

Ordinance No. 1388

Amending the Fridley City Code Chapter 101, Animal Control

The City of Fridley does ordain, after review, examination and staff recommendation that Chapter 6, Commissions, of the Fridley City Code be amended as follows:

FRIDLEY CITY CODE CHAPTER 101. ANIMAL CONTROL

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

101.01 DEFINITIONS

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

1. Accredited Institution.

An educational institution holding accredited status which has been licensed or registered by the Minnesota Office of Higher Education at the time the registrant obtained his or certificate.

2. Animal

Every living creature except the human race.

3. Animal Control Authority

The Fridley Public Safety Department is hereby designated as the Animal Control Authority.

4. Animal Control Officer

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

5. Animal Shelter

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

6. Animal Tag

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

7. Apiary. The assembly of one or more colonies of bees on a single lot.

8. Apiary Site. The lot upon which an apiary is located.

9. Beekeeper. A person who owns or has charge of one or more colonies of honeybees or a person who owns or controls a lot on which a colony is located whether or not the person is intentionally keeping honeybees.

10. Beekeeping Equipment. Anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom board and extractors.

56. Birds

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

67. Cat

Any animal of the feline species.

8. Chicken

A chicken (Gallus gallus domesticus) is a domesticated type of fowl that serves as an egg or meat source.

9. Clucking. The sound uttered by a hen when laying eggs, brooding, or in calling her chicks.

10. Coop. The structure for the housing of chickens permitted by this Chapter.

11. Colony

An aggregate of honeybees consisting principally of workers, but having, when perfect, one queen and at times drones, brood, combs and honey.

12. Crowing. The sound uttered by a rooster is the 'singing' of the rooster. Roosters crow for many reasons including: reacting to a disturbance, reacting to almost any kind of sound, guarding their territory, feeling threatened, a predator 'trespassing' on their territory, or just communicating with other chickens.

713. Cruelty or Torture

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

814. Dangerous Dog

A Dangerous Any dog means any dog that has which has been declared to be a dangerous dog pursuant to this Chapter and Minnesota Statutes Sections 347.50 to 347.565 as may be amended from time to time.;

- ~~A. Without provocation, inflicted substantial bodily harm, as defined by MN Statutes 609.02, subd. 7(a), on a human being on public or private property;~~
- ~~B. Killed a domestic animal without provocation while off the owner's property; or~~
- ~~C. Been found to be potentially dangerous, and after the owner has notice that the dog is potentially dangerous, the dog aggressively bites, attacks, or endangers the safety of humans or domestic animals.~~

915. Dog

Any animal of the canine species.

16. Hen

A hen is a female chicken.

17777. Hive

The receptacle inhabited by a colony.

18. Honeybee

All life stages of the common domestic honeybee (apis mellifera). This definition does not include wasps, hornets, African subspecies or Africanized hybrids.

4019. Kennel

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

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

4120. Livestock

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

4221. License

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

22. Licensee

Any person who has applied and received approval of a City license.

1323. Multiple Pet Location

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

24. Nucleus Colony

A small quantity of honeybees with a queen housed in a smaller than usual hive box designed for a particular purpose, and containing no supers.

25. Owner

The license holder or any other person or persons, firm, association, organization or corporation owning, keeping, possessing, having an interest in, having custody or control of or harboring a dog. Any person keeping or harboring a dog for five consecutive days is an owner thereof for the purposes of this Chapter.

1426. Pet Shop

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

1527. Potentially Dangerous Dog

Any dog which has been declared to be a potentially dangerous dog pursuant to this Chapter and Minnesota Statutes Section 347.50 to 347.565, as amended from time to time. A Potentially dangerous dog means any dog that:

- A. When unprovoked, inflicts bites on a human or domestic animal on public or private property;
- B. When unprovoked, chases or approaches a person, including a person on a bicycle, upon the streets, sidewalks, or any public or private property, other than the dog owner's property, in an apparent attitude of attack; or
- C. Has a known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.

28. Proper Enclosure

A proper enclosure shall have the meaning provided in Minnesota Statute Section 347.50, subd. 4, as amended from time to time.

29. Provocation

Provocation shall have the meaning provided in Minnesota Statute Section 347.50, subd. 8, as amended from time to time.

30. Queen

An adult mated female that lives in a honeybee colony or hive that is usually the mother of most, if not all, of the bees in the beehive. A queen is developed from larvae selected by workers bees and specifically fed in order to become sexually mature.

1631. Rodents

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

32. Rooster

A rooster is a male chicken.

33. Run

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

34. Super. A box that holds the frames where bees will store the honey.

35. Swarming

The process where a queen bee leaves a colony with a large group of worker bees in order to form a new honeybee colony.

1736. Under Strict Control

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

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

37. Unusual Aggressive Behavior

Any instance in which unusual aggressive characteristics such as stinging or attacking without provocation occurs. Provocation is an act that an adult could reasonably expect may cause a bee to sting or attack.

1838. Veterinary Hospital

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

1939. Waterfowl

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

2040. Wild Animals

All living creatures not: human, wild by nature.

101.02. WILD ANIMALS AND BIRDS

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

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

2. Nuisance Wildlife Control Measures

- A. It shall be unlawful to hunt, take, shoot, trap, or kill any wild animal or bird within the City of Fridley without first having obtained a temporary nuisance wildlife control permit from the City. No permit shall be issued except upon the review and approval of a nuisance wildlife control plan and then only under the following conditions:
 - 1) A special permit, authorizing wild animal or bird removal, shall first be secured from the Minnesota Department of Natural Resources and any federal agency mandated to regulate the taking of the species to be removed as may be required.
 - 2) An indemnification agreement shall be submitted holding harmless the City of Fridley from any suits arising from any damages resulting from the nuisance wildlife control program.

- B. In addition to any other requirements as may be deemed necessary, the nuisance wildlife control plan shall at a minimum:
- 1) Include a site plan of the property upon which nuisance wild animals or birds are to be taken;
 - 2) Identify the species and number of wild animals or birds to be taken and the method of disposal;
 - 3) Describe the proposed manner of taking and incorporate appropriate safety standards as identified by the Minnesota Department of Natural Resources and public safety officials;
 - 4) Provide complete identification, credentials and qualifications of all person involved in the taking;
 - 5) Identify the measures to be used to secure the property from public intrusion during any taking.
- C. The ~~Director of Public Safety or designee~~City Manager or their designee has the authority to approve, modify or deny a nuisance wildlife control plan, taking into account the health, safety and welfare of the public.
- D. No person shall intentionally disrupt a nuisance wildlife control program conducted pursuant to this Section by any means including but not limited to the use of noise, lights, chemicals, or by the intrusion into a restricted area where a nuisance wildlife control program is taking place.

3. Prohibition of Waterfowl Feeding

- A. It shall be unlawful to provide food (including food by-products, garbage or animal food) to waterfowl on City of Fridley owned park land. This shall include placing food or allowing food to be placed on the ground, shoreline, waterbody, or any structure, unless such items are screened or protected in a manner that prevents waterfowl from feeding on them.
- B. This prohibition shall not apply to veterinarians, ~~city animal control officers~~Animal Control Officer, or county, state or federal game officials who in the course of their duties have waterfowl in custody or under their management.
- C. This prohibition shall not apply to persons authorized by the City of Fridley to implement the Canada Goose management program and any future waterfowl management programs approved by the City Council.
- D. This prohibition shall not apply to any food placed upon the property for purposes of trapping or otherwise taking waterfowl, where such trapping or taking is pursuant to a permit issued under Section 101.02.2. (ref 1260)

101.03. LIVESTOCK CONTROL

1. License Requirement

No person shall engage in the keeping, raising, feeding or caring for livestock within the City limits of Fridley without first having obtained a license to do so.

2. License Procedure

- A. A license to keep livestock shall be granted only after written application, signed by the applicant, is filed with the City Manager or their designee city clerk. The application shall state the applicant's full name and address, and contain the number and species of the livestock to be kept and a scaled site plan of the premises showing the adjoining property and fence lines.
- B. The City Manager or their designee community development director, or his or her subordinate, shall review the application and site plan and inspect the property to determine the possible effects on adjoining properties, housing facilities, sanitation control and the effect on the general health, safety and welfare of the public. When the City Manager or their designee community development director, or subordinate, has determined that the applicant has substantially demonstrated that there will be no adverse effects upon adjoining properties, housing facilities, sanitation control, as well as the general health, and has otherwise met all other licensing requirements the City Manager or their community development director, or subordinate designee, shall authorize the city clerk to issue the license. (Ref 1324)
- C. Any person keeping, raising, feeding or caring for horses, cattle, goats, sheep or swine shall provide no less than one (1) acre of open, unused land for each animal.

3. ~~License Fee~~

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

4. Manure Removal

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

5. Housing

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

6. Inspection

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

101.04. CHICKENS (Ref Ord 1349)

1. Purpose

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

~~2. Definitions~~

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

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

3.2. License Required

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

4.3. Location and Size of Coop and Run

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

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

5.4. Conditions

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

- H. Chickens shall be fed within the confines of the chicken coop or run area. Feed shall be stored in leak-proof containers with a tight-fitting cover to prevent attracting vermin.
- I. The raising of chickens for breeding purposes is prohibited on residentially used or zoned properties.
- J. There shall be no slaughtering or butchering of any chickens on residential properties within the City of Fridley.

6.5.____ Inspection

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

7.6.____ Appeal and Hearing Procedure

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

described in Section 128.06 of the ~~Fridley~~-City Code. At the hearing, the applicant may speak and may present witnesses and other evidence. Upon the conclusion of the hearing, the ~~Appeals-Planning~~ Commission shall issue a written decision that includes findings of fact. The City shall provide the applicant with a copy of the ~~Appeals Planning~~ Commission decision. The applicant may appeal the Commission's decision to the ~~Ceity Ceouncil~~ by submitting a written request to the ~~City Manager~~ or their ~~designee~~~~city clerk~~ within ~~fourteen~~-(14) business days of the date of the ~~Appeals Planning~~ Commission decision.

101.05. BEEKEEPING (Ref Ord 1349)

1. Purpose

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

2. ~~Definitions~~

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

- ~~A. Accredited Institution. An educational institution holding accredited status which has been licensed or registered by the Minnesota Office of Higher Education at the time the registrant obtained his or certificate.~~
- ~~B. Apiary. The assembly of one or more colonies of bees on a single lot.~~
- ~~C. Apiary Site. The lot upon which an apiary is located.~~
- ~~D. Beekeeper. A person who owns or has charge of one or more colonies of honeybees or a person who owns or controls a lot on which a colony is located whether or not the person is intentionally keeping honeybees.~~
- ~~E. Beekeeping Equipment. Anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom board and extractors.~~
- ~~F. Colony. An aggregate of honeybees consisting principally of workers, but having, when perfect, one queen and at times drones, brood, combs and honey.~~
- ~~G. Hive. The receptacle inhabited by a colony.~~
- ~~H. Honeybee. All life stages of the common domestic honeybee, apis mellifera. This definition does not include wasps, hornets, African subspecies or Africanized hybrids.~~

- ~~I. Licensee. Any beekeeper or person who has applied and received approval of a beekeeping license.~~
- ~~J. Nucleus Colony. A small quantity of honeybees with a queen housed in a smaller than usual hive box designed for a particular purpose, and containing no supers.~~
- ~~K. Queen. An adult mated female that lives in a honeybee colony or hive that is usually the mother of most, if not all, of the bees in the beehive. A queen is developed from larvae selected by workers bees and specifically fed in order to become sexually mature.~~
- ~~L. Super. A box that holds the frames where bees will store the honey.~~
- ~~M. Swarming. The process where a queen bee leaves a colony with a large group of worker bees in order to form a new honeybee colony.~~
- ~~N. Unusual Aggressive Behavior. Any instance in which unusual aggressive characteristics such as stinging or attacking without provocation occurs. Provocation is an act that an adult could reasonably expect may cause a bee to sting or attack.~~

3.2. Beekeeping License Required

- A. No person shall keep, harbor, maintain or allow to be kept any hive or other facility for the housing of honeybees on or in any property in the City without an approved license.
- B. Beekeeping training and education is required for the beekeeper prior to the issuance of the initial beekeeping license by the City. At the time of application for licensing, the beekeeper must submit a certificate of completion of a honeybee keeping course from an accredited Minnesota institution.
- C. The application of licensing must be upon a form provided by the City. All required information must be complete.
- D. Each apiary site must apply for a license and receive approval prior to bringing any honeybees into the City.
- E. The beekeeping license shall be valid until April 30th of each calendar year following initial issuance and must be renewed prior to annual expiration by submitting a renewal form provided by the City and paying the required renewal fee.
- F. Upon receipt of an application for initial license, the City will send written notice to all owners of properties located within 200 feet of the property line of the apiary site identified on the application. Any objections must be made in writing and received within ~~fourteen~~ (14) business days of mailing the notice.

- G. The license may be denied if the City receives a written objection from a resident living within the designated notification area who provides reasonable evidence that he or she or a member of ~~his or her~~their household has an allergy to honeybee venom.
- ~~H. The fees for the license are set in Chapter 11 of the Fridley City Code.~~
- ~~H.~~ The property must be in compliance with all other applicable City regulations in order to receive approval and renewal.
- ~~I.~~ If the licensee fails to maintain the standards of practice subsequent to issuance of a beekeeping license, the City Manager ~~community development director~~ or their designee may revoke the license.
- ~~K.~~ Beekeepers operating in the City prior to the effective date of this Section must either apply for and receive a license or remove the bees and structure within six months of the effective date.

4.3. Colony Location

- A. Residents on properties zoned R-1, Single Family Residential may be permitted to keep and raise honeybees as a hobby and shall be limited to two colonies per property.
- B. Hives must be located in the backyard and must be located a minimum of ~~thirty (30)~~ feet from all property lines.
- C. If any licensed beekeeper serves the community by removing a swarm or swarms of honeybees from locations where they are not desired, that person shall not be considered in violation of the colony density restrictions in this Section if the following conditions are met:
 - 1) The person temporarily houses the honeybees at an apiary site of a beekeeper licensed by the City;
 - 2) The bees are not kept for more than ~~thirty (30)~~ days; and
 - 3) The site remains in compliance with the other provisions of this Section.

5.4. Required Conditions

- A. No more than two colonies may be kept on the property at one time.
- B. For each colony permitted to be maintained in this Section, there may also be maintained upon the same apiary lot, one nucleus colony in a hive structure not to exceed one standard nine and five-eighths (~~9 5/8~~) inch depth box, ten frame hive body with a maximum of five ~~5~~ supers.

- C. Honeybee colonies shall be kept in hives with removable frames which shall be kept in sound and usable condition.
- D. Each colony on the apiary site shall be provided with a convenient source of water which must be located within ~~ten~~10 feet of each active colony.
- E. Materials from a hive such as wax combs or other materials that might encourage robbing by other bees shall be promptly disposed of in a sealed container or placed within a building or other bee and vermin proof enclosure.
- F. Beekeeping equipment must be maintained in good condition, including keeping the hives free of chipped and peeling paint if painted, and any unused equipment must be stored in an enclosed structure.
- G. Hives shall be continuously managed to provide adequate living space for their respective honeybees in order to prevent swarming.
- H. In any instance in which a colony exhibits unusual aggressive behavior, it shall be the duty of the beekeeper to promptly re-queen the colony.
- I. Honey may not be sold from any residential property.

6.5. Inspection

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

7.6. Appeal and Hearing Procedure

- A. Licenses issued under this Section may be denied, revoked or non-renewed due to any of the following:
 - 1) The keeping of honeybees in a manner which constitutes a nuisance to the health, safety or general welfare of the public;
 - 2) Fraud, misrepresentation, or a false statement contained in the license application or during the course of the licensed activity; or
 - 3) Any violation of the applicable provisions in this Chapter.
 - 4) Objection by a resident as stated in this Chapter.

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

101.06. ANIMAL NUISANCE

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

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

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

6. The animal chases vehicles or otherwise interferes with pedestrians, automobiles, bicycles, motorcycles, motor bikes or snowmobiles on public streets, alleys, properties or highways.
7. The animal is not currently vaccinated against rabies as evidenced by the certificate of an authorized veterinarian. (Ref 1313)
8. Any lot or premises on which four ~~(4)~~ or more dogs or cats, or any combination of four ~~(4)~~ or more dogs or cats, at least six ~~(6)~~ months of age, are kept. Additional animals may be kept in non-residential zones that meet the City's zoning requirements for a kennel license. (Ref, 979.)
9. Any person ~~eighteen~~ ~~(18)~~ years of age or older or the parents or guardians of any person under ~~eighteen~~ ~~(18)~~ years of age who owns, harbors or keeps a dog, allows such dog to run at large in the City. The age of such dog is irrelevant.
10. Any person having the custody or control of any animal does not clean up feces of the animal and dispose of such feces in a sanitary manner.
11. Any person having the custody or control of any animal allows such animal to defecate on the private property of anyone other than the owner.
12. When on a park or public land, any person having the custody or control of any animal does not immediately remove any feces left by such animal and dispose of such feces in a sanitary manner or does not have in possession a device or equipment for the picking up and removal of animal feces. The provisions of this Section shall not apply to a guide dog accompanying a blind person or rescue activities.
13. To allow an animal on the premises of any bathing beach or the City Community Park, whether ridden, lead, carried, or running at large. (Ref. 979.)

101.07. DOG LICENSING

1. License
 - A. No person shall own, keep or harbor any dog over the age of six ~~(6)~~ months within the City unless they have registered and received a dog license from the City. A license shall be issued by the City upon the ~~completion~~ submission of a completed application, ~~and~~ proof of rabies vaccination, and satisfaction of all of the requirements of this Chapter. The license shall be valid for the life of the dog and is transferable to a new owner, provided notice of the transfer is provided to the ~~City Clerk~~ City Manager or their designee pursuant to this ~~C~~chapter.
 - B. The application shall include the owner's name, address, phone and e-mail address; the dog's name, age, breed, color, and sex; and proof of rabies vaccination. No license shall be issued for a dog upon which proof of vaccination has not been provided at the time of the application.

C. It shall be the owner's responsibility for maintaining current vaccinations at all times. The owner must provide proof of current rabies vaccination upon request or demand by the City's:

- 1) licensing authority;
- 2) Animal Control Officer;
- 3) ~~police department~~Animal Control Authority; or
- 4) individual that may have been harmed, injured or bitten by the dog.

2. Tag

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

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

- 1) counterfeit or attempt to counterfeit a dog tag;
- 2) remove a valid tag for any purpose;
- 3) to own, keep or harbor a dog wearing a counterfeit, fictitious, altered, or invalid license tag;
- 4) to own or keep a license tag not issued in connection with the licensing or keeping of the dog wearing the same.

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

3. Death of Dog

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

4. Transfer of Dog

A. Transfer Within the City. Any person to whom a dog license is issued must notify the ~~City Clerk~~City Manager or their designee in writing of the transfer of the dog to a new owner, if applicable, and new location within the City where the dog will reside.

Within 30 days of the transfer of the dog, if requested by the ~~City Clerk~~City Manager or their designee, the owner shall execute an affidavit under oath setting forth the complete name, address, and telephone number of the person to whom the dog has been transferred, if applicable, and the address within the City where the dog has been relocated.

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

101.08. REVOCATION

1. A dog license may be denied or revoked if:
 - A. The person to whom such license is issued violates Section ~~401.04~~101.06 related to animal nuisance or violates Section ~~401.05~~101.07 related to dog licensing three (~~3~~) times within a ~~twelve~~ (12) month period or five (~~5~~) or more times within the dog's lifetime; or
 - B. The person to whom such license is issued violates the terms of Minnesota Statutes Chapter 343 related to cruelty to animals; or
 - C. The person to whom such license is issued violates the terms of Minnesota Statutes Chapter 347 or the City Code related to the regulation of potentially dangerous or dangerous dogs; or
 - D. The person violates any other provision of the City Code, or other applicable law, rule, or regulation; or
 - ~~DE.~~ The Animal Control Officer determines that the dog poses a substantial risk to public safety or the well-being of the community.
2. An Animal Control Officer shall send written notice of the denial or revocation to the person to whom such license was issued. The notice shall state the basis for the denial or revocation and that an appeal hearing may be requested, in writing, addressed to the ~~City Clerk~~City Manager or their designee, within ~~fourteen~~ (14) business days of the date of the notice. The appeal shall be heard by the City Council.
3. Any person whose dog license is denied or revoked shall, within ~~fourteen~~ (14) days of the date of the notice of denial or revocation, appeal the decision as required by Section ~~101.06.2~~101.08, remove permanently from the City, or ~~humanely dispose~~ euthanize of any and all dogs owned, kept or harbored by such person. No part of the license fee shall be refunded unless

the person prevails on appeal. If any member of a household is prohibited from owning a dog by reason of license revocation, denial, or any other provision of this Chapter, unless specifically approved with or without restrictions by the City, no person in the household is permitted to own, keep or harbor a dog in the City.

4. If a dog license is denied or revoked, no new dog license may be issued for a period of three ~~(3)~~ years from date the license is denied or revoked, and any person who has had their dog license revoked may not own a dog within the City without such license. Beginning three ~~(3)~~ years after a revocation under this Section that prohibits a person from owning a dog, and annually thereafter, ~~t~~he person may request in writing that the ~~Public Safety Director~~ City Manager or their designee review the prohibition. The ~~Public Safety Director~~ City Manager or their designee may consider such facts as the seriousness of the violation or violations that led to the revocation, any criminal convictions, or other facts deemed appropriate. The ~~Public Safety Director~~ City Manager or their designee may recommend that the City rescind the revocation entirely or rescind it with limitations. The ~~Public Safety Director~~ City Manager or their designee also may recommend conditions a person must meet before the revocation is rescinded, including, but not limited to:

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

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

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

101.09. EXEMPTIONS

Section ~~101.05~~101.07 of this Chapter requiring a license and tag shall not apply to nonresidents of the City who are keeping only domestic pets, provided that the animals of such owners shall be kept in the City no longer than ~~thirty (30)~~ days and the animals are kept under restraint. All other provisions of this Chapter shall apply to nonresidents and their pets.

~~101.10.~~FEES

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

~~101.11.~~101.10. IMPOUNDING

1. Generally

- A. ~~The Animal Control Officers may shall, take up seize~~ and impound any animals requiring licenses or tags found in the City without the licenses or tags and; ~~or~~ any animals which are found to be in violation of any of the other provisions of this Chapter. Animals ~~shall may~~ be impounded in an Animal Shelter and confined in a humane manner. Impounded animals ~~shall may~~ be kept for not ~~less more~~ than five ~~(5)~~ regular business days of the Animal Shelter, unless reclaimed by their owners.
- B. If an animal is found at large and the owner or custodian can be identified, the Animal Control Officer may proceed against the owner for violation of this Chapter.
- C. The Animal Control Officer may enter upon any public or private premises by warrant or as otherwise provided by law when such officer is in reasonable pursuit of ~~his or~~ her their duties.
- D. Upon receiving any animal as provided in this Chapter, the Animal Shelter personnel who receive animals shall check for identification on each animal, identify the owner by the identification whenever possible, and promptly notify the owner of the location of the animal by the most expedient means. The Animal Shelter and Public Safety Department ~~police department~~ shall maintain a record of animals so impounded.

2. Impounding Potentially Dangerous or Dangerous Dog

The Animal Control Officer may seize and impound any dog which is determined to be a potentially dangerous dog or dangerous dog pursuant to Minnesota Statute and this Section under the following conditions:

- A. The dog inflicted substantial bodily harm on a human in public or private property without provocation;
- B. The dog inflicted multiple bites on a human on public or private property without provocation;

- C. The dog bit multiple human victims on public or private property in the same attack without provocation;
- D. The dog bit a human on public or private property without provocation in an attack where more than one dog participated in the attack;
- E. The dog had been declared dangerous, the owner's right to an appeal under this Section has been exhausted or expired and the owner has failed to comply with the provisions of this Section or the provisions of Minnesota State Statutes 347.50 through 347.56; or
- F. A potentially dangerous or dangerous dog commits a subsequent act or acts described in Section 101.01(15), 101.06(1), 101.06(2), and 101.06(6).

23. Claiming an Impounded Animal

- A. In the instance of animals for which the owner does not have a required license or tag, the Animal Shelter shall not return such animal to the owner until a license has been applied for and a tag has been purchased from the City or Animal Shelter. ~~Such Animal Shelter shall remit to the City the sum paid for the tag and furnish the City with the completed dog license application and proof of current rabies vaccination submitted in connection therewith.~~
- B. The owner of ~~the~~ an impounded animal shall pay the Animal Shelter an impounding fee. The Animal Shelter shall turn over to the City any impounding fees received. The City shall place such fees in the General Fund of the City.
- C. If a rabies vaccination is required and the owner cannot produce proof that the animal has had a current rabies vaccination, the Animal Shelter shall ensure that such dog or other animal is vaccinated for rabies as a condition of release to the owner, the animal's owner shall pay to the Animal Shelter the cost of the immunization.
- D. The owner of ~~the~~ an impounded animal ~~shall~~ shall be liable for and pay the Animal Shelter the cost of feed and care for each day the animal is impounded in the animal shelter.
- E. Unless otherwise determined by the Animal Control Authority, a dog impounded pursuant to Section 101.11 (2) above shall not be released from impound until the dog owner satisfies the requirements of this Chapter and Minnesota Statutes related to the registration and keeping of potentially dangerous or dangerous dogs, as verified by an Animal Control Officer.

34. Unclaimed Impounded Animals

Any impounded animal not claimed within five ~~(5) regular~~ business days of the Animal Shelter shall become the property of the Animal Shelter and may be disposed of in a manner permitted

by law. The licensed owner shall be liable to the Animal Shelter for costs incurred in confining and disposing of the animal.

101.11 POTENTIALLY DANGEROUS DOGS AND DANGEROUS DOGS

1. Adoption of State Law

Minnesota Statutes Sections 347.50 through 347.565, are hereby adopted. Every provision contained in the foregoing sections is hereby adopted and made a part of this Chapter by reference as if fully set forth herein. In the event of conflict between State law and the provisions of this Chapter, the more restrictive provision shall apply.

2. Declaration of Potentially Dangerous or Dangerous Dog

An officer of the Animal Control Authority or any other duly-appointed animal control officer shall be responsible for declaring a dog as potentially dangerous or dangerous, in accordance with all applicable laws, rules, and regulations.

3. Notice of Declaration

Upon declaration by the City that a dog is potentially dangerous or dangerous, the City shall provide notice within five business days of this declaration by delivering or mailing the notice to the owner of the dog, or by posting a copy of the notice at the place where the dog is kept, or by delivering it to a person residing on the property. The notice shall include:

- A. A description of the potentially dangerous or dangerous dog; the authority for and purpose of the potentially dangerous or dangerous dog declaration and seizure, if applicable; the time, place, and circumstances under which the dog was declared potentially dangerous or dangerous; and the telephone number and contact person where the dog is kept;
- B. A statement that the owner of the dog may request a hearing before the Hearing Examiner concerning the potentially dangerous or dangerous dog declaration and that failure to do so within 14 days of the date of the notice will terminate the owner's right to a hearing under this Section;
- C. A form to request a hearing under this subsection; and
- D. A statement that all 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 Examiner finds that the seizure or impoundment was not substantially justified by law.

4. Administrative Appeal of Declaration

An owner may appeal a declaration that its dog is potentially dangerous or dangerous by submitting a written request for a hearing, on a form provided by the City, to the City Manager or

their designee stating that the owner contests the declaration accompanied by a non-refundable hearing fee, made payable to the City of Fridley, within 14 business days of the service of the potentially dangerous or dangerous dog declaration. Such requests for appeal will be handled according to this Section.

A. Untimely Appeals: An owner's right to appeal or otherwise contest the potentially dangerous or dangerous dog declaration shall be deemed waived if the owner fails to serve a written request for appeal within 14 business days of the receipt of the notice. The owner of a dog which has been declared a potentially dangerous or dangerous dog must comply with the applicable requirements set forth in this Chapter and Minnesota Statutes Sections 347.50 through 347.565.

B. Timely Appeals: If a timely appeal is filed from a declaration that a dog is potentially dangerous or dangerous, the owner must immediately comply with the requirements of this Section, until such time as an opinion is rendered. If a timely appeal is filed from a declaration that a dog is potentially dangerous or dangerous, the owner must immediately comply with the requirements of Minnesota Statutes Section 347.52, paragraphs (a) and (c), and until such time as an opinion is rendered.

C. Hearing Process: If a timely appeal is filed, a hearing shall be held within 14 business days after the City's receipt of the appeal and the following procedures shall be followed:

1) The City shall refer the matter to an impartial Hearing Examiner to conduct the appeal.

2) Both parties may be represented by Counsel, shall have the opportunity to present testimony, be able to call and question witnesses and introduce any exhibits; however, strict rules of evidence shall not apply. All persons giving testimony will be sworn under-oath and subject to the penalty of perjury. The dog may not be brought to the hearing. The records of the Animal Control Officer shall be admissible for consideration without further foundation. The Hearing Examiner shall receive and give weight to the evidence, including hearsay evidence.

3) The hearing shall be recorded with an audio recording device and a full record of the proceedings shall be maintained by the City according to the Minnesota Government Data Practices Act.

4) The Hearing Examiner has the authority to do any of the following, or a combination thereof:

a) Uphold the declaration and require the owner to comply with all provisions of this subsection within 14 business days; or

b) Overturn the declaration and make findings that no violation has occurred;
or

- c) May elevate the designation from potentially dangerous to dangerous dog based upon evidence presented at the hearing; or
 - d) May elevate the designation from dangerous dog to destruction based upon evidence presented at the hearing.
- 5) Failure to appear at the scheduled hearing shall result in a default judgment against the party who fails to appear. If the owner fails to appear, the declaration shall be upheld and the fee for the cost of the hearing shall be refunded to the owner. The hearing date or time may be rescheduled only one time, and not within the 72 hours immediately preceding the hearing. Cancellations for any reason within the 72 hours of the scheduled hearing will result in the forfeiture of the non-refundable fee. If the City fails to appear, the declaration shall be dismissed, and the filing fee shall be refunded to the owner.
- 6) The Hearing Examiner shall issue a written decision within 10 business days of the hearing. The decision shall be delivered to the dog's owner by hand delivery or registered mail as soon as practical and a copy must be provided to the Fridley Public Safety Department. The decision of the Hearing Examiner is final.

5. Exemption

The provisions of this Section do not apply to the following:

- A. Dogs used by law enforcement officials for police work.
- B. Dogs may not be declared potentially dangerous or 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; or
 - 2) Who was provoking, tormenting, abusing or assaulting the dog or who can be known to have repeatedly in the past, provoked, tormented, abused or assaulted the dog; or
 - 3) Who was committing or attempting to commit a crime.

6. Notification

Following the exhaustion of all appeal rights, notice of a potentially dangerous or dangerous dog declaration will be sent to each residence located within 350 feet of the dog's residence, and to each public or private school located within 1,000 feet thereof.

7. Potentially Dangerous or Dangerous Dog Declaration Review

Beginning six months after a dog is declared a potentially dangerous or dangerous dog, the owner may request annually that the Animal Control Authority review the designation. A request for review of the designation must be submitted on the form supplied by the City. The owner must provide evidence that the dog's behavior has changed due to the dog's age, neutering, environment, completion of obedience training that includes modification of aggressive behavior, or other factors. If the City Manager or their designee finds sufficient evidence that the dog's behavior has changed, the City may rescind the potentially dangerous or dangerous dog declaration. The owner of the dog shall be notified in writing of the review results within 10 business days of the request.

8. Potentially Dangerous Dog and Dangerous Dog Registration

No person may own a dog that has been determined to be a potentially dangerous or dangerous dog pursuant to this Chapter or Minnesota Statute 347.50 unless the dog is annually registered. This registration requirement is in addition to the owner obtaining a dog license as required in this Chapter. Registration must be completed within 14 business days from the owner's receipt of notice of declaration of a potentially dangerous or dangerous dog unless a timely appeal has been filed. The Animal Control Authority shall issue a certificate of registration to the owner of a potentially dangerous or dangerous dog if the owner presents sufficient evidence of the following.

- A. A proper enclosure exists for the potentially dangerous or dangerous dog and the premises are posted with a clearly visible sign that includes a warning symbol of a potentially dangerous or dangerous dog on the property, including a warning symbol to inform children. The warning symbol must be the uniform symbol issued by the City that was provided by the Commissioner of Public Safety. Prior to the issuance of any tags for a new registration of a potentially dangerous or dangerous dog, a pre-license inspection of the premises to ensure compliance with this Code is required. The City shall be allowed at any time to inspect the dog, the proper enclosure and all places where the dog is kept.
- B. The owner must present a certificate of liability insurance by an insurance company authorized to conduct business in this state, which specifically states that the owner is insured for any personal injuries inflicted by the dangerous dog in the amount of at least \$300,000 per occurrence.
- C. The owner has paid the annual potentially dangerous or dangerous dog registration fee that shall be included in the City's fee schedule, in addition to the regular dog licensing fee described in this Chapter.
- D. The owner has microchip identification implanted in the potentially dangerous or dangerous dog. The name of the microchip manufacturer and identification number of the microchip must be provided to the Animal Control Authority. All costs related to the purchase and implantation of the microchip must be paid by the dog's owner.
- E. The owner provides proof that the dog has been sterilized. If the owner does not sterilize the dog within 30 days of being notified of this requirement, the City may seize the dog and have it sterilized at the owner's expense.

F. The Owner has obtained a valid dog license, as required in this Chapter.

9. Potentially Dangerous and Dangerous Dog Requirements

A. An owner of a properly registered potentially dangerous or dangerous dog shall keep the dog, while on the owner's property, in a proper enclosure. If the dog is outside the proper enclosure, the dog must be muzzled and restrained by a substantial chain or leash not exceeding six feet in length and under the physical restraint of a responsible person. Electronic perimeter fences shall not be considered to satisfy these confinement requirements for a potentially dangerous or dangerous dogs. The muzzle must be constructed and worn 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. Prior to the issuance of any tags for a renewal registration of a potentially dangerous or dangerous dog, a pre-license inspection of the premises to ensure compliance with this Section may be required. The city shall be allowed at any time to inspect the dog, the proper enclosure and all places where the dog is kept.

B. The owner of a potentially dangerous or dangerous dog for which registration is required under this Section shall pay an annual registration fee until the dog is deceased or is determined to be no longer potentially dangerous or dangerous. If the dog is removed from the jurisdiction, it must be registered as a potentially dangerous or dangerous dog in its new jurisdiction, pursuant to the laws and procedures in place in the new jurisdiction.

C. An owner of a potentially dangerous or dangerous dog must notify the Animal Control Authority in writing of the death of the dog or its transfer to a new location where the dog will reside within 30 business days of the death or transfer, and must, if requested by the Animal Control Authority, execute an affidavit under oath setting forth either the circumstances of the dog's death and disposition or the complete name, address, and telephone number of the person to whom the dog has been transferred or the address where the dog has been relocated.

D. The owner of a potentially dangerous or dangerous dog must have the dog sterilized at the owner's expense. If the owner does not have the animal sterilized within 30 business days, the Animal Control Authority shall seize the dog and have it sterilized at the owner's expense.

E. A person who owns a potentially dangerous or dangerous dog and who rents property from another where the dog will reside must disclose to the property owner prior to entering the lease agreement and at the time of any lease renewal that the person owns a dangerous dog that will reside at the property.

F. A person who transfers ownership of a potentially dangerous or dangerous dog must notify the new owner that the Animal Control Authority has identified the dog as potentially dangerous or dangerous. The current owner must also notify the Animal Control Authority in writing of the transfer of ownership and provide the Animal Control Authority with the new owner's name, address, and telephone number.

G. No person shall remove a microchip from a potentially dangerous or dangerous dog.

H. The City may require that the owner and its potentially dangerous or dangerous dog attend and complete an approved obedience class. All costs related to the approved obedience class must be paid by the dog's owner.

I. A potentially dangerous dog or dangerous dog registered under this Section must have a standardized, easily identifiable tag identifying the dog as dangerous and containing the uniform dangerous dog symbol, affixed to the dog's collar at all times.

J. It shall be unlawful for the owner of a potentially dangerous or dangerous dog to fail to comply with the requirements set forth in this Section. Any dog found to be the subject of a violation of this Section shall be subject to immediate seizure and impoundment in accordance with this Chapter.

K. No more than one potentially dangerous or dangerous dog shall be housed at the same address. For purposes of apartments and other multi-unit dwellings, each dwelling unit shall be considered a separate address.

L. It shall be unlawful to allow a potentially dangerous or dangerous dog to be on City-owned or maintained property, including but not limited to parks and trails, regardless of whether the animal is properly restrained. This prohibition shall not apply to streets and sidewalks, insofar as the potentially dangerous or dangerous dog is handled in accordance with the requirements of State law and this Chapter.

M. Failure to comply with any of the requirements of this Chapter, including but not limited to registration of or keeping of potentially dangerous or dangerous dogs, may lead to the immediate revocation of a dog license and seizure of the potentially dangerous or dangerous dog.

10. Confiscation and Reclamation of Potentially Dangerous and Dangerous Dogs

An Animal Control Officer shall immediately seize and impound any potentially dangerous or dangerous dog if:

A. The owner fails to validly register the dog under this Section within 14 business days of its designation as a potentially dangerous or dangerous dog.

B. The owner fails to present a certificate of liability insurance by an insurance company authorized to conduct business in this state under this Section within 14 business days of its designation as a potentially dangerous or dangerous dog.

C. The dog is not maintained in the proper enclosure.

D. The dog is outside the proper enclosure and not under the physical restraint of a responsible person as required under Minnesota State Statute 347.52 and this Section.

- E. The dog is not sterilized within 30 days, pursuant to Minnesota State Statute 347.52, paragraph (d).
- F. The owner of a potentially dangerous or dangerous dog is convicted of a misdemeanor for violating the provisions of this Section and the person is charged with a subsequent violation relating to the same dog. If the owner is convicted of the offense for which the dog was seized, the district court may order destruction of the dog and the owner must pay for the costs of confining and euthanizing the dog.
- G. The owner fails to obtain or maintain a valid dog license, as required by this Chapter, for the potentially dangerous or dangerous dog.
- H. The owner fails to comply with any of the provisions of this Chapter related to the keeping of a dog within the City.
- I. A potentially dangerous or dangerous dog seized under this Section may be reclaimed by the owner of the dog by presenting proof of compliance with state law and this Chapter to the City and payment of all costs associated with the confiscation and confinement of the dog, including the impoundment fee set forth in Chapter 11 of this Code and all impoundment costs. A dog not reclaimed under this subdivision within seven business days may be disposed of in a manner permitted by law, and the owner is liable to the Animal Control Authority for costs incurred in confining and euthanization of the dog.

11. Destruction of the Dog in Certain Circumstances

- A. The Animal Control Authority may euthanize a dog in a proper and humane manner under the following conditions:
 - 1) The dog inflicted substantial bodily harm on a human on public or private property without provocation;
 - 2) The dog inflicted multiple bites on a human on public or private property without provocation;
 - 3) The dog bit multiple human victims on public or private property in the same attack without provocation; or
 - 4) The dog bit a human on public or private property without provocation in an attack where more than one dog participated in the attack.
 - 5) The dog has been declared dangerous, the owner's right to appeal under this Section has been exhausted or expired and the owner has failed to comply with the provisions of this Section or the provisions of Minnesota State Statutes 347.50 through 347.56; or
 - 6) The owner of a dangerous dog that commits a subsequent act or acts described in Section 101.01(15), 101.06(1), 101.06(2), 101.06(6).

B. The Animal Control Authority will not euthanize the dog until the dog's owner has had the opportunity for a hearing before the Hearing Examiner. The exemptions set forth in Section 101.11.5 of this Section apply to this provision. The Animal Control Authority, after having been advised of the existence of such animal as defined in this Section, shall proceed as follows:

- 1) The dog's owner shall be notified in writing within five business days as to the reason the animal is subjected to disposition under this Section and, where applicable, the dates, times, and places of animals or persons bitten, attacked, injured or disfigured or of other violations. The Ceity shall provide notice of this disposition by delivering or mailing the notice to the dog's owner, or by posting a copy of the notice and a form to request a hearing under this subsection at the place where the dog is kept, or by delivering it to a person residing on the property. The dog's owner shall be given 14 business days to request a hearing for determination as to the disposition of the dog and that failure to do so within 14 business days of the notice will terminate the owner's right to a hearing under this Section.
- 2) If the dog's owner does not request a hearing within 14 business days of the notice, the Animal Control Authority shall make an appropriate order including euthanization of the dog. The dog's owner shall immediately make the dog available to the animal control officer for the ordered disposition.
- 3) If the dog's owner requests a hearing for determination as to the disposition of the dog, the hearing shall be held before the Hearing Examiner at a date not more than 14 business days after demand for the hearing. The records of the Animal Control Authority shall be admissible for consideration without further foundation. After considering all evidence, the Hearing Examiner shall make an appropriate order within 10 business days of the hearing, including euthanization of the dog. The dog's owner shall immediately make the dog available to the animal control officer for the ordered disposition.
- 4) Any person who harbors, hides or conceals an animal which has been ordered into custody for destruction or other proper disposition shall be guilty of a misdemeanor.

12. Restrictions on Future Ownership

- A. Convictions. A person may not own a dog if they are prohibited under Minnesota State Statute 347.542. This prohibition applies to any member of that same person's household.
- B. Non-compliance. An owner of a potentially dangerous or dangerous dog that fails to comply with the requirements of this Section or State law may be prohibited or restricted from future ownership or custody of other dogs.
- C. The owners of dogs found to be potentially dangerous or dangerous by another city or jurisdiction, must notify the Public Safety Department within 14 business days of moving into the city, and must follow the requirements of Minnesota Statutes Sections 347.50 through 347.565 and this Section.

13. List Posted

For the purposes of public notification and public safety, the City may post a list of potentially dangerous and dangerous dogs on the City's website.

14. Violation; Misdemeanor

Any violation of the provisions of this Chapter shall constitute a misdemeanor offense.

101.12 ANIMAL BITES, QUARANTINE

1. Any person who has been bitten or has knowledge of a human being who has been bitten by a dog, cat, raccoon, skunk or other species susceptible to rabies shall immediately notify the Animal Control Officer or Public Safety Department~~Police Department~~. Whenever such an animal has bitten any person, the owner or custodian of the animal, after being so notified by the Animal Control Officer or the Police Department, shall immediately cause said animal to be quarantined at the City of Fridley contracted animal Animal Sshelter or at a licensed veterinary hospital or kennel for a period of ~~ten (10)~~ days after such person has been bitten. During the quarantine period, said animal shall be kept under observation to determine its condition and if it is found to be sick or diseased, the operator of the quarantine facility shall immediately report in writing to the ~~Police Department or the Fridley Animal Control Officer~~ Public Safety Department the condition of the animal. The Animal Control Officer shall then take necessary steps to determine if the animal is suffering from rabies.

2. During the quarantine period the animal shall not be removed from the designated quarantine facility except by special written permission from the Minnesota Livestock Sanitary Board and the ~~Fridley~~ Animal Control Officer. The owner of an animal shall be responsible for the cost of quarantine.

3. The quarantine required by this Section shall not be necessary and the requirements shall be waived if the custodian or owner of the animal, immediately upon notification that ~~his or her~~their animal has bitten someone, presents to the Animal Control Officer or Public Safety Department~~Police Department~~, the certificate of an authorized veterinarian that the animal was currently vaccinated for rabies prior to the date of the biting. Such animal so exempt shall be quarantined on the premises of the owner, under strict control, for a period of ~~ten (10)~~ days for the purpose of observation for symptoms of disease. The Animal Control Officer is authorized to conduct a mid-term and terminal examination of the animal.

4. It shall be unlawful for any person, other than an Animal Control Officer, to kill or destroy any animal found running at large in the City. No Animal Control Officer or other person shall kill, or cause to be killed, any animal suspected of being rabid, except after the animal has been placed in quarantine, and the diagnosis of rabies made.

5. ~~Regulation of Potentially Dangerous or Dangerous Dog. A potentially dangerous or dangerous dog shall be registered and regulated as required by Minnesota Statutes Section 347.565.~~

101.13 PROHIBITED ANIMALS

1. No person shall keep or allow to be kept in the City:
 - A. Any animal of a vicious nature or with a propensity, tendency or disposition to attack, to cause injury or to otherwise endanger the safety of human beings or domestic animals; or
 - B. Any animal which attacks a human being or a domestic animal on two or more occasions without provocation or on a single occasion where substantial bodily harm on a human being is inflicted without provocation; or
 - C. Any non-domesticated animal not naturally tame or gentle, but is of wild nature or disposition, including any of the following:
 - 1) Any animal or species prohibited by federal or Minnesota Law.
 - 2) Any non-domesticated animal or species, including, but not limited, to the following:
 - a) Any skunk, whether captured in the wild, domestically raised, de-scented or not de-scented, vaccinated against rabies or not vaccinated against rabies;:
 - b) Any large cat of the family Felidae such as lions, tigers, jaguars, leopards, cougars, and ocelots, except commonly accepted domesticated house cats;:
 - c) Any member of the family Canidae, such as wolves, foxes, coyotes, dingoes and jackals, except commonly accepted domesticated dogs;:
 - d) Any poisonous snake, pit viper or constrictor, such as a rattle snake, coral snake, water moccasin, cobra, boa constrictor or python;:
 - e) Any raccoon; or;
 - f) Any other animal which is not listed explicitly above, but which can reasonably be defined by the terms in Section 101.11 of this code, including bears and badgers.

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

2. These restrictions do not apply to a properly registered potentially dangerous or dangerous dog that is being maintained in accordance with all applicable requirements of this Chapter and State law.

101.14 COMPLAINTS

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

101.15 MUZZLING

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

101.16 MULTIPLE PET LOCATION

1. License Requirement

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

2. License Application

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

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

3. Issuance of License

The ~~City~~ City Manager or their designee shall have discretion in determining whether or not to issue a license. In making such determination, the City shall take into consideration the conditions listed below and with particularity, any violations during the previous license period. In the event the licensee moves to a new residential lot within the City of Fridley, the licensee is required to complete a new application for the new location.

4. Conditions

- A. Housing facilities and grounds shall be maintained in a clean and sanitary condition and kept in good repair. Facilities shall be kept free of fecal matter and collected fecal matter shall be properly disposed of weekly so as not to create a public nuisance as defined in Chapter 110 of this Code.
- B. The premises for keeping of dogs and/or cats shall be fenced. The fencing must be of such quality and design so that it will contain the dogs and/or cats.
- C. If dogs and cats are to be maintained outside during the winter months, the housing or shelter shall be winterized to protect the dogs or cats from the harsh elements of the cold.
- D. Animal feed shall be stored in leak-proof containers with tight-fitting covers to prevent attracting vermin so as not to create a public nuisance as defined in Chapter 110 of this code.
- E. The animals are maintained in a manner that they do not become a public nuisance as defined in Section 101.06 of this Code.

5. Multiple Pet License Fee

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

6. Inspection

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

7. Appeal and Hearing Procedure

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

101.17 ANIMAL CONTROL OFFICER

1. Appointment

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

2. Duties

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

3. Unlawful Acts

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

101.18 GUARD DOGS

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

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

101.19 SEEING EYE DOGS

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

101.20 CRUELTY TO ANIMALS

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

101.21 RELATION TO OTHER LAW

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

101.22 PENALTIES

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

101.23 FEES

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

Passed and adopted by the City Council of the City of Fridley on this [Day] day of [Month], 2021.

Scott J. Lund - Mayor

Daniel Tienter - City Clerk

First Reading: April 12, 2021

Second Reading:

Publication: