioner of public safety;
  - (5) Cause the dog to be sterilized at the owner's expense and provide the City animal control authority with proof thereof, including the name, address and telephone number of the veterinarian who performed the procedure, within thirty (30) days of the date the dog was determined to be dangerous or upon failure to do so, allow the City animal control authority to seize the dog and have it sterilized at the owner's expense;
  - (6) Provide the City animal control authority with written notice of the death of the dog within thirty (30) days thereof and if requested execute an affidavit under oath setting forth the circumstances of the dog's death and disposition;
  - (7) Provide the City animal control authority with written notice of any intended relocation of the dog from its current residence on record and provide any new owner's full name, address, daytime and evening telephone numbers and the relocation address at least ten (10) days prior to any such relocation or new ownership;
  - (8) Accompany the sale or transfer of the dog to another owner with a written statement signed and notarized by the transferee listing his or her full name, address, daytime and evening telephone numbers and acknowledging that the City animal control authority has identified the dog as dangerous and provide a copy thereof to the City animal control authority and also to Hennepin County; and
  - (9) Provide the owner of real property where the dangerous dog will reside with a written disclosure that the City animal control authority has identified the dog as dangerous prior to entering into a lease agreement and at the time of any lease renewal.
- (h) **Confiscation of Dangerous Dogs.** Failure to strictly comply with any of these requirements will result in the summary seizure and impoundment of the dog by the City animal control authority. In addition, if the dog's owner is convicted of violating Section 14.96 of this Code or state laws regulating dangerous dogs, the criminal court as a part of its sentence may order that the dog be confiscated and destroyed in a proper and humane manner and that the owner pay the costs incurred in confiscating, confining and destroying the dog. Where an owner is convicted of violating Section 14.96 of this Code or state laws regulating dangerous dogs and is thereafter charged with a subsequent such violation relating to the same dog, the dog must be summarily seized and impounded by the animal control authority. Upon conviction of that subsequent offense, the court may order as part of its sentence that the dog be destroyed in a proper and humane manner and that the owner pay the cost of confiscating, confining and destroying the dog.

Any person who harbors, hides or conceals or aids and abets the harboring, hiding or concealment of a dog determined to be dangerous under Section 14.96 of this Code or state laws regulating dangerous dogs shall be guilty of a misdemeanor.

- (i) — **Reclaiming Seized Dog.** A confiscated dangerous dog not subject to destruction under this Section may be reclaimed by an owner upon payment of impoundment and boarding fees and presenting proof of compliance with all of the requirements of Section 14.96 of this Code or state laws regulating dangerous dogs. A confiscated dog not reclaimed under this Section within seven (7) days may be destroyed in a proper and humane manner with the owner being responsible for the costs of confiscation, boarding and destruction.
- (j) — **Security.** A person claiming an interest in a seized dog may prevent disposition or destruction of the dog pending the outcome of any appeal by posting security in an amount sufficient to provide for the dog's actual cost of care and keeping. The security must be posted within seven (7) days of the seizure, including the date of seizure.
- (k) — **Destruction of Dog in Certain Circumstances.** Where the City animal control authority seeks to destroy a dog, it must provide the owner with specific notice, in writing, of its intent to destroy the animal and provide the owner with a full and fair opportunity for a hearing on this issue using the procedure set forth at subsection (f) of this Section. Prior to destroying the animal, specific findings must be made, as follows:
- (1) — the attack was particularly vicious as demonstrated by its inflicting multiple bites on a human victim or bites on multiple human victims in the same attack on public or private property without provocation;
  - (2) — that the attack resulted in substantial or great bodily harm to a human victim on public or private property without provocation; or
  - (3) — the dog bit a human victim on public or private property without provocation in an attack where more than one dog participated in the attack.
- Based upon these findings, the dog may be destroyed in a proper and humane manner by the City animal control authority with the owner being responsible for the costs of confiscation, boarding and destruction.
- (l) — **Assessment of the City's Costs.** In accordance with Section 12.15, subd. 2 of the City Charter, unpaid costs of confiscation, confinement and destruction of a dog, as well as the costs of a dangerous dog hearing pursuant to this Section may be assessed against the property where the dog was kept, harbored, possessed or owned. Prior to any assessment for these costs, the City animal control authority shall seek voluntary payment of these costs by notifying the owner of the property in writing of the costs due and owing. On or before the first day of October of each year, the unpaid costs and the late fees, including an administrative charge of \$8.00 due upon the mailing of the notice of proposed assessment, together with interest thereon at the maximum lawful rate permitted under Minnesota law against said lot or parcel of land, together with a description of the premises and the name of the owner, shall be certified to the County Auditor and shall be collected in the same manner as taxes and/or special assessments against the premises. The charge shall be a perpetual lien on the premises until paid. Prior to the certification to the County Auditor, the owner shall be given written notice of the proposed assessment and be provided an opportunity to be heard before the City Council.
- (m) — **Dog Ownership Prohibited.** No person, or any other member of that person's household, may own any dog in the City where the person has:
- (1) — been convicted of a third or subsequent violation of Minnesota Statute Sections 347.51, 347.515, or 347.52 or City Code Sections 14.95(c) or 14.96(g);
  - (2) — been convicted of a violation of Minnesota Statute Section 609.205(4);
  - (3) — been convicted of a gross misdemeanor violation of Minnesota Statute Section 609.226, subd. 1;
  - (4) — been convicted of a violation of Minnesota Statute Section 609.226, subd. 2; or
  - (5) — had a dog ordered destroyed under Minnesota Statute Section 347.56 or this Section of City Code and been convicted of one or more violations of Minnesota Statute Sections 347.51, 347.515, 347.52 or 609.226, subd. 2 or City Code Sections 14.95(c) or 14.96(g).
- (n) — **Dog Ownership Prohibition Review.** Beginning three (3) years after being disqualified from dog ownership under Minnesota Statute Section 347.52(1) or section 14.96(l) and annually thereafter, the person may request that the animal control authority review the prohibition. The animal control

authority may consider such facts as the seriousness of the violation or violations that led to the prohibition, any criminal convictions, or other factors the animal control authority deems relevant. The prohibition may be rescinded entirely or with limitations or conditions. Failure to comply with stated conditions or limitations or if the person is convicted of an offense listed in subsection (m) or any animal violation involving unprovoked bites or dog attacks, the animal control authority may permanently prohibit the person from owning a dog.

- (o) ~~**Review of Dangerous Dog Designation.**~~ Beginning six (6) months after a dog is declared dangerous hereunder, an owner may request annually that the City animal control authority review the designation by serving upon it with a written request for review that includes the full name, address and telephone numbers of the requestor, a list of the names and addresses of all owners of the dog, the requestor's ownership interest, and a summary of the basis for the claimed change in the dog's behavior. The request for review shall be accompanied by all documents in support of the contention that the dog's aggressive behavior has been modified. Within fourteen (14) days of the receipt of the request, the animal control authority shall make a determination in writing as to whether or not to rescind the dangerous dog designation. Should the designation be rescinded, the dog shall nonetheless continue to be considered potentially dangerous and subject to the requirements of Section 14.95 of this Code.

#### **SEC. 14.970. PENALTIES.**

Unless otherwise specifically noted herein, a violation of any provision of this Division of the Code shall be a misdemeanor under Minnesota law. In addition, the provisions of this Division shall be subject to enforcement by administrative citations and subject to civil fines pursuant to the Administrative Mediation and Hearing Process set forth in Chapter 1, Article II of this Code.

#### **SEC. 14.97.01. SEVERABILITY.**

If any section, subsection, sentence, clause, or phrase of this Division is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Division. The City Council hereby declares that it would have adopted the Division in each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

### **Division B. Rabies Control**

#### **SEC. 14.98. PURPOSE; APPLICABILITY.**

The purpose of this Division is to control the spread of rabies in the community and to protect the general public from animals that pose a risk of rabies infection. Nothing in this Division shall authorize the ownership of an animal that is a prohibited wild animal under Division F of this Chapter.

#### **SEC. 14.99. DEFINITIONS.**

The following words and terms, when used in this Division, shall have the following meanings, unless the context clearly indicates otherwise:

**Animal**—every non-human species of animal, both domestic and wild.

**Animal Shelter**—any premises designated by the City for the purposes of impounding and caring for all animals found in violation of this Division.

**Animal Control Officer**—a person employed by or under contract with the City who is responsible for animal control enforcement.

**Cat**—a domesticated feline wholly of the species *Felis domesticus*, male or female, intact or neutered.

**City Hearing Examiner**—a person designated by the City to conduct the hearings prescribed in this Division.

**Compendium of Animal Rabies Control ("Compendium")**—the Compendium of Animal Rabies Control prepared by the National Association of State Public Health Veterinarians and approved by the Minnesota Board of Animal Health.

**Dog**— a domesticated canine animal wholly of the species *Canis familiaris*, male or female, intact or neutered.

**Farm Animal**— a domesticated species of fowl, pigeons, or hoofed mammal commonly kept for agricultural purposes such as a horse, cow, sheep, goat, pig, or llama.

**Issuing Authority**— the City of Bloomington Business License Section.

**Kenel**— any lot or premises or portion thereof on which more than four (4) dogs, cats, or other household domestic animals over six (6) months old, or a combination thereof, are kept or on which more than two (2) such animals are boarded for compensation or kept for sale.

**Other Animal Kept as a Pet**— an animal other than a dog or cat for which a rabies vaccine is licensed for the species by the United States Department of Agriculture. An animal that is deemed a prohibited wild animal pursuant to Division F of this Chapter shall not be kept as a pet even though a rabies vaccine is licensed for the animal, and such an animal shall not be included in the definition of "Other Animal Kept as a Pet".

**Owner**— a person who is the legal owner of animal(s), or the owner's agent, or the person in possession of or caring for such animal(s).

**Rabid Animal**— an animal showing signs associated with rabies that are observed and reported by a veterinarian, or an animal diagnosed as positive for rabies by a recognized laboratory, or both. Any skunk, wolf, wolf hybrid, civet cat, raccoon, opossum, bat, or fox that bites a dog or cat shall be deemed to be a rabid animal for the purposes of this Section.

**Rabies Control Authority**— a duly authorized person responsible for the enforcement of this Division as directed by the City Manager.

**Rabies Suspect**— any animal which is considered as a potentially rabid animal under guidelines of the U.S. Centers for Disease Control, and which has bitten any person and caused an abrasion of the skin of such person or has otherwise exposed that person to its saliva through an open wound or mucous membrane.

**Regular Business Day**— a day during which the City animal shelter is open to the public for not less than four (4) consecutive hours between the hours of 8:00 a.m. and 7:00 p.m.

**Vaccination Against Rabies**— the inoculation of a dog, cat, farm animal, or other animal kept as a pet with a rabies vaccine licensed for that species by the United States Department of Agriculture and administered in accordance with recommendations listed in the current year's Compendium of Animal Rabies Control. The vaccination must be performed by or under the supervision of a veterinarian.

**Veterinarian**— a graduate of a veterinary college, who is accredited by the United States Department of Agriculture and licensed by the State of Minnesota or another state of the United States.

#### **SEC. 14.100. VACCINATION REQUIREMENTS.**

- (a) **Vaccination Requirements for Dogs, Cats, and Other Animals Kept as Pets.** Every dog, cat, or other animal kept as a pet shall be vaccinated against rabies.
- (b) **Timing of Vaccination.** Dogs, cats, or other animals kept as pets that are too young to be vaccinated against rabies as indicated by the Compendium shall be vaccinated against rabies within thirty (30) days after they reach the minimum age for vaccination as allowed by the Compendium.
- (c) **Revaccination.** A vaccinated dog, cat, or other animal kept as a pet shall be revaccinated at intervals not to exceed the effective duration of the vaccination as listed in the Compendium.
- (d) **Newly Acquired or Imported Animals.** Unvaccinated dogs, cats or other animals kept as pets that are acquired or moved into the City shall be vaccinated within thirty (30) days of purchase or arrival, unless the animal is under the minimum age as specified in paragraph (b) of this Section.
- (e) **Administration of Vaccine by Veterinarian Required.** Because of techniques and tolerances, species limitations, and public health implications, animal rabies vaccines shall be administered only by or under the supervision of a veterinarian.
- (f) **Unvaccinated Animals.** Any animal of a species for which no rabies vaccination is licensed for that species by the United States Department of Agriculture shall be considered unvaccinated for rabies, regardless of that animal's vaccination history.

**SEC. 14.101. DISPOSITION OF RABIES SUSPECTS.**

- (a) ~~**Unvaccinated Dogs, Cats and Ferrets That Are Rabies Suspects.** Any dog, cat, or ferret that is a rabies suspect and is not vaccinated in accordance with Section 14.100 of this Code shall be seized, impounded, and quarantined under the supervision of a veterinarian or in an animal-tight enclosure approved by the Rabies Control Authority, for a period of not less than ten (10) days following the exposure. After expiration of the quarantine period, an examination by the Rabies Control Authority or by a veterinarian shall be conducted and if, after the examination, the animal has no clinical signs of rabies, it may be released to the owner after payment of impoundment fees, or, in the case of a stray, it shall be humanely euthanized or placed in the custody of a suitable person for adoption and care.~~
- (b) ~~**Vaccinated Dogs, Cats and Ferrets That Are Rabies Suspects.** Any dog, cat, or ferret that is a rabies suspect and is vaccinated in accordance with Section 14.100 of this Code shall be quarantined by the owner or other responsible person as required by the Rabies Control Authority for a period of ten (10) days. If the owner or the other responsible person is not confining the animal during the ten (10) day period, the Rabies Control Authority may confiscate the animal for proper confinement. After expiration of the quarantine period, an examination by the Rabies Control Authority or a veterinarian shall be conducted and if, after the examination, the animal has no clinical signs of rabies, it may be released from quarantine after payment of impoundment fees.~~
- (c) ~~**Other Animals That Are Rabies Suspects.** Any animal, other than a dog, cat or ferret, that is a rabies suspect may be seized and may, after notice to its owner, if known, and a hearing conducted by the City Hearing Examiner, be humanely euthanized and submitted to the Veterinary Diagnostic Laboratory at the University of Minnesota for examination for rabies. An owner may waive his or her rights to a hearing under this subsection. If a hearing is conducted, the City Hearing Examiner may consider evidence regarding the species of the animal, the circumstances of the bite, the epidemiology of rabies in the area, and the period of virus shedding for the species, if known. Prior vaccination of an animal does not preclude the necessity for euthanasia and testing if the period of virus shedding is unknown for that species.~~
- (d) ~~**Payment of Fees.** The owner shall be responsible for the payment of all impound, disposal, and boarding fees established pursuant to Division I of this Article.~~
- (e) ~~**Release Requirements.** Animals quarantined pursuant to this Section shall not be released until a written report is received by the Animal Control Officer and the Minnesota Board of Animal Health from a veterinarian stating the veterinarian has inspected the animal and no signs of rabies were observed.~~

**SEC. 14.102. DISPOSITION OF ANIMALS BITTEN OR EXPOSED BY A RABID ANIMAL.**

- (a) ~~**Unvaccinated Dogs or Cats Bitten by a Rabid Animal.** Any dog or cat that is known to have been bitten by a rabid animal and that has not been vaccinated in accordance with Section 14.100 of this Code shall be humanely euthanized with the owner's consent. If the owner is unwilling to consent to euthanizing the bitten dog or cat, the bitten dog or cat shall be quarantined in an animal-tight enclosure constructed so that the animal cannot escape and to prevent the animal from biting or coming in contact with persons and other animals. The quarantine shall take place under veterinary supervision for a minimum of six (6) months. Before release of the dog or cat to its owner, it shall be vaccinated for rabies one (1) month prior to its release. If the owner does not comply with the requirements of the quarantine, the bitten dog or cat may be humanely euthanized after notice to the owner and a hearing conducted by the City Hearing Examiner. An owner may waive his or her right to a hearing under this subsection.~~
- (b) ~~**Vaccinated Dogs or Cats Bitten by a Rabid Animal.** A dog or cat that is known to have been bitten by a rabid animal and that has been vaccinated in accordance with Section 14.100 of this Code, shall be immediately revaccinated and kept under the owner's control and observed for forty-five (45) days.~~
- (c) ~~**Other Animals Bitten By A Rabid Animal.**~~
- (1) ~~Animals currently vaccinated with a vaccine approved by the U.S. Department of Agriculture for that species that have been exposed by a rabid animal shall be immediately revaccinated and placed for at least ninety (90) days in an animal-tight enclosure constructed so that the animal cannot escape and to prevent the animal from biting or coming in contact with persons or other animals.~~

- (2) ~~Any unvaccinated animal, other than a dog or cat, that has been determined by a veterinarian to be bitten or otherwise exposed by a rabid animal shall be humanely euthanized or quarantined in an animal-tight enclosure constructed so that the animal cannot escape and to prevent the animal from biting or coming in contact with persons or other animals. The quarantine shall take place under veterinary supervision for a minimum of six (6) months. If the owner does not comply with the requirements of the quarantine, the animal may be humanely euthanized after notice to the owner and a hearing conducted by the City Hearing Examiner. An owner may waive his or her right to a hearing under this subsection.~~
- (d) ~~**Reports to State Board.** It shall be the duty of the Rabies Control Authority to report to the Minnesota Board of Animal Health any bite to an animal by a rabid animal.~~
- (e) ~~**Release Requirements.** Animals quarantined pursuant to this Section shall not be released until a written report is received by the Animal Control Officer and the Minnesota Board of Animal Health from a veterinarian stating the veterinarian has inspected the animal and no signs of rabies were observed.~~

#### **SEC. 14.103. IMPOUNDMENT OF UNVACCINATED ANIMALS.**

Impoundment of dogs, cats, or other animals kept as pets found to be in violation of this Division shall be in accordance with Division I of this Article.

#### **SEC. 14.104. RESPONSIBILITIES OF VETERINARIANS AND OWNERS RESERVED.**

- (a) ~~**Reporting of Rabies Suspects.** It shall be the duty of every veterinarian to report to the Rabies Control Authority the diagnosis of any animal within the City of Bloomington observed by the veterinarian as a rabies suspect.~~
- (b) ~~**Preparation of Vaccination Certificate.** A veterinarian shall, at the time of vaccinating an animal, complete in duplicate a valid National Association of State Public Health Veterinarians' Rabies Vaccination Certificate, or a comparable substitute, that includes the following information:~~
- (1) ~~the owner's name, address, and telephone number;~~
  - (2) ~~a description of the animal (predominant breed, sex, color, age, name, and weight);~~
  - (3) ~~the date of vaccination;~~
  - (4) ~~the rabies vaccination tag number;~~
  - (5) ~~the type of rabies vaccine administered;~~
  - (6) ~~the manufacturer's serial number of the vaccine;~~
  - (7) ~~the listed duration date of the vaccination; and~~
  - (8) ~~the veterinarian's signature and code number.~~
- (c) ~~**Distribution of Vaccination Certificate.** The owner shall keep the original Vaccination Certificate issued by the veterinarian and present the Certificate at the time of applying for a dog or cat license.~~
- (d) ~~**Issuance of Vaccination Identification Tags.** The veterinarian shall issue a metal or durable plastic tag, serially numbered, at the time of vaccination, which indicates that the animal has been vaccinated.~~
- (e) ~~**Vaccination Tag on Animal Required.** The owner of the animal shall ensure that the vaccination identification tag is securely attached to the collar or harness of the dog, cat, or other animal kept as a pet. If the vaccinated animal is out-of-doors, either on the owner's premises but not confined or off the owner's premises, the collar or harness with the vaccination tag attached shall be worn.~~

#### **SEC. 14.105. CAT LICENSES AND RABIES VACCINATION RESERVED.**

- (a) ~~**Cat Licenses and Rabies Vaccination Required.** All persons who own a cat within the City that is three (3) months or older shall have the cat licensed and vaccinated against rabies in accordance with this Section 12.107 of Article IV of this Code.~~
- (b) ~~**Exceptions.** Hospitals, clinics, and other facilities operated by veterinarians that are used for the care and treatment of cats are exempt from obtaining a cat license for each animal, as are cats belonging to a nonresident of the City provided the cats are not kept within the City for more than thirty (30) days in one calendar year.~~

- (c) ~~**Application.** The application for a cat license shall request: the full name, home address, and phone number of the owner of the cat; the name, color, age and sex of the cat to be licensed; a current certificate of rabies vaccination for the cat; and any other information deemed to be necessary by the Issuing Authority.~~
- (d) ~~**License Fee.** The license fee shall be as set forth in Section 14.03 of this Code. The fee shall be paid at the time the application for the license is submitted to the Issuing Authority.~~
- (e) ~~**License Duration.** All licenses issued under this Section shall expire on December 31 of the year for which the license was issued.~~
- (f) ~~**License Tag.** A valid metallic or durable plastic license tag shall be securely fastened to the cat's collar. If the cat is out-of-doors, either on the owner's premises but not confined or off the owner's premises, the collar or harness with the license tag attached shall be worn.~~

**SEC. 14.105.01. FERRET RABIES VACCINATION REQUIRED RESERVED.**

All persons who own a domestic ferret within the city that is three (3) months or older shall have the ferret vaccinated against rabies in accordance with this Division.

**SEC. 14.106. REPORTS OF PERSONS TREATED FOR ANIMAL BITES RESERVED.**

Every physician or other person shall report to the Rabies Control Authority the name and addresses of persons treated for bites inflicted by animals within the City.

**SEC. 14.107. PENALTY AND ENFORCEMENT RESERVED.**

- (a) ~~**Misdemeanor.** Except for Sections 14.104(a)-(d) and Section 14.106, a violation of this Division shall be a misdemeanor under Minnesota law.~~
- (b) ~~**Authority to Petition for a Warrant.** For the purposes of discharging the duties imposed by this Division and in order to further the investigation of rabies suspects, the Rabies Control Authority, city animal control officers or any licensed peace officer, upon demonstration of cause, may petition for issuance of a warrant to enter premises upon which an animal is kept or harbored.~~

**SEC. 14.108. SEVERABILITY RESERVED.**

If any section, subsection, sentence, clause, or phrase of this Division is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Division. The City Council hereby declares that it would have adopted the Division in each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

## **Division C. Animal Welfare Reserved**

**SEC. 14.109. PURPOSE RESERVED.**

The purpose of this Division of the City Code is to prevent cruelty to animals. Pursuant to Minnesota Statutes, Section 343.01 City animal control officers and licensed peace officers may coordinate their efforts with the state federation of county and district societies for the prevention of cruelty to animals.

**SEC. 14.110. DEFINITIONS RESERVED.**

The following words and terms, when used in this Division, shall have the following meanings, unless the context clearly indicates otherwise:

- ~~**Animal**— every non-human species of animal, both domestic and wild.~~
- ~~**Animal Control Officer**— a person employed by or under contract with the City who is responsible for animal control enforcement.~~
- ~~**Cruelty**— every act, omission, or neglect which causes or permits unnecessary or unjustifiable pain, suffering, or death.~~
- ~~**Issuing Authority**— City of Bloomington Business License Section.~~

**Kennel**—any lot or premises or portion thereof on which more than four (4) dogs, cats, or other household domestic animals over six (6) months old, or a combination thereof, are kept or on which more than two (2) such animals are boarded for compensation or kept for sale.

**Owner**—any person owning, possessing, keeping, harboring or having an interest in or having care, custody or control of the animal, excluding veterinarians or kennels temporarily maintaining the animal on their premises where the animal is owned by another.

**Person**—one (1) or more natural persons; a partnership, including a limited partnership; a corporation; a trust; or any other business organization or association.

#### **SEC. 14.111. DUTIES OF OFFICERS IN INVESTIGATING CRUELTY COMPLAINTS RESERVED.**

- (a) ~~**Investigation Authority.** Animal control officers or licensed peace officers are hereby empowered and authorized to make inspections and conduct investigations of alleged violations of this Division and state law regarding cruelty to animals.~~
- (b) ~~**Duty of Animal Control Officers Regarding Exposure of Animals.** Pursuant to Minnesota Statutes, Section 343.29, the animal control officer or licensed peace officer may remove, shelter, and care for any animal which is not properly sheltered from the cold, hot, or inclement weather, or any animal not properly fed or watered, or provided with suitable food and drink. When necessary, the animal control officer or licensed peace officer may deliver the animal to another person to be sheltered and cared for, and furnished with suitable food and drink. In all cases, the owner, if known, shall be immediately notified pursuant to state law, and the person having possession of the animal shall have a lien thereon for its actual costs of care and keeping. If the owner or custodian is not known and cannot by reasonable effort be ascertained or does not, within ten (10) days after notice, redeem the animal by paying the expenses authorized by state law, the animal may be treated as an stray under state law. Upon a proper determination by a licensed doctor of veterinary medicine, any animal taken into custody pursuant to state law and this Section of the City code may be immediately disposed of when the animal is suffering and is beyond cure through reasonable care and treatment. The expenses of disposal shall be subject to the provisions of state law.~~

#### **Subdivision 1. Reserved**

#### **SEC. 14.112. TRAPPING OF ANIMALS RESERVED.**

- (a) ~~**Purpose.** It is the purpose of this Division to preserve a balance of wild animals and birds and prevent the unselective catching, maiming and destruction of wild animals, birds and domestic animals that come in contact with traps.~~
- (b) ~~**Definitions.** The following words and terms, when used in this Division, shall have the following meanings, unless the context clearly indicates otherwise:~~
- ~~**Trap**—any mechanical device, snare, artificial light, net, bird line, ferret, hawk, vehicle, or any contrivance whatever.~~
- ~~**Trapping**—the setting or laying or otherwise using of a trap anywhere in the City of Bloomington to catch, snare or otherwise restrain free movement of mammals, fish or birds.~~
- (c) ~~**Trapping Prohibition.** Trapping anywhere in the City of Bloomington is prohibited.~~
- (d) ~~**Penalty.** Violation of any provision of this Division shall be a misdemeanor.~~
- (e) ~~**Exception for Governmental Officials.** The provisions of this Division do not apply to wildlife conservation or animal control officers, or other designated representatives of the City, County, State or Federal Government who may in the course of their duties be required to use a trap to catch, snare, kill or otherwise restrain the free movement of any animal, wildlife or birds for humane or otherwise authorized purposes.~~
- (f) ~~**Exception for Unsafe Conditions.** The provisions of this Division do not apply to persons who may employ a trap on their private property to prevent an unsafe condition or the waste or destruction of their property when such persons have complied with the provisions of the laws, rules and regulations of the State of Minnesota and have taken reasonable steps such as, but not limited to fencing, repellents, and elimination of supplemental feeding to deter unwanted animals, wildlife or birds from their property.~~
- (g) ~~**Exception for Live Traps.** Live trapping shall be permitted on private property within the City provided that the person employing live traps shall have the consent of the owner of such property~~

to enter upon the property for the purpose of trapping, and when such persons have complied with the provisions of the laws, rules and regulations of the State of Minnesota.

- (h) ~~**Prohibition of Steel Jawleg-Hold Traps.**~~ No person shall set or use a steel jawleg hold or killer trap within the corporate limits of the City unless specifically authorized to do so by a governmental agency on that government's property. Nothing herein shall affect one's right, under Minnesota Statutes, Section 97B.665, to take certain animals on land owned or occupied by the person where the animal is causing damage.

~~**SEC. 14.113. ANIMALS AS PROMOTIONAL DEVICES RESERVED.**~~

No person shall give away any live animal, fish, reptile, or bird as a prize for, or as an inducement to enter any contest, game, or other competition; as an inducement to enter a place of amusement; or as an incentive to any business agreement whereby the offer was for the purpose of attracting trade.

~~**SEC. 14.114. NOTIFICATION OF INJURED ANIMAL RESERVED.**~~

Any person who, as the operator of a motor vehicle, strikes a domestic animal shall immediately report such injury or death to the appropriate law enforcement official or the animal's owner.

~~**SEC. 14.115. SANITATION RESERVED.**~~

No person shall permit feces, urine, or food scraps to remain in any place where any animal is kept for a period that is longer than what is reasonable and consistent with proper health and sanitation or odor prevention.

**Subdivision 2. Reserved**

~~**SEC. 14.116. INCORPORATION OF STATE CRUELTY STATUTES RESERVED.**~~

The following state statutory provisions prohibiting cruelty to animals are hereby incorporated by reference and adopted as part of this Section: Minnesota Statutes, Sections 343.20-343.28; Sections 343.30-343.34; Sections 343.36-343.37; Section 343.40; Sections 346.37-346.42; and Section 346.57.

~~**SEC. 14.117. LIMITATION ON NUMBER OF DOGS AND CATS; KENNEL LICENSE RESERVED.**~~

- (a) ~~**Limitation on Number of Dogs and Cats.**~~ No person shall keep in any one household unit, lot, or premise or portion thereof more than four (4) dogs, cats, or other household domestic animals over six (6) months old, or a combination thereof, or on which more than two (2) such animals are boarded for compensation or kept for sale unless a person has a valid kennel license from the City.
- (b) ~~**Kennel License Required.**~~ No person may operate a kennel as defined herein in the City without first obtaining a kennel license under this Section.
- (c) ~~**Kennel License Application; Fee.**~~ Application for a kennel license shall be made to the Issuing Authority and shall be accompanied by the license fee as set forth in Section 14.03 of this Code.
- (d) ~~**Consideration of License Application.**~~ The Issuing Authority shall initially review the kennel license application for compliance with this Chapter and then refer the application to the Planning Division for consideration of all zoning requirements. If all licensing and zoning requirements are satisfied, the Issuing Authority may issue the kennel license to the applicant.
- (e) ~~**Appeal to City Council.**~~ If the application for a kennel license is denied by the Issuing Authority, the applicant may appeal the decision to the City Council within ten (10) days of notification of the denial. The City Council may impose conditions upon the granting of any kennel license.
- (f) ~~**Revocation.**~~ Kennel licenses may be revoked by the City Council for any violation of any condition placed on the license or for any violation of law or regulation, after notice and hearing is provided to the licensee.
- (g) ~~**Sanitation.**~~ Kennels shall be maintained in a clean and healthful condition at all times.

~~**SEC. 14.118. PENALTY RESERVED.**~~

Unless otherwise specifically noted herein, a violation of this Division of the City Code shall be a misdemeanor under Minnesota Law.

**SEC. 14.119. SEVERABILITY RESERVED.**

If any section, subsection, sentence, clause, or phrase of this Division is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Division. The City Council hereby declares that it would have adopted the Division in each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

**Division D. Animal Noise Reserved****SEC. 14.120. PURPOSE RESERVED.**

The purpose of this Division of the City Code is to prevent unreasonable disturbances of the peace and quiet caused by noise from dogs and other animals.

**SEC. 14.120.01. DEFINITIONS RESERVED.**

The following words and terms, when used in this Division, shall have the following meanings, unless the context clearly indicates otherwise:

**Animal**—every non-human species of animal, both domestic and wild.

**Animal Control Officer**—a person employed by or under contract with the City who is responsible for animal control enforcement.

**Dog**—any animal in whole or in part of the species canis familiaris.

**Environmental Health Officer**—an official employed by or under contract with the City who is responsible for investigating noise complaints.

**Person**—one (1) or more natural persons; a partnership, including a limited partnership; a corporation; a trust; or any other business organization or association.

**Unreasonably disturb the peace and quiet**—includes, but is not limited to, the creation of any noise by any animal which can be heard by any person, including animal control officers, environmental health officers or licensed peace officers, from a location outside of the building or premises where the animal is being kept and which animal noise occurs either: (1) repeatedly over at least a seven-minute period of time with one minute or less lapse of time between each animal noise during the seven-minute period, or (2) repeatedly over at least a fourteen-minute period of time, at an average of at least twelve animal noises per minute.

**SEC. 14.121. NOISE MADE BY DOGS AND OTHER ANIMALS RESERVED.**

No person owning, operating, having charge of, or occupying any building or premises shall keep or allow to be kept any dog or other animal which shall, by any noise, unreasonably disturb the peace and quiet as defined herein.

**SEC. 14.121.01. COMPLAINTS RESERVED.**

Any person may call or deliver a complaint to an environmental health officer, an animal control officer, or a licensed peace officer stating the facts and circumstances of an alleged violation of this Division. The environmental health officer, animal control officer, or licensed peace officer may investigate such complaint. If a violation occurs in the presence of the environmental health officer, animal control officer, or licensed peace officer, a summons may be issued. If a violation did not occur in the presence of such officers but probable cause of a violation exists, all reports, witness statements, and evidence may be submitted to the Bloomington City Attorney's Office for a determination of whether a formal complaint should be issued.

**SEC. 14.121.02. PENALTY RESERVED.**

Violation of any provision of this Division shall be a misdemeanor under Minnesota law.

**SEC. 14.121.03. SEVERABILITY RESERVED.**

If any section, subsection, sentence, clause, or phrase of this Division is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Division. The City

Council hereby declares that it would have adopted the Division in each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

### **Division E. Animals Running Loose Reserved**

#### **SEC. 14.121.04. PURPOSE RESERVED.**

The purpose of this Division of the City Code is to prevent animals from running loose at-large in the City. The City Council finds that animals unattended and at-large can endanger the health, safety, and welfare of the general public.

#### **SEC. 14.121.05. DEFINITIONS RESERVED.**

The following words and terms when used in this Division shall have the following meanings unless the context clearly indicates otherwise:

**Animal**—every non-human species of animal, both domestic and wild.

**Animal Control Officer**—a person employed by or under contract with the City which is responsible for animal control enforcement.

**Owner**—any person owning, possessing, keeping, harboring or having an interest in or having care, custody or control of the animal, excluding veterinarians or kennels temporarily maintaining the animal on their premises where the animal is owned by another.

#### **SEC. 14.121.06. RUNNING AT-LARGE PROHIBITION RESERVED.**

No owner shall allow or permit the owner's animal to be at-large within the City. An animal is at-large when it is off the premises owned or occupied by its owner and is unaccompanied by the owner.

#### **SEC. 14.121.07. IMPOUNDMENT RESERVED.**

Impoundment of animals running loose shall be in accordance with Division I of this Article.

#### **SEC. 14.121.08. APPLICABILITY RESERVED.**

This Division does not apply to dogs; dogs shall be governed by Division A of this Article.

### **Subdivision 3. Reserved**

#### **SEC. 14.122. PENALTY RESERVED.**

Unless otherwise specifically noted herein, a violation of any provision of this subdivision shall be a misdemeanor under Minnesota law.

#### **SEC. 14.123. SEVERABILITY RESERVED.**

If any section, subsection, sentence, clause, or phrase of this Division is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Division. The City Council hereby declares that it would have adopted the Division in each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

### **Division F. Wild Animals Reserved**

#### **SEC. 14.124. PURPOSE RESERVED.**

The purpose of this Division is to prohibit the keeping of wild animals as pets within the City in order to protect the health, safety, and welfare of the general public. The City Council finds that wild animals kept as pets in an urban setting present a substantial risk of harm to the general public; can increase the likelihood of disease transmission; and can cause public disturbances and public health nuisances.

**SEC. 14.125. DEFINITIONS RESERVED.**

The following words and terms, when used in this Division, shall have the following meanings, unless the context clearly indicates otherwise:

**Animal**—every non-human species of animal, both domestic and wild.

**Cruelty**—every act, omission, or neglect which causes or permits unnecessary or unjustifiable pain, suffering, or death.

**Farm Animal**—a domesticated species of fowl, or hoofed mammal commonly kept for agricultural purposes such as a horse, cow, sheep, goat, pig, or llama.

**Owner**—any person owning, possessing, keeping, harboring or having an interest in or having care, custody or control of the animal, excluding veterinarians or kennels temporarily maintaining the animal on their premises where the animal is owned by another.

**Person**—one (1) or more natural persons; a partnership, including a limited partnership; a corporation, including a foreign, domestic, or nonprofit corporation; a trust; or any other business organization or association.

**Veterinary Hospital**—any establishment maintained or operated by a licensed veterinarian for surgery, diagnosis, and treatment of diseases and injuries of animals.

**Wild Animal**—every non-human species of the animal kingdom, including those born or raised in captivity, except the following:

- (1) domestic dogs (excluding hi-breds with wolves, coyotes, or jackals) properly vaccinated against rabies pursuant to law,
- (2) domestic cats (excluding hi-breds with ocelots or margays) properly vaccinated against rabies pursuant to law,
- (3) farm animals, including bees, Vietnamese pot-bellied pigs, and pigeons, provided that no more than one (1) Vietnamese pot-bellied pig and no more than five (5) pigeons can be kept on any one (1) lot or premises,
- (4) rodents, including hamsters, mice, gerbils, white rats, guinea pigs, hedgehogs, capable of being maintained continuously in cages,
- (5) rabbits,
- (6) captive-bred species of common cage birds,
- (7) small non-venomous snakes of less than six (6) feet in length,
- (8) chinchillas, non-venomous lizards, and other similar small animals capable of being maintained continuously in cages,
- (9) fish, unless prohibited by state or federal law,
- (10) neutered male or spayed female domestic ferrets, and
- (11) song birds or other wild species of birds other than turkeys, ducks and geese, that may be fed from feeders five (5) feet off of the ground for application of Sections 14.135.03 to .05 only.

**Zoological Park**—any facility operated by a person, partnership, corporation, or governmental agency, other than a pet shop or kennel, displaying or exhibiting one or more species of non-domesticated animals.

#### Subdivision 4. Reserved

**SEC. 14.126. THE KEEPING OR SELLING OF WILD ANIMALS PROHIBITED RESERVED.**

- (a) No person shall own, possess, or have custody on his or her premises any wild animal for display, training, or exhibition purposes, whether gratuitously or for a fee.
- (b) No person shall keep or permit to be kept any wild animal as a pet.
- (c) No person shall offer for sale any wild animal unless specifically authorized by federal or state law.

**SEC. 14.127. EXCEPTIONS; PERMITS AND LICENSES RESERVED.**

- (a) **Temporary Events.** A traveling circus, zoological park, or show which keeps wild animals for a temporary exhibition may be issued a temporary conditional use permit allowing such animals

within the City for a period not to exceed thirty (30) days, provided the person, traveling circus, zoological park, or show has obtained a state permit or is exempt from such requirement pursuant to Minnesota Statutes, Section 97A.401. The city temporary conditional use permit shall specify the conditions under which the permit is issued in order to protect the general public and to prevent cruelty or neglect to such animals.

- (b) ~~**Permanent Exhibitions.**~~ A zoological park or other institution engaged in a permanent display of wild animals may be issued a conditional use permit by the City provided applicable zoning requirements are met and may be issued a commercial animal establishment license pursuant to Division N of this Chapter provided the applicable licensing requirements are met.
- (c) ~~**Veterinary Hospitals.**~~ Any bona fide veterinary hospital is exempt from Section 14.126 of this Code and may hold such wild animals, provided protective devices adequate to prevent such animals from escaping or injuring the public are provided.
- (d) ~~**Accommodation for Disabled Persons.**~~ Disabled persons who keep trained animals as household helpers are exempt from Section 14.126 of this Code.
- (e) ~~**Wildlife Rehabilitators.**~~ Persons keeping wild animals as part of a bona fide institutional program to return such animals to the wild are exempt from Section 14.126 of this Code, provided the location of the premises complies with all zoning requirements of Chapter 19 or 21 of this Code.

**SEC. 14.128. IMPOUNDING WILD ANIMALS RESERVED.**

The impoundment of wild animals shall be in accordance with Division I of this Article.

**Subdivision 5. Reserved**

**SEC. 14.129. CRUELTY TO WILD ANIMALS RESERVED.**

- (a) No person shall sponsor, promote, train a wild animal to participate in, or contribute to the involvement of a wild animal in any activity or event in which any wild animal is a victim of cruelty as defined herein or is induced or encouraged to perform through the use of chemical, mechanical, electrical, or manual devices in a manner that will cause or is likely to cause physical injury or suffering to the animal.
- (b) All equipment used on a performing wild animal shall fit properly and be in good working condition.

**SEC. 14.130. PENALTY RESERVED.**

Unless otherwise specifically noted herein, a violation of this Division of the City Code shall be a misdemeanor under Minnesota law.

**SEC. 14.131. SEVERABILITY RESERVED.**

If any section, subsection, sentence, clause, or phrase of this Division is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Division. The City Council hereby declares that it would have adopted the Division in each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

**Division G. Large Animals Reserved**

**SEC. 14.132. PURPOSE RESERVED.**

The purpose of this Division of the City Code is to regulate large animals in the City. The City Council finds that large animals in an urban setting can endanger the safety of the community and the health and well-being of citizens.

**SEC. 14.133. DEFINITIONS RESERVED.**

The following words and terms when used in this Division shall have the following meanings unless the context clearly indicates otherwise:

~~**Daylight Hours** – that period of the day from one-half hour before sunrise until one-half hour after sunset.~~

~~**Large Animal** – any horse, pony, donkey, cow, bull, sheep, goat, or other similarly sized animal.~~

~~**Use** – to ride, lead, graze, tie up, direct, or drive.~~

~~**SEC. 14.134. OWNER RESPONSIBLE RESERVED.**~~

~~The owner of any large animal shall be responsible for the conduct and control of any such large animal irrespective of whether such large animal has escaped from a barn, stable, pasture, or other place of normal habitat.~~

~~**SEC. 14.135. PROHIBITED CONDUCT RESERVED.**~~

~~(a) No person shall use a large animal:~~

- ~~(1) upon a public sidewalk or sidewalk easement;~~
- ~~(2) upon the public streets and rights-of-way of the City except during daylight hours;~~
- ~~(3) in public places and places of public accommodation except as permitted by Section 14.136;~~
- ~~(4) upon private property of another without the permission of the owner of the property;~~
- ~~(5) in a careless manner or in disregard of the rights of others.~~

~~**SEC. 14.136. EXCEPTIONS RESERVED.**~~

~~The limitations upon the use of large animals expressed in this Section shall not apply to the use of horses for law enforcement purposes.~~

~~**SEC. 14.137. PUBLIC PARKS RESERVED.**~~

~~Notwithstanding the prohibitions of this Division, the Director of Park and Recreation shall have the authority to supervise and regulate events and to designate bridle paths in public parks. Large animals may be used in the parks in the City in accordance with Section 5.21, paragraph (18) of this Code and other applicable park regulations.~~

~~**SEC. 14.137.01. PENALTY RESERVED.**~~

~~Unless otherwise specifically noted herein, a violation of any provision of this Division of the City Code shall be misdemeanor under Minnesota law.~~

~~**SEC. 14.137.02. SEVERABILITY RESERVED.**~~

~~If any section, subsection, sentence, clause, or phrase of this Division is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Division. The City Council hereby declares that it would have adopted the Division in each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.~~

**Division H. Animal Feeding Prohibitions Reserved**

~~**SEC. 14.137.03. PURPOSE RESERVED.**~~

~~The purpose of this Division of the City Code is to protect the community from the problems associated with the feeding of wild animals. The feeding of wild animals can result in disruption to their natural feeding habits, their concentration at artificial feeding centers making them more susceptible to disease transmission, the attraction of predators, and the accumulation of feces in and around the area of artificial feeding.~~

~~**SEC. 14.137.04. RESERVED.**~~

~~**SEC. 14.137.05. FEEDING OF WILD ANIMALS PROHIBITED RESERVED.**~~

~~(a) **Prohibition.** No person shall feed or allow the feeding of wild animals as defined in Section 14.125 of this City Code, such as, but not limited to, raccoons, deer, turkeys, ducks and geese,~~

within any area of the City of Bloomington. For the purpose of this Section, feeding shall mean provision of non-birdseed mixtures, grain, fruit, vegetables, hay, mineral salt or other edible material, either on the ground or at a height of less than five (5) feet above the ground. Living food sources, such as fruit trees and other live vegetation, shall not be considered as prohibited feeding.

- (b) ~~**Exceptions.**~~ This prohibition shall not apply to veterinarians, city, county, state or federal officials who in the course of their duties have wild animals in their custody or under their management.
- (c) ~~**Effective Date.**~~ This Section shall be effective annually from November 1 to March 15.
- (d) ~~**Penalty.**~~ Violation of this Section shall be a misdemeanor.

## **Division I. Impoundment of Animals Reserved**

### **SEC. 14.137.06. PURPOSE RESERVED.**

The purpose of this Division of the City Code is to prescribe uniform procedures relating to the impoundment of animals found to be in violation of state law and city code.

### **SEC. 14.137.07. DEFINITIONS RESERVED.**

The following words and terms when used in this Division shall have the following meanings unless the context clearly indicates otherwise:

~~**Animal**~~ – every nonhuman species of animal, both domestic and wild.

~~**Animal Control Officer**~~ – a person employed by or under contract with the City who is responsible for animal control enforcement.

~~**City Animal Shelter**~~ – any premises designated by the City for the purposes of impounding and caring for all animals found in violation of this Division.

~~**Owner**~~ – a person who is the legal owner of the animal or the owner's agent.

### **SEC. 14.137.08. IMPOUNDMENT PROCEDURES RESERVED.**

- (a) ~~**Impoundment.**~~ Every animal found by an animal control officer or licensed peace officer to be in violation of state law or city code may be impounded in the City animal shelter. All animals impounded shall be confined in a humane manner.
- (b) ~~**Recordkeeping.**~~ Animal control officers shall maintain records of animals in their custody, pursuant to Minnesota Statutes, Section 35.71, subd. 3 and such records shall include the following:
  - (1) the description of the animal by species, breed, sex, approximate age, and other distinguishing traits;
  - (2) the location at which the animal was seized;
  - (3) the date of seizure;
  - (4) the name and address of the person from whom the animal was received; and
  - (5) the name and address of the person to whom the animal was transferred.
- (c) ~~**Notification to Owner.**~~ Immediately upon impounding an animal, a city animal control officer or licensed peace officer shall make every reasonable effort to locate and notify the owner of the impounded animal.

### **SEC. 14.137.09. REDEMPTION OF IMPOUNDED ANIMALS RESERVED.**

- (a) ~~**Injured Animals.**~~ If an injured animal is impounded, the animal control officer or licensed peace officer shall immediately attempt to locate and notify the owner of such animal. If it is the opinion of a licensed veterinarian that a critically injured animal will unnecessarily suffer, such animal may be humanely euthanized even though attempts to locate or notify the owner have been unsuccessful. The owner shall be responsible for the cost of euthanization and/or the reasonable costs of care and treatment.
- (b) ~~**Abused Animals.**~~ Animals impounded pursuant to state and local cruelty laws shall be redeemed pursuant to Minnesota Statutes, Section 343.235.
- (c) ~~**Unlicensed Dogs and Cats.**~~ Dogs and cats impounded because they were found by an animal control officer or licensed peace officer to be unlicensed or unregistered may be reclaimed by their

owners or other person designated by the owners within seven (7) regular business days after the animal has been impounded, provided that the owner or other designated person makes payment to the City of the impound fees and charges as set by the City Council. If an animal impounded is not claimed within seven (7) regular business days, it shall become the property of the City and shall either be humanely euthanized or placed in the custody of a suitable person for adoption and care.

- (d) ~~**Wild Animals.** Any wild animal kept in violation of this Article may be impounded by the City. If such an animal is not reclaimed by its owner within seven (7) regular business days after the impoundment of such animal, the animal may be destroyed in a humane manner or placed in the custody of a suitable person for care. Any person reclaiming such impounded animal shall pay the costs of impounding and keeping the animal and shall agree not to keep or sell the animal in violation of this Article or state or federal law.~~
- (e) ~~**Dangerous Dogs.** Dangerous dogs shall be confiscated and reclaimed pursuant to Minnesota Statutes Section 347.54 and Division A of this Article.~~
- (f) ~~**Animals Running Loose.** An animal found at large or a dog not under restraint may be taken and impounded by licensed peace officers or animal control officers. If after a period of seven (7) regular business days an impounded animal is not claimed or redeemed by its owner, it shall become the property of the City and may be destroyed in a humane manner or placed in the custody of a suitable person for adoption and care. Immediately upon the impoundment of any animal, the animal control officer shall make a reasonable effort to notify the owner of the impoundment and of the procedure for regaining possession of the impounded animal. Any animal impounded under this Section may be reclaimed by the owner within seven (7) regular business days upon payment of impound fees and charges as set by the City Council.~~
- (g) ~~**Animals With No Current Rabies Vaccination Tag.** Immediately upon impounding the animal, the Rabies Control Authority or other official shall make every reasonable effort to locate and notify the owner of the impounded animal. Any vaccinated dog or cat impounded because of lack of a current rabies vaccination tag may be reclaimed at any time by its owner by furnishing proof of rabies vaccination, paying all impoundment fees prior to release, and by obtaining a valid rabies vaccination tag.~~
- (h) ~~**Rabies Suspects.** Redemption of rabies suspects shall be governed by Section 14.101 of this Code.~~
- (i) ~~**Animals Bitten or Exposed By a Rabid Animal.** Redemption of animals bitten or exposed by a rabid animal shall be governed by Section 14.102 of this Code.~~

~~**SEC. 14.137.10. DOGS AND CATS PURCHASED OR ADOPTED FROM THE ANIMAL CONTROL SHELTER; SPAYING OR NEUTERING REQUIRED RESERVED.**~~

- (a) ~~When a dog or cat not previously sterilized is sold or released for adoption by the city animal shelter, the buyer or adoption party must sign a written agreement to have the dog or cat sterilized. If the dog or cat is less than six (6) months old, the buyer or adopting party shall agree to have the animal sterilized by the age of six (6) months. If the dog or cat is more than six (6) months old, the buyer or adopting party shall agree to have the animal sterilized within thirty (30) days of purchase or adoption.~~
- (b) ~~No person, having agreed in writing to have an animal sterilized pursuant to this Section, shall intentionally fail or refuse to have such sterilization performed within the time specified in the agreement. Violation of this subpart is a misdemeanor.~~
- (c) ~~Nothing in this Section shall be construed to authorize the city to sterilize a dog or cat which has been reclaimed by its owner, or for which the period to reclaim as owner has not expired.~~

~~**SEC. 14.137.11. IMPOUNDMENT AND BOARDING FEES RESERVED.**~~

~~Impoundment and boarding fees shall be borne by the owner and shall be established in a resolution of the City Council and made available to the general public.~~

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## Division ~~NB~~. Commercial Animal Establishments

### SEC. 14.30392. PURPOSE.

The City Council finds that commercial animal establishments, permanent or temporary, can present health, safety, and sanitation problems if not properly and locally regulated. The City Council therefore enacts the following licensing scheme governing commercial animal establishments.

### SEC. 14.30493. DEFINITIONS.

The terms used in this Section are those as defined in Section 12.91.

~~**Animal**—every non-human species of organism, except plant and bacterium, both domestic and wild.~~

~~**Aquarium**—a building or institution in which aquatic animals are kept for commercial exhibition or display.~~

~~**Clean**—the absence of dirt, grease, rubbish, garbage, animal and bodily excretions, and other offensive, unsightly, or extraneous matter.~~

~~**Commercial Animal Establishment**—any aquarium, pet shop, riding school or stable, zoological park, or performing animal exhibition.~~

~~**Good Repair**—free of corrosion, breaks, cracks, chips, pitting, excessive wear and tear, leaks, obstructions, and similar defects so as to constitute a good and sound condition.~~

~~**Issuing Authority**—the City of Bloomington License Section.~~

~~**Performing Animal Exhibition**—any commercial spectacle, display, act, or event, other than temporary events governed by temporary conditional use regulations under Chapter 19 or 21 of this Code, in which performing animals are used.~~

~~**Person**—one (1) or more natural persons; a partnership, including a limited partnership; a corporation, including a foreign, domestic, or nonprofit corporation; a trust; a political subdivision of the state; or any other organization.~~

~~**Pet Shop**—any person, whether operated separately or in connection with another business enterprise, that buys, exhibits, or sells any species of animal.~~

~~**Riding School or Stable**—any place that has available for hire, boarding, and/or riding instruction, any horse, pony, donkey, mule, llama, or burro; or any place that regularly buys, sells, or trains the above animals, including a trotting track or rodeo.~~

~~**Zoological Park**—any permanent facility operated by a person, or government agency, other than a pet shop or kennel, displaying or exhibiting one (1) or more species of animals.~~

### SEC. 14.30594. COMMERCIAL ANIMAL ESTABLISHMENT LICENSE REQUIRED.

No person shall operate a business that breeds, raises, sells, boards, distributes or exhibits animals for entertainment or educational purposes, such as, but not limited to, kennels, pet shops, petting zoos, riding schools or stables, aquariums, zoological parks or performing animal exhibitions ~~operate a commercial animal establishment~~ without first obtaining a license in compliance with this Division of the City Code.

### SEC. 14.30695. LICENSE APPLICATION.

The application for a license under this Division shall be made on a form supplied by the Issuing Authority and shall request the following information:

- (a) The full name, current address, home and business phone of the applicant.
- (b) Whether the applicant is a natural person, corporation, partnership or other form of organization.
- (c) Whether all real estate and personal property taxes that are due and payable for the premise to be licensed have been paid, and if not paid, the years and amounts that are unpaid.
- (d) The location where the commercial animal establishment will be operated.
- (e) Such other information as the Issuing Authority deems necessary.
- (f) The duration of the operation. Temporary licenses are for those in operation less than thirty (30) consecutive days. Annual licenses are for those in operation thirty (30) consecutive days or more.

- (g) Description of the operation including, but not limited to, the type and number of animals, animal shelter and restraints, and copies of applicable rabies vaccination information.
- (h) Evidence of liability insurance amount of at least \$1,000,000 per occurrence for bodily injury.

**SEC. 14.30796. LICENSE FEE; RENEWAL.**

The annual and temporary fee for a commercial animal establishment license shall be as set forth in Section 14.03 of this Code. The annual license fee shall be effective for one (1) year from the date of the approval, and such license shall be renewed annually on the anniversary of such approval.

**SEC. 14.30897. LICENSE APPLICATION EXECUTION, VERIFICATION AND CONSIDERATION.**

- (a) **Execution.** All applications for a license under this Division shall be signed and sworn to. If the application is that of a natural person, it shall be signed and sworn to by such person; if that of a corporation, by an officer thereof; if that of a partnership, by one of the general partners; and if that of an unincorporated association, by the manager or managing officer thereof.
- (b) **Verification.** All applications shall be referred to the Issuing Authority for verification and investigation of the facts set forth in the application. The Issuing Authority is empowered to conduct any and all investigations to verify the information on the application, including ordering a computerized criminal history inquiry and/or a driver's license history inquiry on the applicant.
- (c) **Consideration.** Within a reasonable period after the completion of the license verification process by the Issuing Authority, the Issuing Authority shall accept or deny the license application in accordance with this Division. If the application is denied, the Issuing Authority shall notify the applicant of the determination in writing. The notice shall be mailed by regular mail to the applicant at the address provided in the application and it shall inform the applicant of the applicant's right, within twenty (20) days after receipt of the notice by the applicant, to request an appeal of the Issuing Authority's determination to the City Council. If an appeal to the City Council is timely received by the Issuing Authority, the hearing before the City Council shall take place within a reasonable period of receipt of the appeal by the Issuing Authority.
- (d) **Exemptions.** Exempt from commercial animal establishment licenses:
  - (1) Veterinary clinics and animal hospitals are exempt from obtaining a commercial animal establishment license if animals are only boarded for veterinary treatment purposes.
  - (2) Those commercial animal establishment temporary events lasting less than twelve (12) hours and located on property residentially zoned or used and not open to the public.

**SEC. 14.30998. PERSONS AND LOCATIONS INELIGIBLE FOR A LICENSE.**

- (a) **Persons Ineligible.** No license under this Division shall be issued to an applicant if such applicant:
  - (1) Is not eighteen (18) years of age or older on the date the license application is submitted to the Issuing Authority;
  - (2) Has been convicted of any crime directly related to the occupation licensed, including but not limited to cruelty to animals, as prescribed by Minnesota Statutes, Section 364.03, subdivision 2, and has not shown competent evidence of sufficient rehabilitation and present fitness to perform the duties of the licensed occupation as prescribed by Minnesota Statutes, Section 364.03, subdivision 3;
  - (3) Is not a citizen of the United States, a resident alien, or does not have the legal authority to be employed in the United States;
  - (4) Is not of good moral character or repute;
  - (5) Has knowingly falsified or misrepresented information on the license application;
  - (6) Owes taxes and assessments to the State, County, School District or City that are due and delinquent; or
  - (7) Is not the real party in interest of the business being licensed.
- (b) **Locations Ineligible.** The following locations shall be ineligible for a license under this Division:
  - (1) **Taxes Due on Property.** No license shall be granted or renewed for operation on any property on which taxes, assessments, or other financial claims of the State, County, School District, or City are past due, delinquent, or unpaid. In the event a suit has been commenced under Minnesota Statutes, Sections 278.01-278.13, questioning the amount or

validity of taxes, the City Council may on application waive strict compliance with this provision; no waiver may be granted, however, for taxes or any portion thereof which remain unpaid for a period exceeding one (1) year after becoming due.

- (2) **Improper Zoning.** No license shall be granted if the property is not properly zoned ~~for a pet shop~~ under Chapter 19 or 21 of this Code ~~unless the pet shop is a legal, nonconforming use.~~
- (3) **Space Not Suitable.** No license shall be granted if the property or building is not suitable for a commercial animal establishment due to size, configuration, location, design or other site characteristics which in the determination of the Health Authority would be likely to create a nuisance to adjoining property users or significantly impair the ability of the licensee to comply with the provisions of Section 14.99.

#### SEC. 14.34099. HEALTH AND WELFARE REGULATIONS.

- (a) **Diseased Animals.** No person shall bring into his or her place of business, commercial animal establishment, or into the City, or have in his or her possession for sale or otherwise, any animals afflicted with an infectious disease.
- (b) **Floor Requirements.** The floors of a commercial animal establishment shall be non-absorptive, monolithic construction and must be kept in a clean and sanitary condition and in good repair. For large animals where it would be detrimental to the animal's health to stand for prolonged periods on hard non-absorbent floors, alternate approved flooring may be allowed.
- (c) **Walls and Ceilings.** Walls and ceilings of a commercial animal establishment shall be kept clean, sanitary, and in good repair.
- (d) **Confinement.** All cages, pens, benches, boxes, tanks, or receptacles in which animals are confined shall be easily cleanable, durable and constructed of non-corrosive material and maintained in good repair. Such cages and pens shall also be properly sufficient and humane in size for the confinement of such animals.
- (e) **Ventilation.** All rooms in a commercial animal establishment shall be mechanically ventilated and provide the minimum cfm per foot in accordance with the Uniform Mechanical Code. A negative pressure must be maintained to prevent odors and organisms from entering the adjacent businesses or departments. Provisions shall be made for pre-heated replacement air.
- (f) **Delivery Requirements.** All delivery trucks transporting animals to and from the commercial animal establishment shall be kept clean and sanitary.
- (g) **Feeding of Animals.** All utensils used in the preparation of food and the feeding of animals shall be kept clean, sanitary and in good repair; and the use of the utensils for such purpose which are badly worn, rusted, or corroded, or in such condition that they cannot be clean and sanitary is prohibited.
- (h) **Humane Treatment of Animals.** All animals in the commercial animal establishment shall be handled and treated in a humane manner by the owner, operator and employees of the commercial animal establishment. All state laws governing cruelty to animals and humane treatment of animals shall be adhered to and all operations must enhance or maintain the health and welfare of all animals in the establishment.
- (i) **Location of Animals.** Where the licensee keeps animals for sale or display, all animals shall be kept entirely within an enclosed building and no animals shall be kept or maintained outdoors. Exterior walking or exercise areas shall be maintained free of wastes and other litter, and all wastes should be removed and disposed of in an approved manner immediately.
- (j) **Infectious Diseases.** All animals subject to distemper and infectious hepatitis acquired by the commercial animal establishment owner or operator must have been inoculated prior to delivery at the commercial animal establishment by a veterinarian licensed to practice in the state of Minnesota. ~~Monkeys~~ Non-human primates must have a yearly tuberculin test.
- (k) **Size Requirements.** The commercial animal establishment must include a room of sufficient size to contain an approved sink with hot and cold running water under pressure, for the purpose of storing janitorial supplies, and equipment used to maintain the premises in a clean and sanitary manner.
- (l) **Disposal of Wastes.** All animal wastes must be disposed of in a timely and sanitary manner approved by the City Environmental Health Division. In no event shall there be an accumulation of waste beyond twenty-four (24) hours. In public areas during exhibition, all wastes must be

disposed of immediately or, at minimum, such waste to be stored in an approved container with tight fitting lids and disposed of in an approved sanitary manner at the end of the day.

**SEC. 14.344100. SANCTIONS FOR LICENSE VIOLATIONS.**

- (a) **Suspension or Revocation.** The City Council may suspend or revoke a license issued pursuant to this Division for a violation of:
- (1) Fraud, misrepresentation, or false statement contained in a license application or a renewal application.
  - (2) Fraud, misrepresentation, or false statement made in the course of carrying on the licensed occupation or business.
  - (3) Any violation of this Division or state law.
  - (4) A licensee's criminal conviction that is directly related to the occupation or business licensed, including but not limited to cruelty to animals, as defined by Minnesota Statutes, Section 364.03, subdivision 2, provided that the licensee cannot show competent evidence of sufficient rehabilitation and present fitness to perform the duties of the licensed occupation or business as defined by Minnesota Statutes, Section 364.03, subdivision 3.
  - (5) Conducting the licensed business or occupation in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the community.
- (b) **Notice and Hearing.** A revocation or suspension by the City Council shall be preceded by written notice to the licensee and a hearing. The notice shall give at least eight (8) days' notice of the time and place of the hearing and shall state the nature of the charges against the licensee. The notice shall be mailed by regular mail to the licensee at the most recent address listed on the license application.

**SEC. 14.34404101. LICENSE REGULATIONS.**

- (a) **Posting of License.** The license issued pursuant to this Division shall be conspicuously displayed at the commercial animal establishment.
- (b) **Insurance.** No license shall be issued or continued in operation unless there is in full force and effect a liability insurance policy in the amount of at least \$51,000,000 per occurrence for bodily injury.
- (c) **Licensed Premises.** A license issued pursuant to this Division is effective only for the compact and contiguous space specified in the approved license application. ~~Any temporary animal exhibition or sales events are subject to temporary conditional use permit requirements of this Code.~~
- (d) **Transfer of License Prohibited.** A license issued pursuant to this Division is for the person and the persons named on the approved license application. No transfer of a license shall be permitted from place to place or from person to person without complying with the requirements of an original license application.

**SEC. 14.342102. PENALTY.**

A violation of this Division shall be a misdemeanor under Minnesota law.

**SEC. 14.343103. SEVERABILITY.**

If any section, subsection, sentence, clause, or phrase of this Division is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Division. The City Council hereby declares that it would have adopted the Division in each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

\* \* \*

Section 6. That Chapter 19 of the City Code is hereby amended by deleting those words that are in ~~strike through~~ font and adding those words that are underlined, to read as follows:

CHAPTER 19

ZONING

ARTICLE I. GENERAL PROVISIONS

\* \* \*

Division B. Definitions

SEC. 19.03. DEFINITIONS.

The following words and terms when used in this Chapter shall have the following meanings unless the context clearly indicates otherwise:

\* \* \*

**Agriculture, limited** - Raising chickens, bees, farm poultry or farm animals subject to the limits of City Code Chapter 12, Article IV. Limited Agriculture does not include more intensive agricultural activities such as commercial farming, feedlots, fur farms, slaughtering, or manure storage. Growing and harvesting plants for food or enjoyment within individual or community gardens is considered to be customarily incidental to other land uses and is permitted in all zoning districts. The growing of crops and raising of livestock and domestic animals for domestic and commercial uses.

\* \* \*

**Building** - Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind. "Building" when used in this Chapter includes "structure."

\* \* \*

~~**Kenel** - Any lot, or premises or portion thereof, on which more than four dogs, cats, or other household domestic animals, over six months old, are kept; or on which more than two such animals are boarded for compensation or kept for sale.~~

\* \* \*

**Pet services facility** - A business establishment that provides any of the following services or retail activity either individually or in combination, for pets and domesticated animals as defined in Section 12.91: sales, animal sales, veterinary care, animal hospital, short-term daily care, training classes, boarding and grooming.

\* \* \*

ARTICLE III. ZONING DISTRICT MAP, ZONING DISTRICTS AND DISTRICT USES

\* \* \*

SEC. 19.27. SINGLE-FAMILY RESIDENTIAL (R-1A, R-1) DISTRICTS.

\* \* \*

(b) Permitted uses -

- (1) Single-family dwellings.
- (2) ~~Agriculture, limited. -except fur farms, kennels, poultry farms and commercial animal farms. Any enclosure, private stable, or other buildings in which farm animals, including bees, are kept shall be a distance of 100 feet or more from any other lot in a Residential District.~~

\* \* \*

(d) Conditional uses -

\* \* \*

- (7) ~~[Public stables]~~ Reserved.

\* \* \*

**SEC. 19.27.01. LARGE LOT SINGLE FAMILY RESIDENTIAL DISTRICT RS-1.**

\* \* \*

**(b) Uses -**

- (1) Permitted Principal Uses -

\* \* \*

- D. ~~Agriculture, limited. -- except fur farms, kennels, poultry farms and commercial animal farms.~~

\* \* \*

**(f) Special Provisions -**

- (1) General -

\* \* \*

- F. ~~Reserved. Any enclosure, private stable, or other structure used for keeping farm animals, including bees, shall be located a minimum of 100 feet from any property line.~~

\* \* \*

**SEC. 19.33. INDUSTRIAL (I-1, I-2, AND I-3) DISTRICTS.**

\* \* \*

**(b) Permitted uses -**

- (1) ~~Reserved. Agriculture.~~

\* \* \*

**SEC. 19.33.01. INDUSTRIAL PARK (IP) DISTRICT.**

\* \* \*

- (c) **Provisional Uses.** The following uses shall be permitted in the IP Zoning District when they meet the following stated criteria.

\* \* \*

- (2) ~~Reserved. Agriculture, provided that the minimum area used for agricultural purposes is no less than 80,000 square feet on any one parcel or lot.~~

\* \* \*

**SEC. 19.34. FREEWAY DEVELOPMENT (FD-1 AND FD-2) DISTRICTS.**

\* \* \*

**(b) Permitted uses -**

- (1) ~~Reserved. Agriculture.~~

\* \* \*

**SEC. 19.38.02. FLOOD HAZARD (FH) OVERLAY DISTRICTS.**

\* \* \*

- (c) **Permitted Uses -** Within the Flood Hazard Overlay District, only the following uses having a low flood damage potential and not obstructing flood flows shall be permitted to the extent that the use is not prohibited by a provision of the primary zoning district and provided that the use does not require structures, fill, or storage of materials or equipment:

- (1) Agriculture, limited.

\* \* \*

Section 7. That Chapter 21 of the City Code is hereby amended by deleting those words that are in ~~struckthrough~~ font and adding those words that are underlined, to read as follows:

**CHAPTER 21**

**ZONING AND LAND DEVELOPMENT**

\*\*\*

**ARTICLE II. DISTRICTS AND USES**

\*\*\*

**Division H. Uses**

\*\*\*

**SEC. 21.209. USE TABLES.**

\*\*\*

(d) **Neighborhood and Freeway Commercial Zoning Districts.**

USE TYPE	ZONING DISTRICT								REFERENCES
	B-1	B-2	B-4	C-1	C-2	C-3	C-4	C-5	See Listed Section
<b>Agriculture</b>									
<u>Agriculture, limited</u>									<u>21.302.05</u>

\*\*\*

(f) **Specialized Zoning Districts.**

USE TYPE	ZONING DISTRICT								REFERENCES
	CX-2								See Listed Section
<b>Agriculture</b>									
<u>Agriculture, limited</u>									<u>21.302.05</u>

\*\*\*

**ARTICLE III. DEVELOPMENT STANDARDS**

**Division A. General Standards**

\*\*\*

**SEC. 21.301.08. FENCES.**

\*\*\*

(e) **Materials.** Fences must be constructed of wood, metal, bricks, masonry, plastic, or other materials designed for permanent outdoor fencing. Wood fences must be constructed of cedar, redwood, or other decay resistant wood. Chain link fencing of less than 11 gauge is prohibited. Fences must not be constructed from razor wire, snow fencing, plywood, or materials originally intended for other purposes. Above ground electric fencing is not permitted. Barbed wire is permitted only on top of fences in nonresidential districts, a minimum of six feet above the natural grade.

- (1) **Exceptions.** The following fences are exempt from material limitations:
- (A) Temporary fences made of chicken wire ~~in residential districts~~ are permitted for ~~residential garden and farm poultry enclosure uses~~ only.

\* \* \*

### ARTICLE III. DEVELOPMENT STANDARDS

#### Division B. Use Standards

\* \* \*

##### **SEC. 21.302.05. LIMITED AGRICULTURE AND GARDENING.**

- (a) **Purpose and intent.** The provisions of this Section are intended to preserve opportunities for food production while minimizing negative impacts on neighboring properties.
- (b) **Gardening.** Growing and harvesting plants for food or enjoyment within individual or community gardens is considered to be customarily incidental to other land uses and is permitted in all zoning districts. Community gardens, where more than three households garden on a given site, must meet the following standards:
- (1) Given high activity levels, community gardens must be at least 50 feet from any dwelling on a neighboring lot and at least 30 feet from any lot used residentially or platted for future residential use.
  - (2) Community gardens are prohibited on single and two family sites, including vacant single and two-family sites.
  - (3) From November 1st to April 1st, all community gardening materials (except fencing and watering tanks) must be stored within a building.
- (c) **Farm animal and farm poultry shelters and enclosures.** Shelters, enclosures and fenced areas in which farm animals and farm poultry, are kept must meet the following standards.
- (1) Chicken shelters, enclosures and fenced areas for four or fewer hen chickens:
    - (A) must be at least 50 feet from any lot used residentially or platted for future residential use;
    - (B) must be located closer to the owner's dwelling than any dwelling on a neighboring lot;
    - (C) must not be located between the owner's dwelling and an adjacent street unless set back at least 50 feet from the property line adjacent to the street; and
    - (D) count against the number and size of accessory buildings allowed on site if over 50 square feet in area.
  - (2) All other shelters, enclosures and fenced areas for farm poultry, farm animals and bees as defined in Section 12.91 of this Code:
    - (A) must be at least 150 feet from any dwelling on a neighboring lot;
    - (B) must be at least 100 feet from any lot used residentially or platted for future residential use;
    - (C) must be located closer to the owner's dwelling than any dwelling on a neighboring lot;
    - (D) must not be located between the owner's dwelling and an adjacent street unless set back at least 50 feet from the property line adjacent to the street; and
    - (E) count against the number and size of accessory buildings allowed on site if over 50 square feet in area.
- (d) **Prohibited agriculture.** The following types of agricultural activities are prohibited in all zoning districts due to potential negative impacts on neighboring properties:
- (1) Commercial agriculture;
  - (2) Feedlots;
  - (3) Fur farms;
  - (4) Slaughter houses; and
  - (5) Manure storage.

\* \* \*

Section 8. That administrative fine schedule of the City Code is hereby amended by deleting those words that are in ~~strike through~~ font and adding those words that are underlined, to read as follows:

**SCHEDULE OF CIVIL FINES  
FOR ADMINISTRATIVE OFFENSES UNDER CHAPTER 1,  
ARTICLE II OF THE CITY CODE**

<u>ADMINISTRATIVE OFFENSE</u>	<u>FINE</u>
<u>Animal Control Violations (Chapters 12 &amp; 14)</u>	
<u>Shelter &amp; Enclosure Violations (<del>14.92</del><u>12.104,12.115,12.116</u>)</u>	\$250.00
<del>Kennel Violations (14.117)</del>	<del>\$250.00</del>
<del>Large Animal Restriction Violation (14.132 - 14.137.02)</del>	<del>\$250.00</del>
License Violations (14.88 - dogs, 14.105 - cats)	\$100.00
<u>Commercial Animal Violations (14.94-14.103)</u>	<u>\$250.00</u>
<u>Excess Number of Animals (12.101, 12.115, 12.116)</u>	<u>\$250.00</u>
Noise Violations ( <del>14.120 - 14.121.03</del> <u>12.99</u> )	\$100.00
<u>Animals At-Large Violations (12.100)</u>	<u>\$100.00</u>
<del>Restraint Violations (14.121.04 - 14.130)</del> <u>12.102)</u>	\$100.00
Vaccination Violations ( <del>14.100, 14.105</del> <u>12.109</u> )	\$100.00
<u>Dangerous Animal Violations (12.105, 12.106)</u>	<u>\$500.00</u>
Welfare, Health & Safety Violations ( <del>14.109 - 14.119</del> <u>12.93</u> )	\$500.00
<u>Chicken or Farm Animal Violations (12.115, 12.116)</u>	<u>\$250.00</u>
Wild Animal Violations ( <del>14.126</del> <u>12.120, 12.122</u> )	\$250.00
<del>Animal Feeding Violations (14.137.04 - 14.137.05)</del>	<del>\$250.00</del>

\*\*\*

**CRITERIA FOR MAJOR VIOLATIONS:**

- Potentially critical impact on public health, safety or the environment
- Potentially dangerous to human life or safety
- Continuing nature of violation\*
- Cost of restitution, repair or remediation exceeds \$1000.00

**Whenever a specifically listed violation meets one or more of the above criteria, the presumptive fine is \$1000.00. However, the issuing officer must specify and describe the conditions observed which support this determination.**

\* A fine for more than one day of a continuing violation may be imposed only by a hearing officer based upon a finding that (1) the violation caused a serious threat of harm to the public health, safety or welfare, or (2) the violator intentionally and unreasonably refused to comply with the code requirement.

**CODE VIOLATIONS NOT LISTED:**

Carry a presumptive fine of \$300.00, unless the issuing officer can document conditions supporting a determination that the offense constitutes a major violation.

**REPEAT VIOLATIONS WITHIN 24 MONTHS:**

The fine for a second violation of the same type by the same person or entity is subject to a fine that is double the amount of the scheduled fine for the previous violation up to a maximum of \$1000.00.

Passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Mayor

ATTEST:

APPROVED:

\_\_\_\_\_  
Secretary to the Council

\_\_\_\_\_  
City Attorney

My comments- I live in Minneapolis where chickens are legal

Seems to me that the setbacks are still too extreme. If this were enacted in Minneapolis with our 40' lots we could not have chickens.

(what percentage of homeowners are you blocking by this set back requirement? And aren't some of the smaller homes probably owned by those

Who would benefit most from being able to supply some fresh eggs to their family?)

Also many chicken owners keep the chickens to incorporate the feces into the compost. It is extremely good for composting, containing so many

Nutrients that our plants and gardens need. Allowing chicken owners to compost this would take it out of the loop for your city to have to deal with

It and save on some of your trash collection. This is important for cities in these tough economic times.

Also: do you really want all of those privacy fences to be put up all over your city?

My girls are allowed out in the fenced yard occasionally to hunt for bugs and weeds. I am present at all times while they are out there and my dogs also stand

Guard over them.—I have had no problems with them.

My coop is taller than 6' and so is the run. This means that when I put the bedding down or we get lots of snow, I can still access my girls without my head hitting the roof

Of the run.

These are just some of my opinions. Of course I wish you would allow more chickens per family, but understand the concern. These days with food safety issues,

Supply line insecurity and the economy, it is important that every city/neighborhood work toward being more self sufficient. Some people fear the 'bird flu'

But studies show that should this epidemic hit our poultry industry, the small backyard chicken owner may be the savior, as the small flocks are isolated and would allow

A rebuilding of healthy bird numbers.

So I commend the Bloomington City council for taking this step. Thank you

In Frith

Theresa Rooney

Garden Chicken

Birdnest Cottage

Minneapolis MN

---

**From:** Lynn Moore [mailto:lmoore@ci.bloomington.mn.us]  
**Sent:** Tuesday, July 27, 2010 6:28 PM  
**Subject:** Administrative Hearing on proposed changes to the City's Animal Code

Hello,

I am writing to invite you to attend an administrative hearing on the proposed changes to the City's ordinance relating to domestic, farm and wild animals. You are receiving this invitation because you have contacted the City Council or City staff regarding your interest in the way the City of Bloomington regulates animals. The current draft is attached for your review.

At the administrative hearing, City staff will provide an overview or summary of proposed changes to the existing City ordinance, explain the ordinance revision process and answer your questions. City staff will also record verbal comments from attendees. A summary of the comments and questions will be shared with the City's Planning Commission and Council.

The administrative hearing will be held on Thursday, August 5<sup>th</sup> from 6 to 8 PM in the City Council Chambers at Civic Plaza, 1800 W. Old Shakopee Road, Bloomington. The Council Chambers are located on the northeast end of the building on the first floor. Parking is available on the east and west sides of Civic Plaza.

If you are not able to attend the hearing on August 5<sup>th</sup> and have comments or questions on the proposed changes, you may send your comments or questions to me in an e-mail or letter, or give me a call at (952) 563-8970.

Thank you in advance for your assistance in improving our City code.

Lynn Moore  
Environmental Health Manager  
City of Bloomington  
1800 W. Old Shakopee Road

Bloomington, MN 55431-3027

Phone: (952) 563-8970

Fax: (952) 563-8949

Great Job Bloomington!

Maybe I'll get some chickens now...

Good rules for urban living, and greener living!

**Rina M. Dillard**

Project Manager Assistant

**Magney Construction, Inc.**

1401 Park Rd.

Chanhassen, MN 55317

P) 952-474-1674

F) 952-474-1679

[rina@magneyconstruction.com](mailto:rina@magneyconstruction.com)

**From:** Lynn Moore [mailto:lmoore@ci.bloomington.mn.us]

**Sent:** Tuesday, July 27, 2010 6:28 PM

**Subject:** Administrative Hearing on proposed changes to the City's Animal Code

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Thank you in advance for your assistance in improving our City code.

Lynn Moore  
Environmental Health Manager  
City of Bloomington  
1800 W. Old Shakopee Road  
Bloomington, MN 55431-3027

Phone: (952) 563-8970  
Fax: (952) 563-8949

**Lynn Moore - Re: Administrative Hearing on proposed changes to the City's AnimalCode**

---

**From:** <jmellem@comcast.net>  
**To:** Lynn Moore <lmoore@ci.bloomington.mn.us>  
**Date:** 8/6/2010 10:12 AM  
**Subject:** Re: Administrative Hearing on proposed changes to the City's AnimalCode

---

Lynn,

Just wanted to thank you for the informative meeting last night. Your staff has done a great job of consolidating the code and making it easy to understand. We appreciate the thought and hard work that went into making the changes and were glad to get a chance to ask questions and make suggestions.

I'm sorry I didn't get a chance to talk to you last night, but I do have a question about the next meeting. Is it open for public comment and is it important to have a good show of support at that type of meeting?

Thanks,  
Jeanie Mellem

----- Original Message -----

**From:** "Lynn Moore" <lmoore@ci.bloomington.mn.us>  
**Sent:** Tuesday, July 27, 2010 6:27:31 PM  
**Subject:** Administrative Hearing on proposed changes to the City's Animal Code

Hello,

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If you are not able to attend the hearing on August 5<sup>th</sup> and have comments or questions on the proposed changes, you may send your comments or questions to me in an e-mail or letter, or give me a call at (952) 563-8970.

Thank you in advance for your assistance in improving our City code.

Lynn Moore  
Environmental Health Manager  
City of Bloomington  
1800 W. Old Shakopee Road  
Bloomington, MN 55431-3027

Phone: (952) 563-8970  
Fax: (952) 563-8949

Thanx for your response Lynn -Peter

---

**From:** Lynn Moore <lmoore@ci.bloomington.mn.us>  
**To:** clement peter <kirby337@yahoo.com>  
**Sent:** Wed, August 11, 2010 8:43:39 AM  
**Subject:** Re: Administrative Hearing on proposed changes to the City's Animal Code

Hi, Peter.

All comments I receive are put "into the record" so to say. I will caution you that allowing structures of any type, even children's Rainbow play equipment, is not allowed in the front yard no matter what the conditions of the back or side yards may be. Therefore allowing chicken coops in the front yard would not be consistent with City policies. Because your coop is in your front yard, it may be in your best interest to be planning now as to how to comply if the ordinance is passed.

Lynn Moore  
 Environmental Health Manager  
 City of Bloomington  
 1800 W. Old Shakopee Road  
 Bloomington, MN 55431-3027

Phone: (952) 563-8970  
 Fax: (952) 563-8949

>>> clement peter <kirby337@yahoo.com> 8/10/2010 9:10 PM >>>

Lynn - Would it be possible to add one more comment to be recorded on the proposed changes to animal ordinances regarding chickens. I would liked to request that the ordinance or council consider rewording the part of the proposed ordinance where no chickens are to be allowed in the front yard to possibly include no chickens are to be allowed in the front yard unless other locations on the property will not work due to other sections of the property having set back issues or slope changes etc.

Thank you and all the others for all the obvious time and work you put into researching this whole issue and keeping those concerned updated and involved in the process . I believe we can craft ordinances that should be able to satisfy the various interests and concerns. Thank you for your time and involvement-Peter Clement-831p wyoming ave s

---

**From:** Lynn Moore <lmoore@ci.bloomington.mn.us>  
**Sent:** Tue, July 27, 2010 6:27:31 PM  
**Subject:** Administrative Hearing on proposed changes to the City's Animal Code

Hello,

I am writing to invite you to attend an administrative hearing on the proposed changes to the City's ordinance relating to domestic, farm and wild animals. You are receiving this invitation because you have contacted the City Council or City staff regarding your interest in the way the City of Bloomington regulates animals. The current draft is attached for your review.

At the administrative hearing, City staff will provide an overview or summary of proposed changes to the existing City ordinance, explain the ordinance revision process and answer your questions. City

staff will also record verbal comments from attendees. A summary of the comments and questions will be shared with the City's Planning Commission and Council.

The administrative hearing will be held on Thursday, August 5<sup>th</sup> from 6 to 8 PM in the City Council Chambers at Civic Plaza, 1800 W. Old Shakopee Road, Bloomington. The Council Chambers are located on the northeast end of the building on the first floor. Parking is available on the east and west sides of Civic Plaza.

If you are not able to attend the hearing on August 5<sup>th</sup> and have comments or questions on the proposed changes, you may send your comments or questions to me in an e-mail or letter, or give me a call at (952) 563-8970.

Thank you in advance for your assistance in improving our City code.

Lynn Moore  
Environmental Health Manager  
City of Bloomington  
1800 W. Old Shakopee Road  
Bloomington, MN 55431-3027

Phone: (952) 563-8970  
Fax: (952) 563-8949

Thanks Lynn,

Last night I was thinking about the email I am actually east of them (Jeannie and Todd) - not the house to the west as I put in my email to you - though this likely doesn't make any difference but I realized I had my directions backwards.

-- Margo

On Thu, Aug 19, 2010 at 10:38 AM, Lynn Moore <[lmoore@ci.bloomington.mn.us](mailto:lmoore@ci.bloomington.mn.us)> wrote:

Thanks for the email, Margo. I will add it to the comments residents have been sending me.

Lynn Moore  
Environmental Health Manager  
City of Bloomington  
1800 W. Old Shakopee Road  
Bloomington, MN 55431-3027

Phone: (952) 563-8970

Fax: (952) 563-8949

>>> Margo Roberts <[kmmamn@gmail.com](mailto:kmmamn@gmail.com)> 8/18/2010 9:38 PM >>>

Dear Ms. Lynn Moore,

I am writing regarding changing the city ordinance for chickens within city boundaries. (We were out of town for the last council meeting were this was discussed).

I am a next door neighbor to the Jeanie and Todd, directly West of them. I want to let you know that I am in full support of changing the city ordinance – thereby allowing the chickens to remain.

We (my family and I) have not had *any* problem with a smell from the chickens – despite the high humidity and heat this summer. In fact, we have not 'smelt' the chickens at all in our yard. We hardly ever hear the chickens (and we live right next door – we share a fence) and when we do it is a quiet soft clucking sound. We hear many more other, louder neighbor sounds in comparison, (birds, people, dogs sounds, etc). So the chickens are not a nuisance to us in any means.

In terms of the proposal to allow chickens; we are in support natural screening. Since we share an open, low fence we would hope to continue to have that. We appreciate the view and the beauty that – that kind of fence adds to our yard. The coop is actually pleasant to look at – it seems to be quite well maintained and nicely built. It is *not* an 'eye sore' nor does it look like it was 'thrown together', or in need of repair. Also, it is hard to see the chicken coop without really looking for it carefully from our yard. There are trees and other 'natural' things that surround it.

I hope this input is helpful.

Thank you.

Sincerely,

Margo Roberts

10221 Colorado Road

(952) 303-679-

Hi, Jean.

Sorry I did not get an opportunity to speak with you last night at the Planning Commission study session.

I will include your comments below in the Planning Commission agenda packet for their public hearing scheduled for September 2nd. Then you can address the Planning Commission directly at the public hearing if you choose.

Let me know if you have additional questions

Lynn Moore  
Environmental Health Manager  
City of Bloomington  
1800 W. Old Shakopee Road  
Bloomington, MN 55431-3027

Phone: (952) 563-8970

Fax: (952) 563-8949.

>>> <jmellem@comcast.net> 8/20/2010 11:46 AM >>>

Hi Lynn,

Just wanted to check in with you on some of the issues that were raised last night at the Planning Commission meeting. I'm not sure if it's appropriate to send an email to the commission members, but perhaps you could pass along this information.

1) The remark was made toward the end of the meeting that 4 hens couldn't lay enough eggs to feed a family. My husband and I cannot keep up with all of the eggs that our 4 chickens lay. We eat a lot of eggs and also give them to neighbors, friends, and co-workers. There hasn't been a day that we've been without eggs since they started laying last November.

2) There was a concern about the disposal of feces and a suggestion that more detail be added to that section. We aren't dog owners, but I believe that most people put the waste in plastic bags and into the trash. It's not scientific, but I think that four chickens produce about as much waste as a large dog.

3) Bird disease, salmonella poisoning, and qualified owners. A small flock of hens is actually much more insulated from catching and passing disease than larger-scale farming operations. With the recent large recall of eggs, we feel fortunate to have our own eggs and the knowledge of where they came from. Backyard chicken owners also tend to treat the hens as pets so we are quite aware of the health of the flock. And there are many resources available to backyard chicken enthusiasts. There's a whole network of people in the Twin Cities area who put on classes, post useful information, and arrange chicken coop tours; all in an effort to help other enthusiasts.

I realize that some of the commission members have their minds made up and will not change, but for others it may be helpful for them to actually see what a backyard coop with 4 hens looks like. We would like to extend an offer to have them come over and see for themselves.

Thanks, Jeanie Mellem and Todd Topel

**Glen Markegard - Backyard Hens**

---

**From:** Cortney Larson <larson.cortney@gmail.com>  
**To:** <council@ci.bloomington.mn.us>  
**Date:** 8/23/10 12:51 PM  
**Subject:** Backyard Hens

---

To Who it May Concern,

I am a Bloomington resident and would like to add my support to the current proposal that would allow more Bloomington residents to keep a small flock of backyard hens.

Thank you,

Cortney Larson

## Glen Markegard - Fwd: farm animals

---

**From:** Cyndi Osberg  
**To:** Markegard, Glen; Moore, Lynn  
**Date:** 8/24/10 8:20 AM  
**Subject:** Fwd: farm animals

---

>>> phyllis pribyl <pribylp@yahoo.com> 08/23/2010 4:12 PM >>>

We do not need chickens, pigs, goats or any other farm animal in our community. They belong in the country, on the farm not in our great city!! Thank you

Phyllis Pribyl

# StarTribune.com



## Chickens feed controversy in the suburbs



Elizabeth Flores, Star Tribune

Mary Britton Clouse, who operates Chicken Run Rescue in Minneapolis, gave "Washburn" a kiss. Chickens, she said, "are a hell of a lot of work."

Bloomington and White Bear Lake are among the cities torn between keeping the peace and allowing residents in town to raise chickens.

By MARY JANE SMETANKA, Star Tribune

Last update: August 20, 2010 - 10:59 PM

Are chickens fit only for a farm, or are they egg-laying pets that belong in suburban back

yards?

That question has landed on city council agendas across Minnesota, driven by chicken enthusiasts who name their birds and create Facebook pages to fight city chicken bans.

In White Bear Lake and Bloomington, residents have asked for looser rules that would allow for backyard hens. There have been so many similar requests that the League of Minnesota Cities has been researching chicken ordinances around the state.

The discussion can get heated, especially between people who grew up on farms and those who see backyard chickens as charming pets and bearers of organic eggs.

"It's a hot topic," said Rachel Carlson, research staff attorney for the League of Minnesota Cities. "The classic debate seems to be between one side that says [chickens are] noisy and they don't want to smell chicken poop. The other side says dogs are much more noisy, and they have bigger poop."

Most Minnesota cities still prohibit chickens within their borders, including Eden Prairie and Golden Valley, each of which briefly

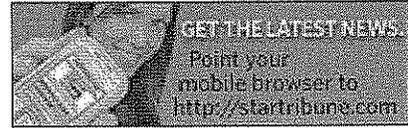
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discussed changes but stuck to their chicken bans.

White Bear Lake is debating an ordinance that would allow residents to keep up to six hens.

And in Bloomington, the City Council next month will consider letting residents keep up to four hens in coops that are shielded from neighbors and at least 30 feet from the property line. Existing rules make it impossible for most homeowners in the city to have chickens.

Jeanie Mellem pushed Bloomington to reconsider its rules after she was cited in February for having four hens -- named Gretchen, Grace, Carolyn and Emma -- in a back-yard coop.

Delighted with the city's proposal to relax its rules, she was shaken at a Planning Commission hearing this week when a commissioner who grew up on a farm adamantly opposed the change.

"People seem to either hate them or love [chickens]," Mellem said. "I'm doing my best to educate people. A lot of people don't know a lot about chickens."

Mellem finds "the ladies" a soothing addition

to her yard. She pets the hens, gives eggs to neighbors and allows neighbor kids to visit. Their soft clucking is relaxing, she says, and she enjoys watching them.

"Maybe it's a simpler life," Mellem said last spring. "Until you do it, you just don't understand."

After she was ordered to get rid of the chickens, Mellem created a "Help the Chickens Stay in Bloomington!" page on Facebook. The page has become a rallying point for 600 chicken fans, including people in Golden Valley and Eden Prairie who unsuccessfully pushed those cities to change their ordinances.

## Nothing but scratch and eat

Jill Rasmussen of Eden Prairie got chickens partly because she thought they would be good for her sons. She said she checked city ordinances but understood that unless someone complained, there was no problem. Someone complained.

When the issue went to the City Council in July, Rasmussen said, "They all just shook their head ... and said 'We don't want to pursue this.' "

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Rasmussen said she knows other Eden Prairie residents have chickens, but said they were afraid to come forward for fear of losing their birds. The neighbor who complained about her hens is moving and she said that with no one else objecting, she hopes to keep her four hens.

In Golden Valley, Pam Lapham started with five chickens and soon had 10.

"It's hard to stop at five because there are so many cool breeds out there," she said.

When a neighbor complained in April, she was cited for having farm animals. She asked the city to reconsider but said only one council member was sympathetic.

"All the rest disliked chickens," she said.

Lapham doesn't understand that.

"They're so gentle," she said. "There's something so calming about them. Our lives are so busy now. They have nothing to do but scratch in the dirt and eat bugs. They come and sit in my lap."

She has placed her chickens with a friend in another city.

## Dark side of the boom

While Mellem and other urban chicken fans build covered runs and heated coops for their pets -- Mellem is building a coop at her cabin so the birds can travel with her family -- groups like the Animal Humane Society in Golden Valley and Chicken Run Rescue in Minneapolis are seeing the ugly side of the chicken boom.

The Animal Humane Society has taken in 89 chickens so far this year, many more than in past years. They come from school hatching projects or "from back-yard situations where it was too much work or people lost interest," said the society's Carrie Libera.

All the birds go to Chicken Run Rescue, which has a permit to keep up to 20 birds at a time.

Chicken Run Rescue's Mary Britton Clouse has seen chickens abandoned in carriers on the street and flying loose in a downtown Minneapolis parking ramp. This year, Clouse said, she has five foster homes to handle the overflow from her home, where the chickens line up at night to march down the stairs to basement coops.

More chickens will show up this fall, she said,

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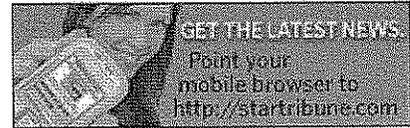
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when "kids are going back to school and mom doesn't want to be bothered anymore. And then there will be another burst when there's a subzero day."

Chickens are "a hell of a lot of work" to care for, Clouse said, and live 12 to 14 years. She condemns cities that prohibit roosters -- almost all do, because of their crowing -- calling them partners with hatchery businesses that slaughter millions of roosters every year because they don't lay eggs.

She admits to being conflicted by chickens' spreading popularity. Too many people don't know what they're doing and aren't committed to the animals, she said. But she helps teach classes on keeping chickens and sometimes offers tours of the rescue operation.

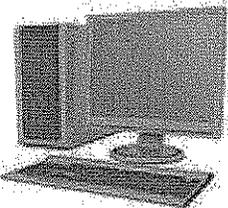
"We want people to know them and love them, and understand them for who they are, not what they can take from them," Clouse said. "All we can do is help as many birds as we can, and teach people what they are getting into."

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**City Council Meeting #18  
UNOFFICIAL SYNOPSIS**

**STUDY MEETING  
MONDAY, MAY 3, 2010  
5:30 PM**

**MAYOR: GENE WINSTEAD**

**COUNCILMEMBERS: AMY GRADY  
STEVE ELKINS  
VERN WILCOX**

**KAREN NORDSTROM  
STEVE PETERSON  
THOMAS HULTING**

*To address the Council on an item from the agenda, please approach the podium, ask to be recognized, clearly state your name and address, and sign the roster. Comment on items not on tonight's agenda during the Public Comment Period. Assistive listening devices are available for those who may need them.*

*View regular meetings live or on archive at [www.ci.bloomington.mn.us](http://www.ci.bloomington.mn.us), keyword:Webcast. Catch the replay on Bloomington Channel 14, the Wednesday after a meeting at 7:00 p.m. and the following Thursday at 1:00 a.m., 7:00 a.m. and 1:00 p.m.*

*[www.ci.bloomington.mn.us](http://www.ci.bloomington.mn.us): A yearly meeting schedule is available in the Council section. Also posted in this section are agendas (the Friday before a regular meeting), synopses (within a few days of a meeting), and the official minutes.*

- 1 CALL TO ORDER –5:30 PM** 5:37 pm
- 2 INTRODUCTORY** None
- 3 CONSENT BUSINESS** None
- 4 PUBLIC COMMENT PERIOD** *(Not open during work/study sessions)* Not Open
- 5 HEARINGS/PUBLIC INPUT** None
- 6 ORGANIZATIONAL BUSINESS**

Study Items:

- 1. Community Investment Program (CIP) Cont. to 6/7\*  
*\*(Council provided feedback on the CIP, which is scheduled for approval at a public hearing before the City Council on June 7, 2010.)*
- 2. Manufactured Home Parks, Recreational Camping Areas & Youth Camps Ordinance Update Cont. to 5/17\*  
*\*(Council provided feedback on the draft ordinance for the regulation of manufactured home parks, recreational camping areas and youth camps, which is scheduled for a public hearing before the Council on May 17, 2010. There was Council concurrence on the following staff recommended standard: "Not allowing manufactured homes to be moved into the park that are over 15 years old or are in poor condition.")*
- 3. Policy Farm Animals in Residential Zones Cont. to Future Study Mtg.\*  
*\*(Council discussed and provided feedback on amending the City's policy for keeping farm animals in residential zones. Staff will draft some Code language options for Council's consideration at a future study meeting based on tonight's feedback. The June 1 compliance date will be extended for those properties not in compliance with the City's current policy until such time a new policy is adopted.)*

- 7 ADJOURN** 6:54 pm

Future Meetings: May 17 – Study Meeting @ 5:30 pm  
 May 17 – Regular Meeting @ 7 pm  
 May 18 – Closed Meeting @ 6:30 pm (City Manager Review)

**STUDY MEETING**  
**MONDAY, JULY 26, 2010**  
**5:30 PM**

**MAYOR: GENE WINSTEAD**

**COUNCILMEMBERS: AMY GRADY**  
**STEVE ELKINS**  
**VERN WILCOX**

**KAREN NORDSTROM**  
**STEVE PETERSON**  
**THOMAS HULTING**

*To address the Council on an item from the agenda, please approach the podium, ask to be recognized, clearly state your name and address, and sign the roster. Comment on items not on tonight's agenda during the Public Comment Period. Assistive listening devices are available for those who may need them.*

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*[www.ci.bloomington.mn.us](http://www.ci.bloomington.mn.us): A yearly meeting schedule is available in the Council section. Also posted in this section are agendas (the Friday before a regular meeting), synopses (within a few days of a meeting), and the official minutes.*

<b>1</b>	<b>CALL TO ORDER –5:30 PM</b>	<i>5:36 pm</i>
<b>2</b>	<b>INTRODUCTORY</b>	<i>None</i>
<b>3</b>	<b>CONSENT BUSINESS</b>	<i>None</i>
<b>4</b>	<b>PUBLIC COMMENT PERIOD</b> <i>(Not open during work/study sessions)</i>	<i>Not Allowed</i>
<b>5</b>	<b>HEARINGS/PUBLIC INPUT</b>	<i>None</i>
<b>6</b>	<b>ORGANIZATIONAL BUSINESS</b>	

**Study Items:**

1. Old Cedar Bridge *Cont. to Sept. Study Mtg.\**  
  
*\*(Council reviewed the various bridge options – replacement, low-cost rehab and high-cost rehab and the related funding timeframes. Directed staff to contact selected legislators to discuss a new bridge owner. Continued to a September study meeting at which time staff will provide information on the possible use of South Loop funds for the bridge.)*
2. Animal Ordinance Modifications *Cont. to 9/27\**  
  
*\*(Council discussed modifications to the animal ordinance and directed staff to proceed with an administrative hearing on Aug. 5 and a Council hearing on 9/27. They concurred with the following modifications: Allow (4) chickens only, no roosters. Other farm poultry to be treated as Other Farm Animals. Potbellied pigs to be classified as Farm Animals. A solid fence to be required for the screening of coops and enclosures. Discussion of possible amendments to animal license fees was continued to the Council meeting during which amendments to the City's normal licensure fees will be considered.)*
3. Bentley Forbes Litigation *Closed Meeting*

<b>7</b>	<b>ADJOURN</b>	<i>6:59 pm</i>
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Future Meeting:

July 26 – Regular Meeting @ 7 pm

Administrative Public Hearing  
Regarding changes to Animal Ordinances  
August 5, 2010 Minutes

Hearing was opened at 6:00 p.m. by Lynn Moore who welcomed the group and explained the reason for the hearing and the agenda for the evening.

Powerpoint presentation given by Lisa Netzer regarding the changes to the ordinances.

After the presentation, Ms. Moore and Ms. Netzer answered questions from the audience. After all questions were answered, the following people gave formal verbal comments to be considered before final adoption of the code changes.

1. Todd Toepel – 10229 Colorado Rd. – Understands the visual screening listed in the proposed ordinance but in some yards the trees and bushes may accomplish the same thing as the visual screening and that should be taken into consideration.
2. Peter Clement – 8319 Wyoming Ave. S. Consider possibly a 20 or 25 foot setback. I did a lot of the work looking on line at other suburbs and how they have done it and that was the question. The main issue with chickens is usually you don't want noise or odor. Normally I would think that a 20 or 25 foot setback would be sufficient and if they would entertain it being from a house and rather than a property line because it is the house you are going to offend and not the property line. Normally the female chicken will just make a small amount of noise when the egg is laid. Many other noises are tolerated in an urban environment; lawn mowers, leaf blowers, etc. Definitely in favor of keeping peace with the neighbors, just wondering if they would entertain a smaller setback. Another comment, would they entertain a number of hens larger than four. It's just for practical reasons, when you have chickens they don't routinely lay an egg a day. Sometimes if you want eggs for human consumption or to give to your neighbors, it's nice to have a larger amount of eggs. If I'm correct the difference in the square footage that you would need from four chickens to eight would only be about 80 square feet. If you have a large enough lot I think you could take care of the setback. Just wondering if they would consider a slightly larger number of hens. The third comment was on the privacy fence. Would they consider an open weave but not totally open, but some openness. During the summer it is very hot and if you put in a solid fence that might be an issue. Thank you for all the time considering our options. I know it's been a long year and just the fact they are entertaining some changes, we appreciate it.
3. Larry Welte – 6013 W. 102<sup>nd</sup> St. –My comments would center around first the need for a permit and application process because of the tremendous number of variables that you have with the setbacks, the size and all of that, and plus whose got them in the city that we should have them. As a small business owner in this town, I fill out applications all the time. I can't get a little sign without filling out an application to the city. I think the process and the work that it takes in the city is not a

big deal. Secondly, I would recommend a 50 foot setback rather than a 30 foot setback which is the same as you said from the street. It has to be a 50 foot setback from the street I believe. I would suggest that that be on all sides of the lot. And the final thing is, chickens are nothing but a dirty animal. They smell. They make noise. Growing up on a farm and raising 500-600 of these every year. The coop is not pretty. The structure probably won't be pretty. A privacy fence, that's a great idea around it. I would suggest it be six foot tall rather and four foot tall and back it off from what a coop looks like because they are not pretty. Thank you.

4. Margaret Paul – 10224 Colorado Rd. – I live across the street from four chicken ladies. We didn't know we lived across from four chicken ladies for quite a while because we didn't hear them and we didn't see them. We are delighted to have four chicken ladies in our neighborhood. I can understand that 500 and 600 chickens are going to be smelly. My husband grew up on a farm and I spent a lot of time in the chicken coop with a lot of chickens and it does get smelly. I can guarantee that the four ladies are not smelly. I've visited them a number of times and they are extremely clean and their cage is very clean and there isn't a smell from them. We have a lot of sounds in our neighborhood. We have a lot of wrens that are loud. We have cicadas that are loud. We have turkeys that are loud, dogs, and people. The chickens blend in very nicely. The few times we have heard them when we heard them it was just a soft clucking sound and most welcome. I think the chickens have done a lot for our neighborhood. We have a lot of children in our neighborhood and a lot of people who are unfamiliar with chickens and just having them get to know the situation here to go visit the chickens. To understand the urban agriculture concept of this. Of actually seeing eggs not in a supermarket and kind of getting to know what is happening here has been very good not just for the kids but for the adults as well. I think everybody becomes somewhat educated about this. It's been good. I think it's been good for the kids and the adults to watch our neighborhood work together on this and give and take a little bit and go and visit the chickens and get to know the situation. I find it has been a very positive thing for our neighborhood. Not just for the kids. There are a lot of adults out there that have never been on a farm and never seen a living chicken. These chicken ladies live in great luxury in a very cute, cute coop. We just came back from a camping trip and frankly I would have preferred the coop to what I was in. It's just lovely and it would be nice if the council and members can visit some of the coops that exist. I think it would be quite a nice surprise for them to see how pleasant it is. As far as the setbacks and so on, I must say, we certainly, none of us in the neighborhood have been bothered in any way by these. We find them quite delightful all in all. Thanks.
5. Tina Graffunder – 9932 Maple Ave. S. – There are a couple of concerns we have with the proposed zoning. One of them being that we think that 20 feet would be more than sufficient from the lot line especially in our case. When you look at our yard and the yards around us, it makes more sense to have ours closer to the lot line rather than further from the lot line as far as our neighborhood goes. When our chicken coop is close to the lot line it is further from our neighbor's houses that if it was in a different area. Also we think that the feces is a little bit of a problem the way it's written in the proposed zoning. Because if it is stored in an airtight container it's not a green way to do that and it's going to create more and more stink and mess. We would propose that the city council

would look at that area of the zoning and we're wondering what do they propose that we do with the feces. Is it better to put it in our garbage can to be taken to the land fill or would it better for us to use in our garden which is what we would prefer to do; to use it and continue to put it back into the earth. We have a neighbor who is a vet and he is licensed with the city. A great guy and he loves our chickens and he calls them his ladies and he very much enjoys taking care of them when we are out of town and they would have come tonight but they were busy and they very much support it and our neighbors all love to get free eggs when we have extras. Another concern we have is that the number of chickens of four. We have a family of six and they the four hens that we have, they don't lay enough to feed our family. So we would also like the city to consider more of a number of six to eight hens because really what you are trying to do is make it so that people can have family chickens and provide for our families and help to be sustainable on our own and when you are limiting it to four, that kind of limits who can have them and how it can benefit each family the most.

6. Jan Welte – 6013 W. 102<sup>nd</sup> St. – I am a neighbor to this family that has the chickens and the chicken coop, and I think it makes a difference, Margaret, whether you live in their back yard or if you live across the street. We spend a lot of time in our back yard because we have a pool and we entertain our grandchildren as we babysit them daily. There is noise. In my estimation, they don't cluck softly. When they cluck, they cluck and that's it. I think the noise level does make a difference if you are back to back or if you're across the street. If you're in your back yard or if you're in front yard listening from across the street. That's my comment.
7. Janice Stanford – 10131 Humboldt Ave. S. – An overall comment is the idea that it's great that we have to acknowledge all the changes that you are permitting but we are looking at it so micro. We need to look at the big picture with the noise and all the things you are talking about. I have a neighbor who loves to fire off the leaf blower when it's a really gorgeous day at about 7:30 in the morning on a weekend and it's still firing off at 9:00 at night. But it's just what it is. I got a neighbor that has two little tiny dogs and bark every time they hear a door slam or when they hear a car start or whatever. And they're disruptive when we're hanging out but it is what is. They're dogs. When you don't look at it as so micro and you just look at it as the idea that it's your yard and there are a couple of chickens and or hopefully as many as six to eight, that you know, we look at the big picture and not so narrow about is it 30 feet versus 20 feet. It's not that much. So that's my input.
8. Sandra Seres – 8508 10<sup>th</sup> Ave. S. – Live off of 86<sup>th</sup> St. and 10<sup>th</sup> Avenue. We have three chickens and I have three children. They each one has one as a pet. They came along tonight and they're a little too nervous to come up. We have found them to be a blessing to our family as well as to our neighbors and they've learned a lot about the heritage and the way that we all know that our parents or grandparents or somebody had to start our country. It speaks a lot about our heritage and America to let them learn the simple things of life. Our neighbors with the daycare make a tremendous amount of noise. Cars constantly going all day long. Babies crying all day long and diapers smelling far more than our chicken coop, but there our neighbors and we think more highly of them than ourselves and so we're happy to let them do what they need to do to make a living.

We've gotten along great and everybody in our neighborhood has been very pleased to meet the chickens and see that they are much more like pets than they are like a horse or a cow or a pig. We see them as domestic versus wild. They obviously would fall in domestic category. Thanks so much for all the work that you've done to put together this document.

Lynn Moore closed the hearing at 7:00 p.m.