

## ORDINANCE

By A. Johnson

### Amending Title 4 of the Minneapolis Code of Ordinances relating to Animals and Fowl.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Title 4, Chapters 62 through 76, of the Minneapolis Code of Ordinances be and hereby is repealed in whole and replaced with a new Title 4, Chapters 62 through 67, to read as follows:

#### Title 4 – ANIMAL CARE AND CONTROL

##### CHAPTER 62. IN GENERAL

**62.10. Purpose.** This title is enacted to protect the public health and safety and to promote the general welfare of the animals residing within the City of Minneapolis by preventing cruelty, abuse and neglect.

**62.20. Definitions.** Unless otherwise expressly stated, or unless the context clearly indicates a different meaning, the words and phrases in the following list of definitions shall, for the purposes of this title, have the meanings indicated. Additional definitions may be found within specific provisions of this title. All words and phrases not defined shall have their common meaning.

*Abandon* means to desert, forsake, or absolutely give up an animal without having secured another owner or custodian for the animal or by failing to provide the elements of basic care or to knowingly desert, forsake, or absolutely give up without having secured another owner or custodian any animal in any public or private property including, but not limited to, the right-of-way of any public highway, road or street or on the property of another. For the purpose of this definition, a cat that is involved in a TNR program is not considered abandoned.

*Adequate care* means the responsible practice of good animal husbandry, handling, production, management, confinement, feeding, watering, protection, shelter, transportation, treatment, and, when necessary, euthanasia, appropriate for the age, species, condition, size, and type of the animal and the provision of veterinary care when needed to prevent suffering and impairment of health.

*Adequate exercise* means the opportunity for the animal to move sufficiently to maintain normal muscle tone and mass for the age, species, size and condition of the animal.

*Adequate feed* means access to and the provision of food that is of sufficient quantity and nutritive value to maintain each animal in good health; is accessible to each animal; is prepared so as to permit ease of consumption for the age, species, condition, size and type of each animal; is provided in a clean and sanitary manner; is placed so as to minimize contamination by excrement and pests; and is provided at suitable intervals for the species, age, and condition of the animal, but at least once daily, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species.

*Adequate shelter* means provision of and access to shelter that is suitable for the species, age, condition, size, and type of each animal; provides adequate space for each animal; is safe and protects each animal

from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health; is properly lighted; is properly cleaned; enables each animal to be clean and dry, except when detrimental to the species; and, for dogs and cats, provides a solid surface, resting platform, pad, floor mat, or similar device that is large enough for the animal to lie on in a normal manner and can be maintained in a sanitary manner. Shelters whose wire, grid, or slat floors permit the animals' feet to pass through the openings, sag under the animals' weight or otherwise do not protect the animals' feet or toes from injury are not adequate shelter.

*Adequate space* means sufficient space to allow each animal to (1) easily stand, sit, lie, turn about, and make all other normal body movements in a comfortable, normal position for the animal and (2) interact safely with other animals in the enclosure. When an animal is tethered, adequate space means a tether that permits the above actions and is appropriate to the age and size of the animal; is attached to the animal by a properly applied collar, halter, or harness configured so as to protect the animal from injury and prevent the animal or tether from becoming entangled with other objects or animals, or from extending over an object or edge that could result in the strangulation or injury of the animal; and is at least three times the length of the animal, as measured from the tip of its nose to the base of its tail, except when the animal is being walked on a leash. When freedom of movement would endanger the animal, temporarily and appropriately restricting movement of the animal according to professionally accepted standards for the species is considered provision of adequate space.

*Adequate treatment* means the responsible handling or transportation of animals in the person's ownership, custody or charge or care, appropriate for the age, species, condition, size and type of the animal.

*Adequate water* means provision of and access to clean, fresh, potable water of a drinkable temperature that is provided in a suitable manner, in sufficient volume, and at suitable intervals, but at least once every four (4) hours, to maintain normal hydration for the age, species, condition, size and type of each animal, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species; and is provided in clean, durable receptacles that are accessible to each animal and are placed so as to minimize contamination of the water by excrement and pests or an alternative source of hydration consistent with generally accepted husbandry practices.

*Adoption* means the transfer of ownership of any animal from a releasing agency to an individual.

*Agricultural animal* means all livestock and poultry.

*Ambient temperature* means the temperature surrounding the animal.

*Amphibian* means and includes salamanders, newts, caecilians, frogs, and toads.

*Anaconda* means and includes all species formerly or currently placed within genus *Eunectes*.

*Animal* means every living creature except members of the human race.

*Animal abuse or neglect* means any of the following:

(1) Insertion of any implement into any bodily orifice, unless directed by a veterinarian specifically in connection with training for a medical or reproductive procedure.

- (2) Striking an animal with any sharp object.
- (3) Striking an animal on or around any sensitive area.
- (4) Striking an animal in any manner with any object as to cause injury or pain.
- (5) Applying tools used in training repeatedly and with such force that they cause any physical harm to the animal (i.e. breaking the skin, bleeding, bruising, etc.).
- (6) Withholding or reducing an animal's daily recommended amount of food and/or water.
- (7) Withholding veterinarian care for any reason.
- (8) Failure to provide adequate care, grooming, exercise, feed, shelter, space and/or water.
- (9) Stabbing, shooting, beating, maiming, abandoning, starving, torturing, or any other act or omission leading to the death of or unnecessary pain or suffering to an animal, regardless of ownership.
- (10) Failure to provide veterinary care to prevent pain, suffering or disease transmission, including euthanasia when needed.

*Animal control officer* means persons employed by the City of Minneapolis for code enforcement, who shall have the power to enforce this title, all ordinances enacted pursuant to this title and all statutes, rules and laws of the State of Minnesota for the control and protection of animals, as applicable.

*Apiary* means the assembly of one or more colonies of honeybees at a single location.

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

*Assembly/transfer facility* means a facility approved for holding, feeding, hitching and short-term care of registered horses when they are not on a carriage run or in a loading zone. The facility shall not be used for overnight stabling.

*At-large* means any animal found to be unrestrained by fenced yard, tether or leash attached to a competent person.

*Beekeeper* means a person who owns or has charge of one or more colonies of honeybees.

*Beekeeping equipment* means anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.

*Boa* means and includes all species formerly or currently placed within the family *Boidae*.

*Boarding establishment* means a place or establishment other than a public or private animal shelter where companion animals not owned by the proprietor are sheltered, fed, and watered in exchange for a fee.

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

*Collar* means a well-fitted device, appropriate to the age and size of the animal, attached to the animal's neck in such a way as to prevent trauma or injury to the animal.

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

*Commercial animal establishment* means 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 exhibition.

*Consumer* means any person purchasing an animal from a dealer or pet shop or hiring the services of a boarding establishment. The term "consumer" shall not include a business or corporation engaged in sales or services.

*Coop* means a closed structure which provides protections from the elements of nature including heat and cold and protects fowl from predators. A coop shall provide for nesting, feeding and watering space for each fowl.

*Cruelty* means any act, omission, or neglect which causes or permits to be caused unnecessary or unjustifiable pain, suffering or death.

*Custodian* means a person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in or having care, custody or control of an animal, provided the animals are kept only temporarily, for five (5) days or less, on the premises and are owned by others. This does not include animals being housed for a rescue, or other type of not for profit releasing agency.

*Dealer* means any person who in the regular course of business for compensation or profit buys, sells, transfers, exchanges, or barter companion animals. The following shall not be considered dealers: (1) any person who transports companion animals in the regular course of business as a common carrier or (2) any person whose primary purpose is to find permanent adoptive homes for companion animal on a non-profit basis.

*Direct and immediate threat* means any clear and imminent danger to a person's or animal's health, safety or life.

*Diseased animal* means any animal which has or is suspected of having rabies, distemper, panleucopenia, glanders, farcy, tuberculosis or any other disease dangerous or communicable to humans or animals.

*Domestic animal* means any of the various non-venomous animals domesticated so as to live and breed in a tame condition and commonly accepted as household pets.

*Domesticated cat* means a cat that is socialized to humans and is appropriate as a companion for humans.

*E Aid* means an electronic animal identification device.

*Eartipping* means straight-line cutting of the tip of the left or right ear of a cat while the cat is anesthetized.

*Emergency veterinary treatment* means veterinary treatment to stabilize a life-threatening condition, alleviate suffering, prevent further disease transmission, or prevent further disease progression.

*Enclosure* means a structure used to house or restrict animals from running at large.

*Euthanasia* means a good death of an animal that is merciful, peaceful, kind and compassionate which is accomplished by a method that involves instantaneous unconsciousness and immediate death or by a method that involves anesthesia, produced by an agent that causes painless loss of consciousness, and death during such loss of consciousness.

*Exhibitor* means any person who has animals for or on public display.

*Farming activity* means when consistent with standard animal husbandry practices, the raising, management, and use of agricultural animals to provide food, fiber, or transportation and the breeding, exhibition, lawful recreational use, marketing, transportation, and slaughter of agricultural animals pursuant to such purposes.

*Farm animal* means 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 domestic or wild animals.

*Feral cat* means a cat that is born in the wild or is the offspring of an owned or feral cat and is not socialized or is a formerly owned cat that has been abandoned or lost and is no longer socialized.

*Feral cat caretaker* means any person other than an owner who provides food, water or shelter to, or otherwise cares for, a feral cat or multiple feral cats.

*Feral cat colony* means a group of cats that congregate, more or less, together as a unit. Although not every cat in a feral cat colony may be feral, any non-feral cats that congregate with a colony shall be deemed to be a part of it.

*Feral cat colony caretaker* means any feral cat caretaker who is approved by a sponsor to care for a feral cat colony and who resides in the city. The caretaker must reside within six (6) blocks of the colony.

*Food Producing Animal (FPA)* means any species of animal used for the production of food or fiber.

*Foster care provider* means a person who provides care or rehabilitation for companion animals through an affiliation with a public or private animal shelter, home-based rescue, releasing agency, or other animal welfare organization.

*Foster home* means a private residential dwelling and its surrounding grounds, or any facility other than a public or private animal shelter, at which site through an affiliation with a public or private animal shelter, releasing agency, or other animal welfare organization care or rehabilitation is provided for companion animals.

*Fowl* means 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. Fowl does not include any domestic animal or wild animal.

*Good repair* means 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* means 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.

*Groomer* means any person who, for a fee, cleans, trims, brushes, makes neat, manicures, or treats for external parasites any animal.

*Harm* means any result or action caused by behavior which could qualify for a potentially dangerous or dangerous animal declaration; or any action which may cause injury to either human or animal.

*Hearing officer* means an impartial person retained by the city to conduct a hearing prescribed in this title.

*Hen* means a female bird.

*Hive* means the receptacle inhabited by a colony that is manufactured for that purpose.

*Honeybee* means all life stages of the common domestic honeybee, *Apis mellifera* species of European origin.

*Humane* means any action taken in consideration of and with the intent to provide for the animal's health and well-being.

*Impounded animal* means an animal that enters a public or private sheltering agency or rescue group regardless of whether the animal is a stray, owner-relinquished, seized, taken into protective custody, transferred from another private or public sheltering agency, or is an animal whose owner requests that the animal be euthanized, except for an animal presented to a medical clinic associated with such agencies, for purposes of preventative or rehabilitative medical care or sterilization.

*Irremediably suffering animal* means an animal with a medical condition that has a poor or grave prognosis for being able to live without severe, unremitting pain as determined by a veterinarian licensed to practice in this state.

*Livestock* includes all domestic or domesticated: bovine animals; equine animals; ovine animals; porcine animals; cervidae animals; caprae animals; animals of the genus *Lama*; ratites; fish or shellfish in

aquaculture facilities, enclosed domesticated rabbits or hares raised for human food or fiber; or any other individual animal specifically raised for food or fiber, except companion or domestic animals.

*Lot* means a contiguous parcel of land under common ownership.

*Microchip* means to implant an EAID (electronic animal identification device) in an animal.

*Mobile pet care vehicle* means a motor vehicle used for the sale, grooming, breeding, treating, exhibition, or any other form of care for hire of any animal, reptile, fish or bird. A mobile pet care vehicle does not include a motor vehicle used solely for transporting animals, reptiles, fish or birds.

*New owner* means an individual who is legally competent to enter into a binding agreement and who adopts or receives any animal from a releasing agency.

*Non-rehabilitatable animal* means an animal with severe illness or injury whose prognosis for rehabilitation is either poor or grave as determined by a veterinarian or an animal with historical or observed behavior that poses a potential safety risk to humans and other dogs or cats that cannot be reasonably managed.

*Nucleus colony* means a small quantity of honeybees with a queen housed in a smaller than usual hive box designed for a particular purpose.

*Nuisance* means any animal that habitually or continually howls, cries or screams or habitually and significantly destroys, desecrates or soils property against the wishes of the owner of the property.

*Owner* means any person having a right of property in an animal or who keeps or harbors an animal, or who has it in his care, or acts as its custodian, or who knowingly permits an animal to remain on any premises occupied by him or her. "Owner" does not include a feral cat caretaker or feral cat colony caretaker.

*Owner-relinquished/surrendered animal* means any animal taken into custody by a public or private sheltering agency because the owner has voluntarily agreed to transfer ownership of the animal to that agency for the purposes of re-homing or euthanasia.

*Pet shop* means an establishment where companion animals are bought, sold, exchanged, or offered for sale or exchange to the general public.

*Poultry* means and includes all domestic fowl and game birds raised in captivity.

*Primary enclosure* means any structure used to immediately restrict an animal or animals to a limited amount of space, such as a room, pen, cage, compartment, or hutch. For tethered animals, the term includes the shelter and the area within reach of the tether.

*Private residence* means a free standing home that does not share hallways or air ducts with a neighboring unit. Apartments are not considered a private residence for the purposes of this title.

*Private sheltering agency* means a shelter, society for the prevention of cruelty to animals, humane society, or animal adoption group designated as a nonprofit under Section 501(c)(3) of the Internal

Revenue Code that accepts animals into a physical facility other than a private residence and places into new homes stray or owner-relinquished animals or animals who have been removed from a public or private sheltering agency.

*Properly cleaned* means that debris, food waste, excrement and other similar contaminating material are removed from the primary enclosure with sufficient frequency to minimize the animals' contact with the above-mentioned contaminants; the primary enclosure is sanitized with sufficient frequency to minimize odors and the hazards of disease; and the primary enclosure is cleaned so as to prevent the animals confined therein from being directly or indirectly sprayed with the stream of water, or directly or indirectly exposed to hazardous chemicals or disinfectants.

*Properly lit* means that any building or dwelling where animals are housed and its surrounding grounds has sufficient illumination to permit routine maintenance and cleaning thereof, and observation of the companion animals; and to provide regular diurnal lighting cycles of either natural or artificial light to promote the well-being of the animals being housed or cared for.

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

*Public nuisance* shall have the meaning provided pursuant to Minnesota Statute and this Code.

*Public sheltering agency* means a public animal care and control shelter that receives funding or has a contract with a city, town, political subdivision, or municipality for the purpose of sheltering seized, stray, homeless, abandoned, unwanted or owner relinquished/surrendered animals.

*Python* includes all species formerly or currently placed within the family *Pythonidae*.

*Rabid animal* means 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.

*Rabies authority* means Minneapolis Animal Care and Control as having oversight of all rabies exposures in the City of Minneapolis.

*Rabies suspect* means any animal which is considered as a potentially rabid animal under the 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 or brain matter through an open wound or mucous membrane.

*Range/exercise yard* means a larger fenced area that provides ample space for safe exercise, forage, sunlight, earth and vegetation that is regularly available to the birds when supervised.

*Registered horse* means any horse that is registered with the licensing official in accordance with Chapter 303 of this Code, and which meets the requirements of Chapter 303.

*Releasing agency* means a public animal shelter, private animal shelter, humane society, animal welfare organization, society for the prevention of cruelty to animals, or other similar entity or rescue that releases companion animals for adoption.

*Reptile* means and includes turtles, terrapins, tortoises, lizards, worm lizards, snakes, crocodiles, alligators, caimans, gharials, gavials, and tuataras.



*Rescue group or organization* means a collaboration of individuals not operated for a profit and designated as a nonprofit by section 501(c)(3) of the Internal Revenue Code, whose primary stated purpose is animal adoption or animal rescue, or which is formed for the prevention of cruelty to animals.

*Research facility* means any place, laboratory, or institution licensed by the U.S. Department of Agriculture at which scientific tests, experiments, or investigations involving the use of living animals are carried out, conducted, or attempted.

*Sanitize* means to make physically clean and to remove and destroy, to a practical minimum, agents injurious to health.

*Savable animal* means any animal that is either healthy or treatable and is not a dangerous or potentially dangerous animal as defined by state law or city ordinance.

*Severe injury* means any physical injury that results in broken bones, multiple bites, or disfiguring lacerations requiring sutures or reconstructive surgery.

*Service animal* means a dog or miniature horse that is individually trained to do work or perform tasks for people with disabilities.

*Shelter* means a structure designed to protect any animal from the elements of nature.

*Stable* means any enclosed permanent structural facility approved to house registered horses throughout the twenty-four hour day.

*Sterilize or sterilization* means a surgical or chemical procedure performed by a licensed veterinarian that renders a dog or cat permanently incapable of reproducing.

*Stray animal* means an animal that is running at large and has been impounded by a public authority without a known owner present or captured and relinquished by a private citizen with no known owner.

*Sponsor* means any humane animal-related organization, registered as a non-profit with the State of Minnesota that satisfactorily meets the requirements of this title.

*Substantial bodily harm* means 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.

*Tether* means a method (cable, rope or chain) of physical restraint intended to secure and confine an animal to a specific location in a safe and humane manner.

*TNR* means trap, neuter and return.

*TNR program* means a program pursuant to which feral and stray cats are trapped, neutered or spayed, microchipped, vaccinated against rabies, and returned to the location where they congregate, in accordance with this title.

*Trap* means any mechanical device used to capture any animal that otherwise would not be captured.

*Trapping* means a method of setting or laying or otherwise using a mechanical device to catch, snare or otherwise restrain the free movement of any animal.

*Treatable animal* means an animal that is sick or injured whose prognosis for rehabilitation of that illness or injury is excellent, good, fair, or guarded as determined by a veterinarian.

*Undeveloped property* means any idle land that is not improved or actually in the process of being improved with residential, commercial, industrial, church, park, school or governmental facilities or other structures or improvements intended for human occupancy and the grounds maintained in associations therewith. The term shall be deemed to include property developed exclusively as a street or highway or property used for commercial agricultural purposes.

*Unprovoked* means that the victim who has been conducting himself or herself peacefully and lawfully has been bitten or chased in a menacing fashion or attacked by an animal.

*Under restraint* means an animal that is (1) within a secured vehicle, (2) within a secured fence or building within the owner's property limits, (3) is tethered in accordance with city ordinance or (4) is controlled on a leash by a responsible custodian or owner.

*Unweaned animal* means a neonatal animal that, in the absence of its mother, requires supplemental bottle feeding by humans in order to survive and is no more than four (4) weeks of age.

*Vaccination against rabies* means the inoculation of an animal by a licensed veterinarian with a vaccine approved 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.

*Veterinarian* means a person licensed in the State of Minnesota or another state of the United States to practice veterinary medicine.

*Veterinary treatment* means treatment by or on the order of a duly licensed veterinarian.

*Venomous snake* means any species formerly or currently placed within the family of *Elapidae*, *Viperidae*, or *Atractaspididae*. Also included are species formerly or currently found within the genus *Dispholidus* (Boomslangs) in family *Colubridae*. This includes, but is not limited to, rattlesnakes, cobras, vipers, mambas, boomslangs, coral snakes, asps, stiletto snakes, sea snakes, copperheads, and cottonmouths.

*Weaned* means that an animal is capable of and physiologically accustomed to ingestion of solid food or food customary for the adult of the species and has ingested such food, without nursing, for a period of at least five days.

**62.30. Authority.** Minneapolis Animal Care and Control (hereinafter, "MACC") shall enforce the provisions of this title and any other applicable laws, statutes or rules, pertaining to the protection of animals. It shall also constitute a violation of this Code for any person, within the City of Minneapolis, to

violate a statute or rule of the State of Minnesota dealing with the care, keeping, or treatment of animals.

MACC shall employ persons who shall have the power to enforce this title and all all ordinances enacted pursuant to this title. When in uniform or upon displaying a badge or other credentials of office, and to the extent permitted by law, animal control officers shall have the power to issue citations, criminal complaints or obtain search warrants as necessary, providing the execution of such warrant shall be carried out by any law-enforcement officer, to any person found in the act of violating any such law of Minnesota or any ordinance of Minneapolis.

Animal control officers shall also have the power to conduct inspections of public and private animal shelters, and inspect any business premises where animals are housed or kept, including any boarding establishment, kennel, pet shop, or the business premises of any dealer, exhibitor or groomer, at any reasonable time, for the purposes of determining if a violation of this title; any other state law governing the care, control or protection of animals; or any other state law governing property rights in animals has occurred.

**62.40. Policies and procedures.** MACC shall be responsible for developing written policies and procedures, in conformance with all applicable laws, for all animal services operations, including standards for city animal shelters; the training of animal services personnel; the care, euthanasia, and disposition of animals in the custody of animal services; the form and maintenance of records relating to impounded animals; and the transfer and adoption of dogs and cats.

**62.50. Interference with staff prohibited.** No person shall in any manner molest, hinder or interfere with MACC staff, its agents, any police officer, or any animal control official engaged in animal care and control duties or functions while such person is acting in their official capacity on behalf of the City of Minneapolis.

**62.60. Provision of false information prohibited.** No person shall provide false information to MACC, nor to any of its agents, concerning any license or permit, any application for a license or permit, or any actual or alleged criminal, civil or administrative offense.

**62.70. Fees.** Authorized fees under this title may include, but are not limited to, impound, kennel, licenses, permits, registration, hearing and euthanasia charges. The amount of each fee shall be as established in the license fee schedule or as otherwise approved by the city council.

**62.80. Records.** (a) MACC shall maintain at all times a record of any animal impounded by its staff or deposited into its custody by an owner, rescue group, humane society or by any other means. Such record shall include:

- (1) The date on which the animal was taken into custody;
- (2) The date of the making of the record;
- (3) A description of the animal including the animal's species, color, breed, sex, approximate age and approximate weight;
- (4) The reason for taking custody of the animal and the location where custody was taken;

- (5) The name, phone number and address of the owner, if known;
  - (6) Any license or rabies tag, microchip, tattoo, collar or other identification number carried by or appearing on the animal;
  - (7) The condition and/or disposition of the animal; and
  - (8) A description of any medical care provided while in the custody and control of the shelter.
- (b) Records required by this subsection shall be maintained for at least five (5) years, or as otherwise required by law or by an applicable retention schedule, and shall be available for public inspection to the extent permitted by law.

**62.90. Requirements for public or private sheltering agencies and rescue groups and organizations.** (a) In order to be recognized or approved by MACC, all public or private sheltering agencies, as well as all rescue groups and organizations as defined by this title, shall post on their publicly-accessible internet site the information required by this section for each of the following categories of animals held by the agency:

- (1) Adult dogs;
- (2) Puppies;
- (3) Adult cats;
- (4) Kittens;
- (5) Wildlife;
- (6) Fowl;
- (7) Other species.

(b) In order to be recognized or approved by MACC, public or private sheltering agencies, as well as rescue groups and organizations as defined by this title, shall maintain and post the information required by this subsection related to the animals held in their custody and care in order to be recognized or approved by MACC.

- (1) The total number of live animal intakes categorized as follows:
  - a. The number of stray animals received by the shelter, agency, group or organization;
  - b. The number of animals that were relinquished by the animal's owner;
  - c. The number of animals that were requested to be euthanized by the animal's owner;
  - d. The number of animals that were received from other agencies; and

e. Any other live animal intake.

(2) The final outcomes of the animals received by the shelter, agency, group or organization categorized as follows:

a. The number of animals that were adopted;

b. The number of animals that were reclaimed by the animal's owner;

c. The number of animals that were transferred to another agency;

d. The number of animals that died while in the care of the shelter;

e. The number of animals that were lost in care;

f. The number of animals that were euthanized at the request of the owner; and

g. The number of animals that were euthanized at the direction of the shelter.

(c) The information required to be posted under this section shall be updated at least quarterly and shall remain posted for at least one (1) year from the date of initial posting.

**62.100. Severability.** (a) *Severability of text.* If any portion of this title is determined to be invalid or unconstitutional by a court of competent jurisdiction, that portion shall be deemed severed from the regulations, and such determination shall not affect the validity of the remainder of the title.

(b) *Severability of application.* If the application of any provision of this title to a particular person, animal or property is determined to be invalid or unconstitutional by a court of competent jurisdiction, such determination shall not affect the application of said provision to any other person, animal or property.

## CHAPTER 63. LICENSES AND PERMITS

**63.10. Generally.** MACC may prescribe conditions for the keeping of animals as it deems necessary to safeguard public health and the general welfare, to the extent authorized by law. MACC may revoke or take other appropriate adverse action against any license or permit granted pursuant to this title if any such condition is violated or if any animal subject to license or permit becomes a public nuisance or for other good cause. Such adverse action may be administratively appealed if requested within five (5) business days of said action. MACC shall provide owners due notice of a hearing within ten (10) days of a duly submitted administrative appeals request, and said notice shall specify the time, date and location of the hearing, as well as any other requirements thereof.

**63.20. Domestic animals.** No person shall keep, harbor, maintain, care for or have custody or control over any dog, cat or ferret over four (4) months of age, for a period in excess of five (5) days, without first having obtained a license from MACC. All other domestic animals do not require a license unless they result in an owner exceeding the maximum number of animals allowed in a residential unit pursuant to this title.

**63.30. Seizure of unlicensed animals authorized.** (a) Any animal not licensed in accordance with this chapter may be subject to immediate seizure by MACC staff or a police officer in any of the following situations:

(1) The owner or custodian of the unlicensed or unpermitted animal has not obtained a license despite having been previously cited by MACC of the licensing requirement imposed by this chapter. Evidence of any prior citation issued after the effective date of this chapter and provided to the same owner or custodian, even if related to a different animal, shall constitute sufficient cause to subject the unlicensed animal to seizure; or

(2) The unlicensed animal is present during the commission of a crime or the execution of a search warrant that leads to an arrest, citation or criminal complaint; or

(3) The unlicensed animal is present when the owner or custodian of the unlicensed animal is arrested for a crime; or

(4) The owner of the unlicensed animal has one (1) or more delinquent administrative citations, issued after the effective date of this chapter, associated with the unlicensed animal; or

(5) Investigation or observation by a MACC officer of evidence that the unlicensed animal is being used by its owner or custodian to create an intimidating or threatening presence on any public sidewalk, right-of-way or upon any public property inclusive of parks.

(b) Any animal seized pursuant to this section shall be held in accordance with this title. No animal shall be returned to its owner or custodian without a proper rabies vaccination (when applicable) administered by a licensed veterinarian, current city license or permit and payment of all fines and fees, unless in the opinion of a veterinarian, the animal is not healthy enough to be returned or has been neglected or cruelly treated. Any animal whose owner fails to comply with this subsection after five (5) consecutive days provided proper notice has been provided may be disposed of in accordance with this title. Failure to comply within five (5) days does not negate the owner's responsibility to pay all fines and fees associated with the seizure.

**63.40. Licensing exemption.** The licensing requirement imposed by this chapter shall not apply to any veterinarian, recognized short-term pet boarding facility or a licensed pet shop operator or during the first six (6) months of an animal being under the care, control, possession, or custody of an animal rescue group partner approved by MACC. MACC may require the rescue organization to provide adequate documentation establishing that the person maintaining temporary care, custody or control over the animal is affiliated with the rescue organization and acting on its behalf. The rescue organization may further be required to provide photographs and other documents establishing the identity of such animals under its care, custody or control. MACC may deny the licensing exemption provided for in this section for good cause, including but not limited to the existence of previously sustained or established violations by the rescue organization or its agents of any ordinances, statutes, laws or regulations related to the licensing and care of animals.

**63.50. Maximum number of animals.** (a) Unless otherwise specified in this title, no occupant of any residential building or unit of a residential building shall allow more than a combination of four (4) dogs, cats, ferrets or rabbits over the age of four (4) months to be kept within the residential building, unit or

property without a permit, though owners are limited to a maximum of three (3) dogs or cats as part of that combination unless previously authorized by MACC.

(b) The maximum number established by this section may be increased by obtaining a special permit issued by MACC. The permit shall specify any restrictions, limitations, conditions or prohibitions required by MACC. The permit may be modified or revoked by MACC for failure to conform to such restrictions, limitations, conditions or prohibitions.

(c) Any person desiring a permit shall make application to MACC. Approval of the application is subject to conditions prescribed by MACC. The permit may be denied or cancelled at the discretion of MACC. All permits issued shall expire on January 31 of the following year after its issuance unless sooner revoked or the permit or license is an extended five (5) year permit, in which case it shall expire at the end of its term. MACC may inspect the premises annually or as deemed necessary. Should the permit be refused or cancelled, the fee paid with application shall be retained by MACC. Failure to comply with any conditions shall constitute a violation of this section.

**63.60. Collars and tags required.** Every person required to obtain a dog or cat license under this chapter shall place and keep around the neck of the dog or cat a permanent-type collar or harness that is properly fitted and of proper weight and size when the animal is in public. License tags are required to be affixed securely to the collar or harness when the animal is in public. No person shall make, sell, purchase, possess, place or allow to be placed on any dog or cat any metallic tag of the same form, shape, or appearance as the official metallic license tag issued by MACC. Collars may not exceed two (2) pounds in weight and must be made of durable material strong enough to hold the animal it is intended for. Collars or harnesses may not cause injury to the animal. If the metallic license tag is lost or stolen, the original applicant upon presenting and surrendering to MACC the license or receipt issued when the pet was licensed as herein provided, shall receive a duplicate tag and a duplicate license upon payment of a duplication fee to MACC.

**63.70. License applications and restrictions.** (a) Every person required to obtain a license pursuant to this title shall submit an application on a form or in a format approved by MACC. If relating to a dog, cat or ferret, applicants shall certify that the animal has been vaccinated by a licensed veterinarian against rabies in conformance with the requirements of this title. MACC shall provide each dog, cat or ferret licensed with a metallic tag upon which shall be stamped or engraved the registration number of the pet. The annual fee shall be determined in the license fee schedule and may include the following:

- (1) Yearly, individual license unsterilized;
- (2) Yearly, individual license sterilized;
- (3) Three (3) year individual license unsterilized;
- (4) Three (3) year individual license sterilized;
- (5) Life time (sterilized and microchipped only);
- (6) Senior Owner (age 65 and above) discount individual sterilized;
- (7) Senior Owner (age 65 and above) discount individual unsterilized;

(8) Low income (proof of income required), yearly license unsterilized; and

(9) Low income (proof of income required), yearly license sterilized.

(b) Sterilization requirements shall be considered to be met when the owner presents a rabies vaccination certificate from a veterinarian stating the animal is sterilized.

(c) A life time license requires that the animal be currently vaccinated by a license veterinarian, sterilized and microchipped. The owner shall cause to be maintained a current rabies vaccination on file with MACC at all times.

(d) There shall be no reimbursement or refund of any license fee, including lifetime, upon the death or removal of the animal from the city and fees shall not be prorated.

(e) Animals declared dangerous and potentially dangerous are not eligible for lifetime licenses.

(f) Dogs in training with or trained by a recognized program with an established curriculum for training dogs for service to persons with disabilities under the Americans with Disabilities Act or other applicable law, and dogs, cats and ferrets awaiting adoption in foster homes for six (6) months or less under a recognized pet adoption program, shall be exempt from the license fees in this section. To qualify for an exemption, such programs shall be approved by MACC.

(g) Licenses obtained under this title are not transferable from any owner to another owner or transferable from any animal to another animal.

(h) Any animal found to be unvaccinated against rabies by a licensed veterinarian or which vaccination has expired against rabies, shall also be deemed to be unlicensed for purposes of this title.

(i) MACC may contract with veterinary clinics, pet stores, animal day care centers and other businesses or entities as approved by MACC to receive pet license applications and to remit the license tags.

(j) No license shall be issued or renewed until all outstanding fees, fines or other financial claims of the city have been remitted to MACC.

**63.80. Off leash dog areas.** (a) Dogs may be unrestrained by chain or leash in areas designated for off leash activities by the City or Minneapolis Park and Recreation Board ("MPRB"). No person shall use a designated off leash area without first having obtained a permit for each dog using such an area from MACC or MPRB.

(b) Any dog declared potentially dangerous or dangerous pursuant to this title or pursuant to Minn. Statute Section 347.50 shall not be permitted to use off leash areas.

(c) The annual fee for an off leash area permit shall be set by the Minneapolis Park and Recreation Board. A resident permit may only be issued upon verification that the dog has been issued a current Minneapolis dog license and verification of a current rabies vaccination. A non-resident permit may only be issued upon verification of a current rabies vaccination. MACC or MPRB shall provide a tag containing



a registration number and the year registered for each permit. Permits shall be valid from the time they are issued until January thirty-first next after the date of issuance.

(d) Upon application for a permit, the applicant shall be provided with the rules for use of off leash areas. As a condition for the issuance of a permit, the applicant shall sign and agree to abide by these rules. A permit may be revoked for failure of the applicant, or any person who takes the dog into an off leash recreation area, to abide by these rules, or for violation of any of the provisions of this title or MPRB ordinances that occurs within an off leash area. Permits may be revoked by MACC or MPRB.

(e) The person responsible for a dog must have the dog restrained when entering and leaving an off leash area. If so directed by a law enforcement officer or animal control officer, persons using an off leash area must immediately restrain their dogs and remove them from the off leash area.

**63.90. Fowl.** (a) No person shall keep, harbor, or maintain care, custody, or control over any fowl such as a chicken, turkey, duck, or pigeon, without obtaining a permit. Any person desiring a permit shall make written application to MACC. Approval of application is subject to reasonable conditions prescribed by MACC. Failure to adhere to permit conditions shall constitute cause for adverse action against the permit and shall be a violation of this section.

(b) MACC may grant a permit pursuant to this section only after the applicant has met any educational requirements as established and published by MACC and has provided evidence of notification to all immediately adjacent property owners, in a format supplied by or approved by and to the satisfaction of MACC. If the applicant is a renter, approval from the property owner shall be required. Neighbor notification will be the responsibility of the property owner, though it may be carried out by the applicant.

(c) Fowl must be purchased or acquired in accordance with Minn. Statute Sections 70.40 and 74.100 and any other applicable law.

(d) The requirements of this section shall not prohibit the adoption of fowl to the public by any releasing agency, private shelter, rescue group or public sheltering agency provided the adoption contract specifies that the animal cannot be sold, transferred or otherwise disposed of for a period of six (6) months following the adoption without written consent of the releasing agency, except for euthanization by a licensed veterinarian to prevent pain and suffering or disease transmission.

(e) No person having the care, custody and control of any fowl shall abandon said fowl or allow any fowl to run at large off the property of its owner or custodian.

(f) No permit shall be granted to keep any fowl or pigeon within a dwelling unit or part thereof, nor on any real estate which contains three (3) or more dwelling units.

(g) All permits shall expire twelve (12) months from the date of issuance unless sooner revoked. The application fees for such permits shall be as established in the license fee schedule and shall be payable upon application. MACC may inspect the premises annually or as deemed necessary.

(h) Permits shall be classified into three (3) tiers, with Tier I consisting of one (1) to six (6) hens, Tier II of seven (7) to fifteen (15) hens and Tier III of sixteen (16) to thirty (30) hens, with associated fees as established in the license fee schedule.

(i) Standards of care, practice, restrictions and enclosure requirements include the following:

(1) Residential coops, pens or other structures shall be limited to six (6) fowl of any kind per permit. Permits in excess of the allowable number shall need to be approved by MACC and may require additional conditions.

(2) Location of coop, run or pen must be in compliance with all of zoning code requirements and enclosed to ensure fowl are confined to permittee's property. The enclosure must be of proper size for the number and type of fowl being housed as prescribed by MACC.

(3) Residential coops, pens or other structures shall be an allowed accessory to a dwelling subject to the following:

a. The use shall be located not less than twenty (20) feet from any habitable building on an adjacent property.

b. The use shall be visually screened from any adjacent residential use.

c. The use shall be constructed of durable materials and shall be compatible with the principal structure and adjacent residential properties.

d. The use shall be located entirely to the rear of the principal residential structure.

(4) Fecal waste or litter shall be removed at such reasonable times to prevent odors from emitting over property lines. Such waste or litter must be double bagged and disposed of in city garbage or composted provided the method used and the location does not present a public nuisance or health issue.

(5) Slaughter of any kind shall be prohibited within the City of Minneapolis.

(6) Roosters shall be prohibited without special permit.

(7) A permit to keep more than six (6) fowl or to keep roosters shall require the written consent of at least eighty (80) percent of the occupants of the several descriptions of real estate situated within one hundred (100) feet of the applicant's real estate. Such written consent shall be required on the initial application and as often thereafter as MACC deems necessary.

(8) Any coop found to be a public nuisance provided notice to abate the issues has failed to correct the issue within a reasonable time is prohibited and all permits associated with the coop may be revoked or denied. The coop and all fowl shall be removed by the property owner within forty-eight (48) hours of notice of the revoked or denied permit at the expense of the permit holder or applicant.

(9) MACC may deny, suspend, revoke or take other authorized adverse action against any permit applied for or granted pursuant to this section if any condition or requirement is violated or if the keeping of fowl becomes a public nuisance, or for other good cause.

(10) Public nuisance for the purpose of coops includes, without limitation, any chicken coop that on three (3) or more occurrences in a twelve (12) month period receives complaints of noise, odor or any

other violation from more than one complainant, provided the complaints are founded and established by MACC.

(11) No person, business or entity shall maintain or cause to be maintained any commercial business related to the keeping of fowl on residential property unless otherwise permitted by the City of Minneapolis. If so permitted, commercial coops must:

- a. Maintain any applicable business license, health department permit, zoning permit and permit issued by the MACC.
- b. Be limited to thirty (30) fowl of any kind with at least four (4) square feet provided for each fowl housed inside the physical coop and ten (10) square feet for each fowl while housed in outside run.
- c. Be maintained in such a manner as to prevent a public nuisance.
- d. Comply with all zoning and health regulations as well as any other applicable law.
- e. Be properly identified as required by MACC.
- f. Provide adequate care, as defined in this title.
- g. Provide adequate safeguards to protect the fowl from animals and to prevent unauthorized access to the fowl by general members of the public.
- h. Be kept in good repair, maintained in a clean and in a sanitary condition, and free of any vermin, obnoxious smells and substances.

**63.100. Honeybees.** (a) No person shall keep, maintain, or allow to be kept any hive or other facility for the housing of honeybees on or in any property in the City of Minneapolis without a permit.

(b) The number and location of hives, colonies and/or facilities for the housing of honeybees permitted by this section shall be determined by a permit issued by MACC. The permit shall specify any restrictions, limitations, conditions or prohibitions required by MACC as necessary to safeguard public health and the general welfare. Subject to a hearing to be held by a committee of the council or other designated hearing examiner, if requested within five (5) days of the notification, MACC may deny, suspend, or revoke any permit applied for or granted pursuant to this section if any condition or requirement is violated or if the keeping of honeybees becomes a public nuisance.

(c) MACC may grant a permit pursuant to this section only after the applicant has met any educational requirements as established and published by MACC and has provided evidence of notification to all immediately adjacent property owners, in a format supplied by or approved by and to the satisfaction of MACC. If the applicant is a renter, approval from the property owner shall be required. Neighbor notification shall be the responsibility of the property owner, though it may be carried out by the applicant.

(d) Any person desiring a permit for the keeping of honeybees shall make application to MACC. Approval of the application is subject to reasonable conditions prescribed by MACC. All permits issued shall expire on January thirty-first of the year following issuance unless sooner revoked. The application

fee for such permit shall be as established in the license fee schedule and shall be paid at the time of application. There shall be no fee for annual renewal but the permit must be renewed annually for administrative tracking and notification purposes in a format supplied by or approved by MACC. Failure to provide such renewal shall constitute a violation of this section and may result in revocation of permit. MACC shall inspect the premises as deemed necessary. Should the permit be refused, denied or revoked, the fee paid with the application shall be retained by MACC.

(e) *Standards of care and practice.* Any person obtaining a permit pursuant to this section shall comply with the following standards of practice:

(1) Honeybee colonies shall be kept in hives with removable frames, which shall be kept in sound and usable condition.

(2) Each beekeeper shall ensure that a convenient source of water is available to the colony prior to and so long as colonies remain active outside of the hive.

(3) Each beekeeper shall ensure that no wax comb or other material that might encourage robbing by other bees are left upon the grounds of the apiary lot. Such materials once removed from the site shall be handled and stored in sealed containers, or placed within a building or other insect-proof container.

(4) For each colony permitted to be maintained under this section, there may also be maintained upon the same apiary lot, one (1) nucleus colony in a hive structure not to exceed one (1) standard nine and five-eighths-inch depth ten-frame hive body with no supers.

(5) Each beekeeper shall maintain beekeeping equipment in good condition, including keeping the hives painted, and securing unused equipment from weather, potential theft or vandalism and occupancy by swarms. It shall be a violation of this section for any beekeeper's unused equipment to attract a swarm, even if the beekeeper is not intentionally keeping honeybees.

(6) Each beekeeper shall enclose their property and/or the apiary with a latching fence. A fence shall not be required if the hives are approved to be located on a rooftop so as to be inaccessible to the general public so that bee movements to and from the hive do not interfere with the ordinary movements of persons on adjacent properties or the public right-of-way.

(7) Each beekeeper shall, if unable or unwilling to continue to maintain their permitted hives, promptly notify MACC so that the hives may be made available to an approved honeybee rescue entity, or, if necessary, disposed of by MACC. There shall be a fee as established in the license fee schedule for disposal of hives.

(f) *Colony density.* Any person obtaining a permit pursuant to this section shall comply with the following restrictions on colony density:

(1) Except as otherwise provided in this section, in each instance where a colony is kept less than twenty-five (25) feet from a property line of the lot upon which the apiary is located, as measured from the nearest point on the hive to the property line, and any entrances to the hive faces that lot line, the beekeeper shall establish and maintain a flyway barrier at least six (6) feet in height. The flyway barrier may consist of a wall, fence, dense vegetation or a combination thereof, such that honeybees will fly over rather than through the material to reach the colony. If a flyway barrier of dense vegetation is

used, the initial planting may be four (4) feet in height, so long as the vegetation normally reaches six (6) feet in height or higher. The flyway barrier must continue parallel to the apiary lot line for ten (10) feet in either direction from the hive. All other sides of the area encompassing the colonies shall consist of fencing, a wall, dense vegetation or combination of at least four (4) feet tall. The area encompassing the colonies need not entail the entire property. A flyway barrier is not required if the property adjoining the apiary lot line is undeveloped, or is zoned agricultural or industrial, or is a wildlife management area or naturalistic park land with no horse or foot trails located within twenty-five (25) feet of the apiary lot line. A flyway barrier is not required if the hives are located on the roof of a structure containing at least one (1) full story if all hives are located at least five (5) feet from the side of the structure and at least fifteen (15) feet from any adjacent and occupied structure.

(2) No person is permitted to keep more than the following numbers of colonies on any lot within the city, based upon the size or configuration of the apiary lot:

- a. One-half ( $\frac{1}{2}$ ) acre or smaller lot: Two (2) colonies;
- b. Larger than one-half ( $\frac{1}{2}$ ) acre but smaller than three-quarter ( $\frac{3}{4}$ ) acre lot: Four (4) colonies;
- c. Larger than three-quarter ( $\frac{3}{4}$ ) acre lot but smaller than one (1) acre lot: Six (6) colonies;
- d. One (1) acre but smaller than five (5) acres: Eight (8) colonies;
- e. Larger than five (5) acres: As determined as appropriate by MACC.

(3) Regardless of lot size, so long as all lots within a radius of at least two hundred (200) feet from any hive, measured from any point on the front of the hive, remain undeveloped, the maximum number of colonies may be increased by MACC. No grandfathering rights shall accrue under this subsection. If a beekeeper serves the community by removing a swarm or swarms of honeybees from locations where they are not desired, a beekeeper shall not be considered in violation of the portion of this section limiting the number of colonies while temporarily housing the swarm on the apiary lot in compliance with the standards of practice established pursuant to this section if the swarm is so housed for no more than thirty (30) days from the date acquired.

(g) Pursuant to section 244.2000(a) of this Code, any rental dwelling license holder notified by an immediately adjacent property owner of the intent to house beehives on the immediately adjacent owner's property shall post said notice in a common area of the rental property or, if a single-family home, the rental license holder shall provide said notice to the tenant by means of mail, hand delivery, or posting. Said notice shall be provided by the rental license holder to each new tenant thereafter for as long as the adjacent property continues to house beehives.

**63.110. Amphibians and reptiles.** (a) No person shall keep, harbor, maintain, or allow to be kept any amphibian or reptile without first securing a permit from MACC. The cost of such permit, if applicable, shall be as established in the fee schedule. No permits shall be issued without a prior inspection.

(b) Permits for the keeping of amphibians shall be as follows:

(1) Nonpoisonous or non-toxic species - no permit required.

(2) Poisonous and toxic - prohibited.

(c) Permits for the keeping of reptiles shall be as follows:

(1) *Crocodylia* (crocodiles, gharials, caimans and alligators, 23 species) - prohibited.

(2) *Sphenodontia* (tuataras from New Zealand, 2 species) - prohibited as endangered.

(3) *Squamata* (lizards, snakes and amphisbaenas):

a. Non-venomous snakes less than four (4) feet - no permit required.

b. Non-venomous snakes four (4) feet and greater - permit required and may include additional conditions as imposed by MACC.

c. Venomous snakes - prohibited.

d. Non-venomous/non-toxic lizards under three (3) feet - no permit required.

e. Non-venomous/non-toxic lizards three (3) feet and greater - permit required.

(4) *Testudines* (turtles and tortoises):

a. Less than four (4) inch shell - prohibited pursuant to federal law.

b. At least four (4) inch shell but less than ten (10) inch shell - no permit required.

c. Ten (10) inch and greater shell - permit required.

(d) No person shall keep, harbor, maintain, or allow to be kept any state endangered or threatened species of amphibian or reptile as provided in Minn. Statute Section 84.0895 on or in any property in the City of Minneapolis without a permit issued by the Minnesota Department of Natural Resources and a permit from MACC.

(e) All custodians of amphibians and reptiles within the City of Minneapolis must notify MACC of an escaped or lost reptile or amphibian within forty-eight (48) hours after learning of the loss or escape. In addition, a person must notify the Minnesota Department of Natural Resources of the escape of non-native and invasive species pursuant to Minn. Statute Section 84D.08.

(f) All custodians of amphibians and reptiles within the City of Minneapolis may utilize outdoor enclosures (e.g., tortoise pens) during appropriate weather conditions provided the enclosures are on the resident's private property, of sufficient size for the species and number of individuals contained, safe for the amphibian or reptile, and sufficient to prevent the amphibians, reptiles, or their food items from escaping. All uneaten food must be removed before it spoils or creates a nuisance.

(g) Educators may bring into the City of Minneapolis with a permit, amphibians or reptiles otherwise prohibited by this ordinance for durations of less than twenty-four (24) hours, provided they possess sufficient valid liability insurance in the amount of at least one million dollars (\$1,000,000.00).

Venomous snakes used in educational displays must be maintained in tamper-proof locked cages at all times while on display.

(h) MACC may grant a permit pursuant to this section for educational purposes only after the applicant has met any reasonable and appropriate educational requirements as established and published by MACC. The permit shall specify any restrictions, limitations, conditions, or prohibitions required by MACC as necessary to safeguard public health and the general welfare. MACC may deny, suspend, or revoke any permit applied for or granted pursuant to this section if any condition or requirement is violated or if the keeping of these animals becomes a public nuisance.

(i) Any person desiring a permit for the keeping of reptiles or amphibians shall make application to MACC. Approval of the application is subject to reasonable conditions prescribed by MACC. All permits issued shall expire on January thirty-first of the year following issuance unless sooner revoked. The initial application fee for such permit shall be as established in the fee schedule, which shall be paid at the time of application and shall be renewed annually. MACC may inspect the premises as deemed necessary. Should the permit be refused, denied or revoked, all fees paid with the application shall be retained by MACC.

(j) *Standards of care and practice.* Any person keeping, harboring, or maintaining an amphibian or reptile shall comply with the following restrictions:

(1) Amphibians and reptiles must be maintained in appropriate escape-proof enclosures.

(2) Live rodent prey may not be left unsupervised in the enclosure of an amphibian or reptile.

(3) Any snakes and anacondas, boas, or pythons must be kept in locked enclosures and within an escape-proof room within a private residence.

(4) Any person obtaining a permit pursuant to this section shall document their level of experience keeping or maintaining those species requested on their application.

(5) Under no circumstance may a keeper release into the wild or abandon an amphibian or reptile maintained in captivity.

(6) Under no circumstances may a keeper use an amphibian or reptile to threaten or harass others or manage, keep or care for any amphibian or reptile in any way which would endanger the public safety.

(7) Any violation of these standards or of any other applicable ordinance or law may result in the immediate seizure of all reptiles or amphibians, shall constitute a violation of this section, and may constitute good cause to revoke or deny any permit or application for a permit pursuant to this section.

**63.120. Hoofed animals.** No person shall keep, harbor, or maintain care, custody or control over any horse, cow, sheep, pig, or any other hoofed animal any place in the city. This section shall not prohibit hoofed animals from being transported expeditiously through the city. This section shall not prohibit the keeping of horses in a stable which complies with the zoning code and with any other applicable laws or provisions of this Code.

**63.130. Wild and exotic animals.** (a) No person shall anywhere in the city keep, harbor, or maintain care, custody, or control over any exotic or wild animal unless otherwise permitted by this title. Unless otherwise permitted, no person shall keep or allow to be kept or allow to be kept any place in the city any wild, exotic, dangerous, or non-domestic animal or reptile unless duly licensed and approved by MACC.

(b) If qualified, MACC may issue a permit for a period not to exceed twenty-one (21) days and may specify further conditions under which such animal shall be kept. MACC shall have authority to investigate the conditions and inspect the site at which such animal shall be kept or displayed and to require the production of reasonably pertinent veterinary or similar records to the extent deemed necessary to ensure the safety and health of any person or animal. Permit fees must be paid in full prior to the issuance of any permit under this section.

(c) Permit types for wild and exotic animals shall be as follows:

(1) *Class A permit:* Required for any hooved or small animal otherwise prohibited under this title brought into the city for an event not open to the general public, including, but not limited to, birthday parties and weddings.

(2) *Class B permit:* Required for any person, entity, business or other to exhibit any hooved or small animal, or to display any vicious or wild animals for educational purposes (including raptors, fowl, or other birds), otherwise prohibited under this title brought into the city for an event open to the general public, including, but not limited to, temporary petting zoos established at community events or festivals.

(3) *Class C permit:* Required for any vicious or wild animal otherwise prohibited under this title brought into the city for an event open to the general public, including, but not limited to, circuses and sports conventions. Class C applicants shall comply with the following requirements:

a. Applicants for Class C permits must be identifiable persons or organizations that will be responsible for compliance with all terms of this title. Applicants for Class C permits shall file an application with MACC no less than ninety (90) days prior to a scheduled or planned event in the city. The application shall include:

1. The names and addresses of all owners and operators of the applicant organization, entity or individual.

2. All reasonably pertinent records related to the veterinary care for all of the applicant's animals. The records should represent adequate care provided as needed and/or to prevent suffering and/or disease transmission. The veterinarian's records must include the age, weight, height/length, and gender of the animal.

3. All reasonably pertinent records of training, transporting, breeding, importing, restraining, and housing for all of the applicant's animals to the extent possible.

4. A safety plan for the animals and the public, including all means of restraint of the animals, and all other information as required by MACC.



5. A complete history for all owners or operators of citations, investigations, convictions, and/or sustained violations of any federal, state or local regulations pertaining to circuses or cruelty, abuse or neglect to animals by any regulatory authority.
6. The scheduled locations for the ninety (90) days prior to a scheduled or planned event in the city of all of the animals that will be brought to the city for any reason for the planned event.
7. Documentation satisfying the insurance requirements set by MACC.
8. All other reasonably pertinent information as required by MACC.
  - b. At least once prior to an event, and at the applicant's expense, MACC shall travel to any of the scheduled locations prior to the event in the city for the purposes of inspecting all facilities and locations that are used to exhibit, train, transport, breed, import, restrain, house and care for all of the applicant's animals.
  - c. Upon arrival of any of the applicant's animals in the city, MACC shall inspect all of the applicant's animals and verify that all of the animals are in good health, that all animals have current vaccinations, that the applicant is in possession of current medical records for all animals, and that there are no signs of any abuse of the animals (including cuts, abrasions or other apparent injuries due to abuse). MACC may re-inspect and re-verify all such information and records at any time the applicant's animals are in the city. MACC shall make every effort to ensure that all of the animals are inspected each day that any of the applicant's animals are in the city.
  - d. Upon arrival, MACC shall review all plans and inspect all facilities to verify compliance with such plans in that all of the applicant's animals are properly restrained at all times while in the city and that adequate plans exist in the event of an emergency to protect the animals and the public in the event of fire, escape or other threat to the public's or the animals safety. MACC may re-inspect and re-verify all such facilities and plans at any time the applicant's animals are in the city.
  - e. While any of the applicant's animals are in the city, MACC shall inspect all animals and verify all have adequate food, water, shelter, space, exercise, and care. All animals shall be kept clean at all times, all feces shall be removed within one (1) hour of occurrence, fresh water will be provided to all animals at least every four (4) hours or more often as necessary to ensure the health of the animals, and all animals shall be housed at all times in temperatures considered suitable for each species in its natural environment.
  - f. While any of the applicant's animals are in the city, MACC shall inspect all animals to ensure none are subject to cruelty, neglect and/or abuse.
  - g. The applicant shall provide for security posted to observe the animals at all times that any of the applicant's animals are in the city. Any personnel required as part of the emergency plan to protect the animals and the public shall be present and any identified tools, devices, or firearms shall be readily available.
  - h. The applicant shall comply with all state, federal and local regulations pertaining to circuses or animals, and shall make all information related to such compliance available to MACC upon request. Upon arrival in the city, the applicant shall provide a sworn affidavit representing that the applicant is in

compliance with the terms of this section and with all other applicable state, federal and local regulations.

i. MACC shall make every effort to coordinate all inspection and enforcement efforts referred to herein with other departments in the city, with the Animal Humane Society, and other governmental organizations. MACC is further authorized to contract with a veterinarian or any other person or organization with expertise in wild animal care to assist in investigating the applicant's care of the animals.

j. It shall be unlawful for any person or organization intending to conduct an event requiring a Class C permit to bring the animals into the city without having first obtained a Class C permit. MACC may enforce violations of this section through the administrative citation process in Chapter 2 of this Code, in addition to any other remedy available to the city including but not limited to permit denial or revocation. MACC is further authorized to make all other necessary orders and take all other necessary actions to protect the health and safety of the public and the animals.

k. It shall be unlawful for any person to furnish false information for the purpose of obtaining a permit. Any permit obtained under fraudulent pretenses is void and shall be revoked.

l. Any person applying for a permit shall provide evidence of surety bond or liability insurance in the amount set by MACC which covers incidences or occurrences involving animals.

m. MACC may deny or take other appropriate adverse action against an application for a traveling animal exhibition permit for any of the following reasons:

1. Failure to comply with or supply any information or access requested and/or required;
2. Falsification of any information required;
3. Previous or current violations of any provisions of this title; or
4. Previous or current violations of any local, state, or federal law relating to cruelty to animals, public safety or animal exhibition permits.

n. MACC may revoke or take other appropriate adverse action against a permit for any of the following reasons:

1. Failure to comply with the terms of this title;
2. Falsification of any information required;
3. Current violations of any provisions of this title;
4. Violation of any local, state or federal law applicable to animals and/or traveling animal exhibitions;  
or
5. Any instance of animal cruelty, abuse or neglect within the City of Minneapolis.

o. MACC may confiscate, order veterinarian care, and/or prevent from exhibition any animal which pose a threat to public safety (including, but not limited to animals not current with vaccinations) and/or which is in immediate danger due to animal cruelty, abuse or neglect.

p. In the event of a permit denial by MACC, the applicant may, upon written request, have the denial reviewed by the appropriate committee of the city council or a hearing officer no less than thirty (30) days prior to the scheduled or planned event in the city. The committee or hearing officer shall make a recommendation concerning the application to the city council at the conclusion of the hearing. If the denial is affirmed by the city council, the applicant may seek such judicial review as permitted by law.

**63.140. Commercial vendors and other commercial animal care providers.** (a) No person shall keep or maintain any place for the sale, grooming, breeding, treating, exhibition, or any other form of care for hire of any animal, reptile, fish or bird without first having applied for and obtained a license therefor.

(b) No person shall operate or maintain a mobile pet care vehicle without first having applied for and obtained a license for each such vehicle and no person shall conduct any business in a mobile pet care vehicle while that vehicle is parked on a public street. No sales of animals shall be permitted from the vehicle.

(c) Any person desiring a license under either subsection (a) or (b) shall file with MACC a written application for such license. The application shall state in full the name, place of residence of the applicant and, where applicable, the name and residence of the owners of the place, premises and location where the applicant desires to conduct said business. MACC shall issue a report on the sanitary conditions and other requirements of the place where the applicant intends to carry on the business, including any mobile pet care vehicle and a report from the zoning administrator where applicable. When said reports are completed, the license shall be issued or denied pursuant to section 259.30. Nothing in this section shall prohibit MACC, other recognized releasing agencies, rescues or humane societies from participating in official offsite adoption programs. Such license shall expire on May 1st next after its issuance unless sooner revoked.

(d) *License fees.* The fee for each place of business and each mobile pet care vehicle license issued under this title shall be as established in the license fee schedule. Upon payment into the city treasury by the applicant of such license fee or, if application for such license is made after May first, upon payment of such part of the license fee as shall be proportionate to the portion of the year for which such license is issued in accordance with the provisions of section 261.40 of this Code, and upon presentation by the applicant to MACC of the receipt of the city finance officer for said license fee, MACC shall issue to the applicant the license authorized and directed to be issued by the city council.

(e) *Posting of license.* The licensee shall keep his or her license conspicuously posted at the licensee's place of business or mobile pet care vehicle.

(f) *Compliance with regulations.* Each licensee shall conform to all applicable regulations as the Minneapolis Health Department or the Minnesota Board of Veterinary Medicine, may prescribe, in addition to any other applicable local, state or federal law.

(g) *Dangerous and vicious animals prohibited.* No person shall bring into his place of business or into the city, or have in his possession for sale or otherwise, any animal which is dangerous or diseased under applicable law.

(h) *Sale of baby chicks or artificially colored animals or fowl prohibited.* No person shall sell, offer for sale, barter, give away, or be in possession of any artificially colored animals or fowl. No person shall sell, offer for sale, barter, or give away any chicks, ducklings, or other fowl under two (2) months of age.

(i) *Exemptions.* The provisions of this section shall not apply to veterinarians or to persons or places selling only frogs, fish, worms or reptiles for use as live bait for fishing, or to scientific or educational institutions licensed by the State of Minnesota Livestock Sanitary Board.

(j) *Revocation of license.* Any license granted under this chapter may be revoked, suspended, or otherwise adversely acted upon, by the city council at any time, and by any court upon the conviction of the holder thereof of any violation of this title.

(k) *Mobile pet care vehicle insurance.* Each applicant for a mobile pet care vehicle license shall file with MACC a public liability policy or certificate of insurance from a company licensed to do business in the State of Minnesota insuring the applicant against any and all liability incurred in the use or operation of the vehicle licensed under this section. The policy of insurance shall be in the limits of not less than one hundred thousand dollars (\$100,000.00) for injury or death to one (1) person, three hundred thousand dollars (\$300,000.00) for injury or death for each occurrence, and ten thousand dollars (\$10,000.00) for property damage.

**63.150. Stables and assembly/transfer facilities.** (a) A stable or assembly/transfer facility may be operated in the city of Minneapolis only in strict compliance with all of the requirements set forth in this section.

(b) *Compliance with zoning code.* A stable or assembly/transfer facility shall comply with all applicable provisions of the zoning code and any conditional use permit or other applicable land use approval granted by the city council pursuant to the zoning code.

(c) *Stable and assembly/transfer facility to be used exclusively for licensed horse and carriage livery service.*

(1) A stable or assembly/transfer facility shall be used exclusively for the purpose of keeping horses used in a horse and carriage livery service licensed under Chapter 303 of this Code.

(2) No horse shall be stabled or otherwise kept in a stable or assembly/transfer facility unless it is registered with the licensing official pursuant to section 303.80 of this Code.

(3) Each horse shall meet the requirements in chapter 303 of this Code, and any other applicable local, state or federal law, for veterinary examination and certification, and care and maintenance of animals.

(d) *Stable construction.*

(1) Interior stable walls shall be smooth, light colored and sealed, and shall be constructed of a material that is easily cleaned such as gloss finished block, gloss or semi-gloss painted concrete, or an equivalent material.

(2) Floors, gutters and all areas within the stable grounds where horses traverse or stand shall be constructed of good quality concrete or other firm, nonporous and nonslip material which is sloped to drain and is maintained in good repair. Interior floor-to-wall junctures shall be covered and watertight.

(3) If rubber mats are used as a floor covering, they shall be nonabsorbent and easily removable for cleaning.

(4) Stall partitions shall be wooden plank, metal bars, pipe paneling or other similar material of sufficient thickness and strength to properly contain the animals therein. Solid partitions such as concrete, or a minimum of ten (10) gauge sheet metal paneling, may be used if adequate ventilation is maintained.

(5) Tie stalls shall be wide enough to allow a horse to comfortably lie down. Box stalls shall be at least ten (10) feet square.

(6) Watering devices shall protect against possible backflow of water into the water supply system. The system shall be grounded to prevent stray voltage.

(7) A ventilation system is required which shall provide sufficient air circulation and exhaust to minimize odors and condensation on walls and ceilings. Mechanical ventilation must be provided to meet these criteria.

(8) Windows and other exterior openings shall be screened to minimize the entrance of insects and rodents. Screen doors shall be utilized if doorways are to be used for ventilation.

(9) At least ten (10) foot candles of light shall be available throughout the stable to allow for effective cleaning.

(10) Toilet and hand washing facilities shall be provided for the convenience of stable workers. Hand washing facilities shall consist of a sink with hot and cold water, soap and single use towels.

(11) A utility sink or a curb cleaning facility with a floor drain shall be provided for janitorial purposes. It is to be supplied with hot and cold running water. The faucet shall be protected against possible water backflow.

(12) A telephone shall be readily accessible on the premises for making emergency calls.

(e) *Stable operation.*

(1) Only one (1) horse may be in a stall and the stable shall not contain any more horses than it has stall space to accommodate.

(2) Only city registered horses may be present in the stable unless prior approval has been granted by MACC.

(3) Water shall be available for horses at all times when they are in their stalls.

(4) If horses are to be tethered, they shall be tethered by a halter.

- (5) Odors and condensation shall be kept to a minimum.
- (6) The stable, including equipment and furnishings, shall be kept in good condition.
- (7) To prevent harborage or breeding of insects and rodents, the stable interior and surrounding property shall be kept neat and free of litter and clutter.
- (8) Effective pest control measures emphasizing preventative action shall be provided to prevent insect and rodent pests from being present in the stable or on stable property.
- (9) Feed shall be stored in rodent proof facilities or containers.
- (10) Straw, shavings or other bedding material shall be kept clean and dry and shall be changed as often as is necessary to keep it in that condition.
- (11) Manure, soiled bedding, barn sweepings and waste feed shall be removed from the premises twice a week. When stored prior to removal, these materials shall be kept in insect and rodent proof facilities or containers.
- (12) A person who is capable of handling horses routinely and in emergencies shall be at the stable at all times when horses are on the premises.
- (13) Smoking shall not be allowed in stabling or storage areas.

(f) *Assembly/transfer facility construction.*

- (1) The facility may consist of either an impervious concrete slab floor, or other firm, nonporous and nonslip footing, which is sloped to a drainage system and is curbed at the sides. The facility shall be sufficient to contain all wastes and spillage.
- (2) Overhead protection from sun and sleet and other precipitation shall be provided for horses when necessary.
- (3) There shall be an adequate means to tether or contain all horses.
- (4) Toilet and hand washing facilities for workers shall be present or available close by.
- (5) At least ten (10) foot-candles of light shall be provided throughout the facility whenever it is being used.
- (6) Any additional structures, equipment or furnishings that are provided shall meet the applicable standards for stables.

(g) *Assembly/transfer facility operation.*

- (1) The facility shall only be occupied by horses within a daily eighteen (18) hour time period. That time period shall be stated in writing by the licensee at the time the application is submitted for licensure.

- (2) Only city registered horses may be present unless prior approval has been granted by MACC.
  - (3) Clean and Potable drinking water shall be provided to the horses according to their need while they are at the facility.
  - (4) If horses are to be tethered, they shall be tethered by a halter.
  - (5) The facility including equipment and fixtures shall be maintained clean and in good condition at all times and odors shall be kept to a minimum.
  - (6) All feed and wastes shall be stored in secure rodent-proof containers. Waste feed and manure shall be removed daily.
  - (7) Effective insect control measures shall be utilized at the site.
  - (8) A person who is capable of handling horses routinely and in emergencies shall be at the facility at all times when horses are present.
- (h) *Other provisions of law unaffected.* Nothing herein shall be construed to exempt a stable or assembly/transfer facility from other applicable laws relating to health or safety, nor to limit the lawful enforcement powers of any public agency, official or employee.

**63.160. Exceptions; permit required.** Any person desiring to keep an animal prohibited under this chapter, if not duly licensed for such activity under chapters 303 or 304, shall request a permit from MACC. Such permit may be issued for a period not to exceed twenty-one (21) days and may specify further conditions under which such animal shall be kept. MACC shall have authority to investigate the conditions and inspect the site at which such animal shall be kept or displayed and to require the production of reasonably pertinent veterinary or similar records to the extent deemed necessary to ensure the safety and health of any person or animal. Permit fees must be paid in full prior to the issuance of any permit under this section. Any person found to possess animals in violation of this section may have the animals seized immediately by MACC.

#### **CHAPTER 64. CARE AND TREATMENT OF ANIMALS**

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

- (1) Adequate feed;
- (2) Adequate water;
- (3) Adequate shelter that is properly cleaned;
- (4) Adequate space in the primary enclosure for the particular type of animal depending upon its age, size, species, and weight;
- (5) Adequate exercise;

(6) Adequate care, treatment, and transportation; and

(7) Veterinary care when needed to prevent suffering or disease transmission.

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

**64.20. Feces clean up.** Any person having the custody or control of any animal shall have the responsibility for cleaning up any feces of the animal and disposing of such feces in a sanitary manner. It shall furthermore be the duty of any person having custody or control of any animal on or about any public place to have in such person's possession suitable equipment for picking up, removal and sanitary disposal of animal feces. The provisions of this section shall not apply to a certified guide animal accompanying a visually-impaired person, a certified service animal accompanying a disabled person, or dogs used in official police activities with the permission of the city's police department.

**64.30. Public protection from animals.** Any person owning or having care, control or custody of any animal shall at all times prevent the animal from attacking, biting or otherwise causing injury or attempting to cause injury to any person engaged in a lawful act or causing injury or attempting to cause injury to an animal on or off the property of the owner. Any animal control or police officer who has cause to believe an animal is a dangerous animal may seize said animal until such time as a determination is made.

**64.40. Nuisance or disturbing the peace.** No person shall own, keep, have in possession, or harbor any animal which frequently and habitually produces noise that unreasonably disturbs the peace, quiet, or repose of a person or persons of ordinary sensibility, provided that the provisions of this section shall not apply to duly authorized hospitals or clinics conducted for the treatment of small animals. Allowing an animal to create howling, barking, whining, meowing, squawking or other such noises which are plainly audible across a property boundary or through partitions common to two (2) residences within a building and that take place continuously or repeatedly during a period of at least fifteen (15) minutes in duration between 7:00 a.m. until 10:00 p.m. or during a period of at least 10 minutes in duration between 10:00 p.m. and 7:00 a.m. shall be prohibited and subject to an administrative fine or other appropriate or authorized legal enforcement. The second subsequent violation of this section shall double the administrative fine and the third violation may result in an order for the animals to be removed from the City of Minneapolis.

**64.50. Dogs and cats in heat.** No person having the custody or control of any female dog or cat shall permit the same to be in any street, alley, or public place while it is in heat, but shall keep such animal confined so that it cannot come in contact with another dog or cat whether on public or private property except for breeding purposes within a building.

**64.60. Animals in motor vehicles.** (a) A person may not leave any animal unattended in a standing or parked motor vehicle in a manner that endangers the animal's health or safety.

(b) A peace officer, a humane agent, animal control officer, or a volunteer or professional member of a fire or rescue department of a political subdivision may use reasonable force to enter a motor vehicle and remove any animal which has been left in the vehicle in violation of subdivision 1. A person removing any animal under this subdivision shall use reasonable means to contact the owner of the



animal to arrange for its return home. If the person is unable to contact the owner, the person shall take the animal to an animal shelter or veterinarian if emergency care is required. A person found to be in violation of this section shall bear the costs and fees associated with any required care, treatment, impoundment or kenneling of the animal.

**64.70. Dog house or enclosure.** (a) A person in charge or control of any dog which is kept outdoors or in an unheated enclosure shall provide the dog with shelter and bedding as prescribed in this section as a minimum.

(b) 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. The structure must have a windbreak at the entrance.

(c) The structure shall be provided with a sufficient quantity of suitable bedding material consisting of hay, straw, cedar shavings, blankets, or the equivalent, to provide insulation and protection against cold, heat and dampness and enable the animal to regulate and maintain normal body temperature.

(d) Shade from the direct rays of the sun, during the months of May to October shall be provided.

(e) All shelters required by this section shall be subject to all building or zoning regulations of the city of Minneapolis, in addition to any other applicable law.

**64.80. Leashing and tethering.** (a) No person having the custody or control of any dog or animal of the dog kind shall permit the dog to be on any unfenced area or lot abutting upon a street, alley, public park, public place or upon any private land without being effectively restrained from moving beyond such unfenced area or lot; nor shall any person having the custody or control of any dog or animal of the dog kind permit the dog at any time to be on any street, alley, public park, school ground, or public place without being effectively restrained by chain or leash, except in areas officially designated for off leash activities. Any area, lot or yard that utilizes an invisible fence to prevent a dog from escaping or getting loose must have prominent signage indicating that an invisible fence is present and the invisible fence must be in working order and effective in restraining the movement of the dog and preventing its escape from the fenced area.

(b) Tethers must be at least three (3) times the length of animal secured to it. Any animal secured with a tether must be in an area that would not allow the animal to become tangled around objects and allow the animal access to shelter and water. Tethers must be placed in such a location as to inhibit the secured animal from reaching a public sidewalk, street, school grounds, alley or public place or any other property other than the owner or custodian's property.

(c) Tethers may not exceed five (5) pounds in weight but shall be appropriate weight for the size of the animal.

(d) Animals shall not be tethered without on-site supervision.

(e) Tethering of any animal by the leg shall be prohibited.

**64.90. Prohibited acts.** (a) *Generally.* It shall be unlawful for any person to commit the following prohibited acts:

(1) *Torture:* no person shall overdrive, overload, torture, cruelly beat, neglect, or unjustifiably injure, maim, mutilate, or kill any animal, or cruelly work any animal when it is unfit for labor, whether it belongs to that person or to another person.

(2) *Abandonment:* no person shall abandon any animal.

(3) *Temporary abandonment:* no person shall knowingly allow any maimed, sick, infirm, or disabled animal to lie in any street, road, or other public place.

(4) *Cruelty:* No person shall willfully instigate or in any way further any act of cruelty to any animal or animals, or any act tending to produce cruelty to animals.

(5) *Caging:* no person shall cage any animal for public display purposes unless the display cage is constructed of solid material on three sides to protect the caged animal from the elements and unless the horizontal dimension of each side of the cage is at least four times the length of the caged animal.

(b) The provisions of subsection (a)(5) shall not apply to the Minnesota State Agricultural Society, to district, regional or national educational livestock or poultry exhibitions, or to captive wildlife, the exhibition of which is regulated by Minn. Statute 97A.041.

(c) *Unattended animals in streets, alleys, sidewalks, public places.* No person shall permit any animal under his or her care, custody, or control to be left standing unattended in any street, alley, sidewalk, or public place within the city whether leashed or not.

(d) *Attachment of animals to trees, posts prohibited.* No person shall attach in any manner any animal under his or her care, custody, or control to any tree, shrub, or other planting, or to any post or pole growing or being in any public place within the city.

(e) *Careless riding or driving.* No person shall ride or drive any animal anywhere within the city carelessly or heedlessly, in disregard of the rights or the safety of others or in a manner so as to endanger or be likely to endanger any person, animal or property.

(f) *Harming a service animal.* No person shall intentionally and without justification do either of the following to a service animal while it is providing service or while it is in the custody of the person it serves: (1) cause bodily harm to the animal; or (2) otherwise render the animal unable to perform its duties.

(g) *Animal traps and similar devices.* No person shall set, lay or prepare any trap or mechanical device capable of killing, injuring or maiming any person, animal or wildlife. No owner or person having the care, custody or control of any dwelling, building or other structure shall permit such a trap or device to be set or to remain set on the premises inside or outside such dwelling, building or structure.

(1) The provisions of this subsection do not apply to representatives of the city, county, state, federal government, or licensed pest control operators while in the course of their official duties and a more humane trap is not available; nor to property owners, their agents or their tenants who may employ, on

private property a trap specifically designed to eradicate rats, mice or moles, or a cage, box or enclosure-type device, in which an animal can be confined, but which does not injure, maim or kill, to prevent an unsafe condition or to prevent waste or destruction of their property.

(2) Any animal trapped by humane methods shall otherwise be released back to the wild or humanely destroyed in accordance with applicable law.

(h) *Killing or injuring prohibited.* No person shall kill or injure any animal within the city unless it be in defense of himself or herself, another person or the threat of imminent death of another animal. This subsection shall not apply to veterinarians, or to employees of MACC or employees or persons otherwise authorized by law.

(i) *Failure to provide adequate care.* No person having custody, care or ownership over any animal shall fail to provide adequate care of any kind.

(j) *Endangering the public.* No person shall care for, house, have custody of or in any way handle any animal in such a manner as to endanger the public safety.

**64.100. Standards of care and disposition of impounded animals.** (a) *Generally.* All animals conveyed to a public or private shelter, or a rescue group/organization, shall be provided with adequate food, water, shelter, exercise, and environmental enrichment and socialization. All public or private shelters, or rescue groups/organizations, shall be responsible for the establishment of policies and protocols that include attention to animals' physical and psychological well-being. Such policies and protocols shall include, without limitation:

(1) Prompt and necessary veterinary care, including preventive vaccinations targeted at promoting health within a shelter or group setting, emergency medical care, and pain management aimed at alleviating pain from injury or disease or preemptively to prevent existing conditions from worsening. Such care shall be offered to animals regardless of whether the animal is a candidate for adoption, transfer or rescue.

(2) Standard protocols to prevent the spread of disease, including evaluation and testing of animals at intake, isolation measures, and appropriate handling of sick and diseased animals.

(3) Regular cleaning and sanitation protocols aimed at preventing disease within the shelter, and to promote healthy and welcoming environments for animals, staff and members of the public.

(4) Where established and applicable, appropriate protocols for volunteers, including training and regular supervision to ensure adequate handling, treatment, and interactions focused on animal enrichment and socialization.

(5) Specialized protocols for animals with special needs, such as nursing mothers, unweaned animals, sick or injured animals, geriatric animals or animals known to require therapy

(6) Where deviations from any aspect of appropriate care are necessary to safeguard the health and safety of animals, staff or the public, such deviations shall be duly recorded.

(b) *Holding periods.*

(1) *Stray Animals.*

- a. Public and private sheltering agencies shall be required to hold any stray animal for a period of five (5) regular calendar days, unless otherwise provided by applicable ordinance, law or by special protocol.
- b. Stray animals with significant health conditions may be transferred to a private sheltering agency or rescue group immediately after intake, subject to the same rights of redemption by the owner.
- c. Irremediably suffering animals must be euthanized without delay, upon a verbal or written determination made by a licensed veterinarian.
- d. Unweaned animals held without their mother may be euthanized so long as the shelter has exhausted efforts to place the animals in foster care, made an emergency appeal under the requirements of this title, and is unable to provide the needed care and feeding in its facility.

(2) *Owner relinquished/surrendered animals.* In the case of owner-relinquished animals in custody of a public or private sheltering agency, the required holding period shall be twenty-four (24) hours from the time of relinquishment, with the same duties as those owed to stray animals, except as follows:

- a. An irremediably suffering animal;
- b. Owner requested euthanasia for non-rehabilitatable animal;
- c. Euthanasia in the case a non-rehabilitatable animal where the owner does not request euthanasia but the sheltering agency believes it is necessary to protect other animals or staff;
- d. An agency shall not be prohibited from placing the animal prior to the end of the twenty-four-hour hold period.

(c) *Disposition of impounded and/or unclaimed animals.*

(1) *Generally.*

- a. No public or private sheltering agency shall ban, bar, limit, or otherwise obstruct the adoption or transfer of any animal based on arbitrary criteria, such as breed, age, color, or any other criteria except as to the individual animal's medical condition, behavioral condition or the adopter's fitness to adopt.
- b. Public and private sheltering agencies must take appropriate action to ensure that all animals are checked for all currently acceptable methods of identification, including microchips, identification tags, and licenses.
  - 1. Public and private sheltering agencies must maintain regularly updated lists of animals reported lost in a manner that allows the public to access the list, self-report their lost animal and match their lost reports with animals reported found and animals in the shelter.

2. As soon as is reasonably feasible after an animal is taken into custody, the agencies must make all reasonable efforts to post notice of all stray animals on the internet with sufficient detail and a photograph to allow them to be recognized and claimed by their owners.
3. If a possible owner is identified, the agency must undertake reasonable efforts to notify the owner or caretaker of the whereabouts of the animal and follow any procedures available for the lawful recovery of the animal.
4. These efforts may include, but are not limited to, notifying the possible owner by telephone, email, or mail, to their last known address.
5. Upon the owner's or caretaker's initiation of recovery procedures, the agencies must retain custody of the animal for not less than the holding period to allow for the completion of the recovery process.

(2) MACC shall have in place protocols for the disposition of all impounded and/or unclaimed animals in accordance with state and local law, and the required holding period restrictions contained in this title. Such protocols shall include, without limitation, the following guidelines:

a. *Impounded animals.*

1. Any animal who has not bitten or been bitten and is not otherwise subject to continued impoundment pursuant to any applicable law may be released to the owner upon payment of an impoundment fee, for the first impoundment within a twelve-month period, and upon furnishing of proof of a license or purchasing a license and upon showing a certificate of vaccination as required by applicable law.
2. No dog, cat or ferret shall be released from the shelter without a current vaccination for rabies, given by a licensed veterinarian, unless the animal is too young for the vaccination to be given.
3. For each subsequent impoundment in a calendar year the cost of impoundment shall increase by twenty-five dollars (\$25.00) per incident.
4. In addition to all other requirements, the owner of any animal which is lawfully impounded shall pay all fees and expenses related to such impoundment whether or not the animal is claimed and prior to the release of said animal to the owner. These fees include, but are not limited to, vaccination, examination, any medical treatment fees for the animal, and boarding costs incurred during the period of time the animal was housed by MACC. Failure of the owner to pay fees and fines shall constitute a lawful debt owed to the City of Minneapolis which may be recoverable via any lawful and available means.

b. *Adoption.*

1. All animals that pass a behavioral examination (if applicable), a medical examination and are believed to be safe to return to the public shall be made available for adoption. Where animals require specialized care or additional training, such animals shall be eligible for transfer to a releasing agency or rescue group/organization as provided in this title.

2. All animals made available for adoption shall be sterilized, vaccinated against rabies and micro chipped prior to being delivered to the new owner, unless the animal is too young or too ill to be sterilized or for the vaccination to be given.

3. Any known medical or behavior history shall be made available to the new owner at the time of the adoption.

c. *Transfer to another releasing agency.*

1. All animals that pass a behavioral or medical examination and are found in need of further training or have special needs may be transferred to another releasing agency or rescue group/organization.

2. All animals made available for transfer shall be sterilized by a licensed veterinarian prior to transfer or within thirty (30) days of the transfer. If done within thirty (30) days of the transfer, the agency in custody of the transfer shall provide proof that the animal has been sterilized within forty (40) days of the date of the transfer. Proof shall be a signed copy of the sterilization certificate showing the animal's MACC ID #, species, sex, color and microchip and signed by the sterilizing veterinarian. The paperwork shall remain as part of the animal's official record.

3. No person, releasing agency or rescue partner, 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. MACC is authorized to seize any animal which has not been sterilized in accordance with this section as a violation of the transfer agreement.

d. *Euthanasia.*

1. Any animal that is found to be non-placeable due to behavioral or medical reasons, or is non-placeable after reasonable effort has been made to place or transfer the animal, may be humanely euthanized under the authority of a licensed veterinarian.

2. For purposes of this section, non-placeable animal shall mean:

i. Any animal past the age of weaning and has a history or signs of behavior or temperament that would pose a safety or health risk to the adopter or community-at-large;

ii. Any animal that has a history or signs of disease or injury that would adversely affect the animal's health or quality of life, or that poses a health risk to other animals in the shelter, to the adopter or to the community-at-large;

iii. Any animal that has a medical condition that is not reasonably treated of which the cost would be prohibitive and/or the prognosis deemed poor by a license veterinarian; or

iv. Any animal that has been ordered by a court of competent jurisdiction to be destroyed.

e. *Disposition of animals involved in an aggressive behavior or dangerous to the public.*

1. MACC is authorized to order the destruction or other disposition of any animal which:

- i. Kills a person;
- ii. Bites one (1) or more persons on two (2) or more occasions;
- iii. Causes substantial bodily injury or disfigurement to a human or animal;
- iv. Engages in an attack on or exhibits unusually aggressive behavior towards any person or animal under circumstances that would indicate danger to the safety of the person or animal;
- v. Is prohibited by or found to be in violation of the potentially dangerous or dangerous dog ordinance or statute; or
- vi. Unprovoked, kills another animal.

2. In determining the disposition of the animal MACC will determine the potential of the animal to pose a danger to the public's health, safety or welfare based upon the following factors:

- i. The animal weighing more than twenty (20) pounds;
- ii. The strength of the animal, including jaw strength;
- iii. The animal's tolerance for pain;
- iv. The animal's tendency to refuse to terminate an attack;
- v. The animal's propensity to bite humans or other animals;
- vi. The animal's potential for unpredictable behavior;
- vii. The animal's aggressiveness;
- viii. The likelihood that a bite by the animal will result in serious injury; and
- ix. Previous documented history or behavior which would indicate the animal's propensity to be a danger to the public.

This subsection shall not apply to any assistance animal, including guide animals, signal animals and service animals, trained or in training to assist a qualified individual with a disability.

3. *Notification and process.*

- i. The owner or custodian of the offending animal shall be notified in writing as to the reasons the animal is subject to disposition or destruction under this subsection and where applicable, copies of all reports received by MACC that were utilized to determine the disposition.
- ii. The owner shall have three (3) business days after the date of notification to request a hearing to appeal a destruction order. If a hearing is requested, it shall be scheduled within ten (10) business days,

unless a later hearing date is mutually-agreed upon. The hearing officer shall have authority to affirm, reverse, modify or amend the declaration or order as appropriate.

iii. If a hearing is not requested within three (3) business days of the notification, the animal may not be destroyed until a minimum of five (5) business days have passed since the issuance of the order.

iv. If the animal has bitten a person, it shall remain at a designated MACC facility through the end of any quarantine period as required pursuant to law. At the conclusion of the quarantine period the animal shall be subject to further disposition as defined in this Code and may be held at the owner's expense until a disposition is determined.

v. Unclaimed animals shall be subject to disposition without notice to the owner or custodian after any mandatory hold period required by law. Unclaimed animals shall include animals declared potentially dangerous or dangerous if in the custody of MACC and not in full compliance with the requirements of this title.

vi. All applicable fees are subject to payment within twenty (20) days for any identified owners and shall be invoiced. All unpaid fees may be forwarded to a collection agency for processing or shall otherwise constitute a legal debt and obligation that may be collected in any available legal manner.

**64.110. Euthanasia requirements.** (a) *Registry.* All public and private sheltering agencies that euthanize animals must maintain a registry of organizations willing to accept animals as follows:

(1) Public or private sheltering agencies, as well as rescue groups or organizations, may be placed on this registry upon their request, provided they are located within two-hundred (200) miles of the public or private agency and the agency or group complies with the articulated rescue approval process of the public or private agency. The public or private agency shall post their rescue approval process on their website or on premises for public review. The sheltering agency retains the discretion to deny registration if there is reason to believe the animals will not be treated in a humane manner.

(2) The public or private sheltering agency may, but is not required to, include on the registry any individual rescuers or rescue groups that are not designated as nonprofits under section 501(c)(3) of the Internal Revenue Code.

(3) The registry must include the following information as provided by the registered organization:

a. Organization name, mailing address, and telephone number.

b. Website and email address, if any.

c. Emergency contact information for the organization.

d. The types of animals about which the organization wishes to be contacted, including species and breed.

e. Whether or not the organization is willing and able to care for unweaned animals, sick or injured animals, or aggressive animals.



(4) A sheltering agency may require that registered organizations provide summary information on no more than a monthly basis, to include the total number of animals the organizations currently has in its care, the number of foster homes they have in use and available, the total number of animals the organization has taken from the agency who have been adopted, died, were transferred, were euthanized, or are still under the organization's care, which information may be provided in an informal format, such as via electronic communication.

(5) No public or private sheltering agency may euthanize a savable animal unless and until the agency has notified, or made a reasonable attempt to notify, all organizations on the registry described in subsection (a) that have indicated a willingness to take an animal of that type. The notification must take place at least twenty-four (24) hours prior to the euthanizing of the animal unless medically necessary as determined by a veterinarian. At a minimum, the notification must include verifiable electronic communication. A notification is considered complete as to each individual group when this has been accomplished. No animal may be euthanized if an organization on the registry indicates, before the euthanizing of the animal, its willingness to take possession of the animal. The agency having possession of the animal may find another disposition for the animal if the organization agreeing to take the animal does not take possession of the animal within two (2) business days.

(6) Nothing in this section prohibits a sheltering agency from euthanizing an irremediably suffering animal which must be euthanized without delay. The determination that an animal is irremediably suffering must be made upon verbal or written determination by a licensed veterinarian.

(b) *Procedures.*

(1) *Generally.*

a. All public and private sheltering agencies, as well as rescue groups and organizations, must ensure and provide appropriate protocols, developed in conjunction with a licensed veterinarian, for the humane euthanasia of any animal.

b. No savable animal in a public or private sheltering agency may be euthanized simply because the holding period has expired.

c. Prior to euthanizing an animal, the public or private sheltering agency must document the reasons for employing euthanasia. Such reasons may include, without limitation:

1. That the sheltering agency does not have sufficient and appropriate housing, budget or staff to adequately care for the animal.

2. That a foster home has not been identified to take the animal.

3. That a rescue group or organization has declined or is otherwise unable to take the animal.

d. Animals may only be euthanized by lethal IV, IP or IC (if the animal is in a state of unconsciousness and other method of euthanasia are not possible) injection of sodium pentobarbital. The method used shall adhere to the established policy and protocol and shall be the most humane method for the situation and individual animal.

- e. No animal may be allowed to witness another animal being euthanized or being tranquilized or sedated for the purpose of being euthanized or see the bodies of animals that have been euthanized.
- f. An anesthetic shall be administered prior to euthanasia to minimize the animal's stress or discomfort or, in the case of vicious animals, to ensure staff safety. The recommended anesthetic to utilize shall be established by a supervising licensed veterinarian.
- g. Following their injection, animals must be lowered to the surface on which they are being held and not be permitted to drop or otherwise collapse without support.
- h. An animal may not be left unattended between the time procedures to euthanize the animal are commenced and the time death occurs, nor may the body be disposed of until death is verified.
- i. Verification of death must be confirmed for each animal in all of the following ways:
  - 1. By lack of heartbeat, verified by stethoscope or cardiac stick.
  - 2. By lack of respiration, verified by observation.
  - 3. By lack of eye response, verified if lid does not blink when eye is touched.
- j. The room in which animals are euthanized must be cleaned and regularly disinfected as necessary, but no less than once per day on days the room is used, except that the area where the procedure is performed must be cleaned and disinfected between each procedure.
- k. The room in which animals are euthanized must have adequate ventilation that prevents the accumulation of odors.
- l. Euthanasia may be performed by a licensed veterinarian, a licensed or registered veterinary technician, a properly trained and approved animal care technician, or properly trained and approved animal control officer. All non-veterinarians shall perform euthanasia under the authority of a licensed veterinarian.

*(2) For sick and injured wildlife.*

- a. The gas chamber may be utilized to bring about a humane death for wildlife.
- b. The gas chamber shall be maintained and in good working order.
- c. Personnel operating the chamber shall be authorized by MACC and properly trained on all safety and operational procedures.
- d. Animals euthanized via gas chamber shall not be left unattended between the time euthanasia procedure begins and the time death occurs, nor may their bodies be disposed of until death is confirmed by a qualified person.
- e. Where MACC no longer operates a gas chamber, appropriate euthanasia protocols shall be developed to provide humane euthanasia of wildlife.

## CHAPTER 65. PUBLIC HEALTH CONSIDERATIONS.

**65.10. Rabies control.** (a) No person shall keep, harbor, or maintain care, custody, or control over any dog, cat or ferret over four (4) months of age unless it has been vaccinated in accordance with the terms of this section.

(1) After three (3) months of age and before four (4) months of age the dog, cat or ferret shall be first vaccinated with an approved rabies vaccine by a licensed veterinarian.

(2) Within twelve (12) months after its original vaccination, the dog, cat or ferret shall receive a booster vaccination with an approved rabies vaccine by a licensed veterinarian.

(3) Thereafter, the dog, cat or ferret shall receive booster vaccinations every twelve (12) to thirty-six (36) months, depending on the prescribed frequency of booster vaccinations in the manufacturer's specifications for the vaccine previously used.

(4) All rabies vaccinations shall be performed by or under the direct supervision of a licensed veterinarian.

(5) The dog, cat or ferret owner shall obtain a certificate of vaccination that shall be produced by the owner when requested by an animal control officer or representative of MACC.

It shall be a defense for any person charged with a violation of this section, to show by way of a certificate of vaccination from a veterinarian that the dog, cat or ferret had been vaccinated for rabies in conformance with the provisions of this chapter on the day prior to the day of the alleged violation.

(b) *Impoundment of rabies suspects.*

(1) Any dog, cat or ferret not vaccinated in accordance with this section which has bitten any person and caused an abrasion or puncture of the skin of such person shall be seized and impounded under the supervision of a licensed veterinarian or at MACC for a period of not less than ten (10) days. If, after a complete examination by a veterinarian or a designee of the veterinarian trained in the recognition of the clinical signs and symptoms of rabies, the dog, cat or ferret has no clinical signs of rabies, it may be released to the owner upon the condition that the owner has the animal vaccinated and licensed as required by this Code and pays all kennel fees and fines associated with the quarantine.

(2) Alternately, MACC may authorize the owner of an animal under investigation to quarantine the animal at home provided the animal is currently vaccinated against rabies by a licensed veterinarian and the owner and property meet acceptable standards as defined by MACC. Any animal control officer having reason to believe that the owner of any animal potentially exposed to rabies will not or cannot effectively quarantine the animal may seize the animal for the purpose of proper quarantine at MACC. The costs associated with any quarantine shall be charged to and payable by the owner of the animal.

(3) In the case of a stray, the animal shall be disposed of in accordance with applicable laws.

(4) It shall be unlawful for any owner or person having custody or control of any dog, cat or ferret, whether or not it is vaccinated against rabies in accordance with this section, which has bitten any

person, to refuse to release such dog, cat, or ferret and make it immediately available to MACC for the purpose of quarantine or any other lawful purpose.

(5) It shall be unlawful for any owner or person in custody or control of any dog, cat, or ferret that has bitten any person to refuse or fail to quarantine such dog, cat, or ferret as required by this section or other applicable law.

(6) MACC shall seize any dog, cat, or ferret not quarantined in accordance with this section or other applicable law.

a. Any dog, cat, or ferret vaccinated in accordance with this section which has bitten any person shall be confined by the owner or other responsible person in such manner as the Minneapolis Health Department or MACC may direct and for a period of not less than ten (10) days. The Minneapolis Health Department or MACC shall conduct any necessary examinations of the animal. If no signs of rabies are observed, the animal may be released from confinement.

b. Any other animal which has bitten any person and caused an abrasion or puncture of the skin of such person shall be seized and impounded under the supervision of a licensed veterinarian or at the MACC facility for a period of not less than ten (10) days. If, after a complete examination by a veterinarian, the animal has no clinical sign of rabies, the animal may, with the approval of the Minneapolis Health Department or MACC, be released to the owner. In the case of an unclaimed animal, it shall be disposed of in accordance with applicable laws. It shall be unlawful for any owner or person in custody or control of any animal which has bitten any person to refuse to release such animal and make it immediately available to MACC for the purpose of quarantine.

c. Any rabies suspect impounded or confined under this section which is found to be sick or diseased shall be reported immediately in writing to the Minneapolis Health Department and MACC by the attending veterinarian or operator of the quarantine facility. MACC shall then take possession of such animal for the purpose of determining if it is suffering from rabies.

d. The Minneapolis Health Department or MACC may, for good cause, order the immediate euthanasia and testing for rabies of any animal: that has bitten one (1) or more individuals; that is showing active symptoms of rabies; that is not currently vaccinated against rabies and has been exposed to any animal who has rabies or is suspected of having rabies that cannot be confirmed by testing; or for any wild, exotic or hybrid animal that has bitten a human.

1. The owner of the animal that is to be tested is entitled to a hearing as set forth in this title.

2. The time periods set forth in this title do not apply to requests for immediate testing of an owned animal.

3. A hearing must be requested by the owner of the animal within twenty-four (24) hours of notification of the owner of the intent to test the animal for rabies.

4. If a hearing is not requested by the owner within twenty-four (24) hours of notification of intent to test for rabies MACC shall make appropriate order to test the animal for rabies.

5. If a hearing is requested, the owner must be available to attend the hearing and the hearing completed within twenty-four (24) hours of the time that the hearing was requested or the hearing will be deemed to have been waived.

6. The owner shall immediately make the animal available to MACC for rabies testing if no hearing is requested or if the order for testing is upheld.

7. In determining whether good cause exists to order rabies testing of an owned animal the Minneapolis Health Department or MACC may consider:

- i. The physical location of the bite on the body of the victim.
- ii. The medical condition of the victim.
- iii. The medical necessity of immediate testing of the animal for rabies.
- iv. The age and health of the victim.
- v. The vaccination records of the animal for which testing is sought.
- vi. Potential harm to the victim of the bite by delays in the testing procedure.
- vii. Potential harm to the victim of the bite by engaging in the course of post exposure rabies shots.
- viii. The requests of qualified medical personnel.
- ix. Any other factors bearing on the necessity for immediate testing of the suspect animal.

(7) Nothing in this section shall be read so as to conflict with the requirements of this title as they pertain to destruction of dangerous animals.

*(c) Handling of domestic animals bitten by rabid animals.* For the purposes of this section, any wild animal that bites a dog, cat or ferret shall be deemed to be a rabid animal. In the case of dogs, cats, or ferrets which have been bitten by a rabid animal, the following rules shall apply. Any refusal to comply with this section shall result in the immediate seizure of quarantined animal and may result in the immediate destruction of the animal by MACC. Any cost associated with the seizure, destruction or fines and fees shall be paid by the owner:

(1) In the case of a bitten (exposed) dog, cat, or ferret which has not been vaccinated in accordance with this title and which has been bitten by a rabid animal, said bitten (exposed) animal shall be immediately destroyed.

a. If the owner is unwilling to destroy the bitten (exposed) animal, said animal may be placed under strict quarantine, if the quarantine is advisable after review by the Minnesota Board of Animal Health or other appropriate entity.

b. The place and manner of quarantine shall be by order of the Minneapolis Health Department or MACC.

c. The quarantined animal shall be confined in strict isolation in a kennel for six (6) months under the supervision of a veterinarian. Before release of the dog, cat, or ferret to its owner, it shall be vaccinated for rabies one (1) month prior to its release.

(2) In the case of a bitten (exposed) animal which has been vaccinated in accordance with the provisions of this title the animal shall be immediately revaccinated and confined for a period of forty-five (45) days following vaccination.

(d) *Reports of bite cases.* It shall be the duty of every physician or any person to report to the Minneapolis Health Department or MACC the names and addresses of persons treated for bites inflicted by animals within the city, together with such other information as will be helpful in rabies control.

(e) *Responsibilities of veterinarians.* It shall be the duty of every licensed veterinarian to report to the Minneapolis Health Department or MACC the diagnosis of any animal within the city observed by such veterinarian to be a rabies suspect or any rabies vaccinations information when requested by MACC.

**65.20. Diseased animals prohibited.** No person shall own, buy, sell, keep or cause to be kept any diseased animal, unless such animal is under the care or treatment of a licensed veterinarian.

**65.30. Quarantine.** The Minneapolis Health Department or MACC may order any diseased animal to be immediately quarantined in a manner prescribed by MACC. Upon certification by a licensed veterinarian that such animal is indeed suffering from one (1) of the diseases enumerated in this title, the Minneapolis Health Department or MACC may order that such animal be disposed of and direct the manner thereof.

**65.40. Abandonment, care and destruction of diseased or injured animals.** No person having the care, custody and control of any diseased, sickly, or injured animal shall abandon said animal anywhere in the city but instead shall provide care for said animal unless it is adjudged past recovery in which case said person shall cause said animal to be disposed of in such manner as the Minneapolis Health Department, MACC or their designees shall direct.

**65.50. Unclaimed animals.** Any sickly, injured or diseased animal found or abandoned upon any street, alley, lot or public place, which is adjudged by the Minneapolis Health Department, MACC or by any veterinarian summoned by the Minneapolis Health Department or MACC to be past recovery and that which pain cannot be reasonably managed, shall, if the owner is unknown or is unclaimed and uncared for by the owner thereof, immediately euthanized to end suffering in pursuant to state law by order of the Minneapolis Health Department or MACC.

**65.60. Burial or abandonment of dead animals prohibited.** No person shall deposit or cause to be deposited upon any lot or in any street, alley, lake, river or other body of water, sewer or manhole or bury or conceal in any way, a dead animal or part thereof. The owner or other person having charge of an animal at the time of its death shall remove or cause to be removed the dead body of such animal within twelve (12) hours after death to a crematory, sanitary landfill, rendering factory or any other place designated by the Minneapolis Health Department or MACC.

## **CHAPTER 66. DANGEROUS AND POTENTIALLY DANGEROUS ANIMALS.**

**66.10. Definitions.** (a) *Potentially dangerous animal* shall mean any animal, except an animal assisting a peace officer engaged in law enforcement duties and/or animals trained by a recognized program within an established curriculum for training animals for services such as rescue and recovery, which demonstrates any of the following behavior:

(1) When unprovoked, bites a person on public or private property, causing a minor injury not resulting in muscle tears or disfiguring lacerations or requiring multiple sutures, or corrective or cosmetic surgery.

(2) When unprovoked, bites, inflicts injury, or otherwise causes injury to a domestic animal off the property of the owner or custodian of the attacking animal.

(3) When unprovoked, engages in any behavior that constitutes a physical threat of bodily harm to a person or domestic animal or poses an immediate threat to public safety on or off the property of the owner or custodian of the animal.

(4) Has a known propensity, tendency or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals as documented by law enforcement or MACC.

(b) *Dangerous animal* shall mean any animal, except an animal assisting a peace officer engaged in law enforcement duties and/or animals trained by a recognized program within an established curriculum for training animals for services such as rescue and recovery, which demonstrates any of the following behavior:

(1) When unprovoked, inflicts substantial bodily harm on a human being who is conducting himself or herself peacefully and lawfully. "Substantial bodily harm" means bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily member or organ, or which causes a fracture of any bodily member.

(2) Has been previously designated as a potentially dangerous animal that, after the owner or custodian has been notified of such designation, exhibits any of the behaviors described in this subsection or subsection (a) of this section.

(3) Has been previously designated as a potentially dangerous animal, and after the owner or custodian has been notified of such designation the owner or custodian subsequently violates any requirement of this chapter.

(4) Kills or inflicts substantial bodily harm to another domestic animal without provocation while off or on the property of the owner or custodian of the attacking animal.

(5) When unprovoked, repeatedly attacks or attempts to attack a person or domestic animal on private or public property. For purposes of this provision, "repeatedly" shall mean more than one (1) unprovoked attack or attempted attack occurring during the course of either a single encounter or separate encounters.

(6) The dog's owner or custodian is in possession of training apparatus, paraphernalia or drugs intended to be used to prepare or train dogs to be fought and the dog displays evidence that it has been or will be fought.

**66.20. General authority and procedure.** (a) MACC is authorized to deem any animal as a dangerous animal or a potentially dangerous animal pursuant to the requirements of this Code or pursuant to Minn. Statute Chapter 347. The owner or custodian of the animal must immediately comply with any lawfully imposed confinement requirements, even if appealing the declaration.

(b) No off leash park permit as defined may be issued for any animal that has been declared potentially dangerous or dangerous under this Code or pursuant to state statute.

(c) For the purposes of this chapter, a person is peaceably and lawfully upon the private property of an owner or custodian when he or she is on the property in the performance of any duty imposed upon him or her by the laws of this state or any city or county, or by the laws or postal regulations of the United States, or when he or she is on the property upon express or implied invitation.

(d) Where MACC makes a declaration under this chapter, it shall notify the owner in writing within five (5) days of said declaration. The notification shall include a copy of ordinance or statute, the report (including supplemental reports, if any) and a statement of the declaration.

(e) MACC shall consider the following factors in determining a dangerous or potentially dangerous animal declaration:

(1) Whether any injury or damage to a person or domestic animal by the accused animal was caused or contributed to by the actions of that person, including acts of physical abuse, tormenting, teasing or assault.

(2) Whether a person injured by the animal was committing a trespass or other tort or violation of law upon the premises occupied by the owner or custodian of the animal, or whether the person injured by the animal was committing or attempting to commit a crime.

(3) Whether a person injured by the animal had gained uninvited and unauthorized entry onto fenced or indoor property of the owner or custodian of the animal. As used in this section, "unauthorized entry" does not include entry into a fenced residential front yard unless the yard is locked or posted to prohibit entry.

(4) Whether any injury or damage to a person by the animal was caused while the animal was protecting or defending a person or the animal's offspring within the immediate vicinity of the animal from an unjustified attack or assault.

(5) The size and strength of the animal (including jaw strength) and the animal's propensity to bite humans or other domestic animals.

**66.30. Appeals procedures.** (a) The owner or custodian of an animal that has been declared potentially dangerous or dangerous may appeal the declaration and request a hearing. The appeal request must be submitted in writing within ten (10) calendar days of notification. If a hearing is requested, MACC shall schedule a hearing within ten (10) business days, unless a later hearing date is mutually agreed upon. Appeals shall consist of an evidentiary hearing before an independent hearing officer retained by the City of Minneapolis.



- (1) A hearing fee of two hundred fifty dollars (\$250.00) shall be paid prior to scheduling the hearing.
  - (2) Individuals receiving means-tested public assistance or households with limited income may receive a waiver of appeal fees upon approval by MACC.
  - (3) The hearing officer may set reasonable limits on the amount of evidence that may be submitted and the length of testimony offered, in accordance with Chapter 2 of this Code.
  - (4) The hearing officer shall have authority to affirm, reverse, modify or amend the declaration or order as appropriate and to establish specific requirements or conditions.
- (b) Any time after a declaration has been issued MACC may seize a declared animal. All applicable fees and costs shall be the responsibility of the owner or custodian of the animal. The animal shall not be released until all fees are paid in full and compliance with all provisions of this Code is achieved. All animals seized pursuant to this section may be disposed of by MACC after fourteen (14) calendar days of notification of declaration when either the animal is not properly registered or an appeal has not been properly submitted pursuant to this section.
- (c) In the event that the declaration is overturned, all fees will be reviewed by the hearing officer or the hearing officer's designee.
- (d) The owner of the animal shall be notified by telephone of the hearing results within three (3) business days and in writing within ten (10) business days.
- (e) All decisions shall constitute the final decision of the City of Minneapolis.

**66.40. Annual review requests.** If there are no additional reports of the behavior described in section 66.10 within twelve (12) months from the date of designation as a dangerous animal or six (6) months from the date of designation as a potentially dangerous animal, the animal's owner may request a review, in writing, of the declaration designation. The owner must provide documented evidence for review that the animal's behavior has changed due to environment, health, age, training, neutering or other relevant factors. The review request and supporting documentation must be submitted to MACC, which shall rule on the review request based on the record. The owner of the animal shall be notified in writing of the review results within ten (10) business days of receipt. An administrative fee of two hundred fifty dollars (\$250.00) shall be paid prior to the review. In cases where the owner has successfully completed a training program approved by MACC, the administrative fee may be reduced or waived.

**66.50. Requirements and restrictions upon declaration.** (a) No person may own or house a potentially dangerous or dangerous animal in the City of Minneapolis unless the animal is registered as provided in this subsection.

(b) No person operating a day care, as that term is defined pursuant to the zoning code, or any other home occupation in which children are regularly present, shall own, house or otherwise have temporary or permanent custody upon the premises of any animal previously declared potentially dangerous or dangerous as a result of displaying aggression towards a person.

(c) Owners or custodians of potentially dangerous and dangerous animals may be required to comply with any or all of the following requirements, and any additional requirements established by a hearing officer, within fourteen (14) calendar days of notification of the declaration, unless another provision of this title requires compliance immediately or within a lesser timeframe. Any imposed requirements are proper subjects for consideration by a hearing officer during a potentially dangerous or dangerous animal declaration appeal proceeding. Failure to comply shall constitute adequate grounds for confiscation of the animal and possible disposition pursuant to this title.

(1) Microchip (must be pre-paid if MACC implants the microchip).

(2) Current rabies vaccinations (must remain current on rabies vaccinations).

(3) Current annual license for a declared animal (regardless of current license status).

(4) Muzzle (with an appropriate leash as approved by MACC to reasonably restrict the dog while held by an adult at all times the animal is outside and not inside a proper enclosure).

(5) A proper enclosure may be required in order for the animal to be unleashed or unmuzzled.

a. For a potentially dangerous animal, a proper enclosure shall consist of a securely fenced yard area and/or a proper kennel. A securely fenced yard area shall have a fence of sufficient height, strength and design to prevent the animal or the animal's muzzle from moving over, under or through the fence and a gate and locking mechanism of sufficient strength and design to prevent the animal or the animal's muzzle from moving through the gate without proper leash and muzzle.

b. For a dangerous animal, a proper enclosure shall consist of a proper kennel. A proper kennel in all cases shall meet the following minimum specifications:

1. A minimum of thirty-two (32) square feet in floor area per animal that will be kept in such enclosure.

2. The sidewalls shall have a minimum height of five (5) feet and be constructed of eleven (11) gauge or heavier wire. If the enclosure is on any permeable surface, the fence must be buried a minimum of eighteen (18) inches. Openings in the wire shall not exceed two (2) inches, support posts shall be one and one-quarter (1¼) inch or larger steel pipe buried a minimum of eighteen (18) inches into the ground.

3. A cover over the entire kennel shall be provided. The cover shall be constructed of the same gauge wire as the sidewalls or heavier and shall have no openings greater than two (2) inches.

4. An entrance/exit gate shall be provided and constructed of the same material as the sidewalls and shall also have no openings greater than two (2) inches. The gate shall be self-closing, self-locking and shall be locked at all times the animal is in the kennel.

5. The kennel shall comply with all zoning setbacks and other applicable requirements unless variances or other appropriate approvals are obtained.

(6) Secured area maintained inside the home where the animal will stay when persons, other than family members, are present.

(7) Annual registration and payment of all applicable fees including submission of photographs of the required kennel and secured area and a current photograph of the animal. All fines shall be paid within thirty (30) days of the date they are due.

(8) The animal may not be possessed or maintained at any other location other than the owner's property.

(9) The owner or custodian of the animal may not be a minor under age eighteen (18).

(10) The animal shall not be subjected to neglect, suffering, cruelty, or abuse.

(11) The location where the animal is possessed or maintained shall be kept clean and sanitary with proper and adequate food, water, ventilation, shelter and care at all times.

(12) The owner of a potentially dangerous or dangerous animal may be required to complete an approved obedience class, at the direction of MACC.

(13) If the animal is to move from the approved location, written notification shall be provided to MACC within ten (10) business days prior to relocation.

(14) MACC shall be allowed at any reasonable time to inspect the animal, the animal's muzzle and leash, and the place where the animal is located.

(15) MACC shall require that any animal deemed potentially dangerous or dangerous be sterilized at the owner's expense and shall require any puppies or offspring of the animal in the care and custody of the owner be sterilized at the owner's expense.

(d) In addition to any conditions imposed by MACC or a hearing officer, all owners or custodians of dangerous animals shall be required to fully comply with the following requirements within fourteen (14) calendar days of notification of the declaration. Failure to comply shall lead to confiscation of the animal and possible disposition pursuant to this title.

(1) Proof of a current insurance policy or surety bond in the amount of at least three hundred thousand dollars (\$300,000.00) to cover any personal injuries inflicted by the animal and payable to the injured party or parties.

(2) A clearly visible sign posted in the front and rear of the property indicating that a "dangerous animal" is on or in the premises, meeting any requirements as designated by MACC.

(e) No animal that has previously been determined to be potentially dangerous, dangerous or vicious by another jurisdiction shall be kept, owned or harbored in the City of Minneapolis unless the animal's owner or custodian complies with the requirements of the applicable declaration level as defined in this chapter. Potentially dangerous or dangerous animal requirements must be met prior to bringing the animal into the city. Animals in violation of this requirement are subject to impoundment and humane destruction by lethal injection after notice and a hearing (if requested) pursuant to this chapter.

**66.60. Impoundment.** (a) Any animal which bites a person or other animal or is subject to potentially dangerous or dangerous animal proceedings may be impounded at the discretion of MACC pending hearings and compliance.

(b) All animals that have been previously declared potentially dangerous or dangerous shall be impounded at the MACC facility for the quarantine period and held until the final disposition is determined.

(c) All animals found to be in violation of the requirements of this section may be impounded.

(d) The impounded animal's owner shall be charged for all impoundment related costs and fees.

**66.70. Noncompliance, transfer, loss or death of declared animals.** (a) Failure to comply with the provisions of this section may result in seizure of the animal by MACC and disposition pursuant to this title.

(b) The owner or custodian of any animal declared potentially dangerous or dangerous must notify MACC in writing of the death of the animal within fourteen (14) days of the animal's death. If requested by animal care and control the owner or custodian must execute an affidavit under oath setting forth the circumstances of the animal's death and disposition or provide any other evidence of the animal's death as requested.

(c) If the owner or custodian of any animal declared potentially dangerous or dangerous wishes to relocate the animal based solely upon the owner or custodian relocating his or her principle residence either within or without the City of Minneapolis, the owner or custodian shall notify MACC in writing prior to such relocation. If requested by MACC, the owner or custodian must execute an affidavit under oath setting forth the new address of the owner or custodian where the animal will be housed.

(d) The owner or custodian of any animal declared potentially dangerous or dangerous shall not transfer the ownership or custodianship of such an animal to another person or persons unless the owner or custodian receives prior written approval from MACC. If requested by MACC, the owner or custodian must execute an affidavit under oath setting forth the complete name, address, and telephone number(s) or other contact information of the person to whom the animal has been transferred. All applicable requirements of this chapter must be met by the prospective new owner before the animal may be transferred.

(e) Whenever any animal declared potentially dangerous or dangerous is lost or runs away, the owner or custodian of the animal shall provide notification to MACC within one (1) day after the loss of the animal. MACC may require that the owner or custodian provide an affidavit under oath setting forth the nature and circumstances of the loss of the animal. Should the animal return or should the owner or custodian otherwise subsequently become aware of the location of the animal, the owner or custodian shall notify MACC within one (1) day.

**66.80. Restriction on future ownership.** (a) This section shall apply to any person who:

(1) Has owned or owns or had custody of an animal declared potentially dangerous or dangerous or ordered destroyed and is found to be in violation of any requirement of this chapter;

(2) Had owned a potentially dangerous or dangerous animal but never achieved compliance with the requirements of this chapter;

(3) Has owned or had custody of more than one (1) animal declared potentially dangerous or dangerous and/or ordered destroyed within two (2) years;

(4) Has owned or owns or had custody of an animal which has inflicted substantial bodily harm on a person and/or kills a domestic animal as a result of the intentional act or acts of that owner or custodian; or

(5) Has been convicted of any violation of Minn. Statute Section 609.226, Harm Caused by Dog, or any subsequent amendments thereto.

(b) Any person who meets any of the circumstances enumerated in subsection (a) may be subject to restrictions on ownership or custody of other animals of the same species for a period of five (5) years after the most recent declaration. For the purposes of this section, custody would include any animal in the dwelling in which the person subject to the ownership restriction resides. The animal found to be in violation shall be impounded pending any hearing that may be requested pursuant to this section. (For the purposes of this section, custody means the presence of any animal on the property of any dwelling or residence in which the restricted persons lives or resides including, but not limited to, all surrounding grounds, outbuildings and/or garages.)

(c) Any animal owner in violation of this subsection shall be notified in writing of the violation and may request a hearing in writing within five (5) business days of receipt of the notice. If a hearing is requested, MACC shall schedule a hearing within ten (10) business days, unless a later hearing date is mutually agreed upon. Appeals shall be heard by a hearing officer. An administrative fee of two hundred fifty dollars (\$250.00) shall be paid prior to the scheduling of the hearing. The hearing officer may set limits on the amount of evidence that may be submitted and the length of any testimony offered in accordance with chapter 2.

(d) The owner of the animal shall be notified, in writing, of the hearing results within ten (10) business days.

(e) Any person convicted of a violent felony, as defined in Minn. Statute Section 624.712, subdivision 5, who owns, possesses, or controls an animal weighing more than twenty (20) pounds, or an animal that MACC designates as posing a danger to the public's health, safety or welfare if misused by a person convicted of a violent felony, must have a prohibited animal permit to own, keep or maintain that animal. For the purposes of this section, own, keep, or maintain would include any animal in the dwelling in which the person subject to the ownership restriction lives. If there is cause to believe that an animal poses a danger to the public's health, safety or welfare if misused by a person convicted of a violent felony, the animal may be impounded pending a determination made under this title and until a permit is obtained. If MACC designates an animal as posing a danger to the public's health, safety or welfare if misused by a convicted felon, written notice of this designation shall be mailed to the owner or custodian of the animal. The owner or custodian must pay an application fee and apply for the prohibited animal permit within fifteen (15) calendar days after the mailing of the written notice of designation. MACC may deny a prohibited animal permit if it is determined that the animal poses a danger to the public's health, safety or welfare, or may condition the issuance of the permit upon the permittee's written agreement to comply with conditions of ownership to be determined by MACC.

These conditions of ownership may include, but are not limited to, those applicable to animals declared dangerous or potentially dangerous. A prohibited animal permit may subsequently be revoked by MACC if there is cause to believe that the convicted violent felon's continued ownership of the animal poses a danger to the animal's or public's health, safety or welfare. Any person violating this subsection is subject to any criminal, administrative or other sanction available under this Code. A person convicted of a violent felony under this article shall not include persons whose convictions were set aside, or persons whose sentences were completed ten (10) years or more in the past. "Misuse" by a convicted felon means use of an animal in a threatening or aggressive manner, or in the commission or furtherance of the commission of a crime.

(f) Any animal whose owner or keeper is in violation of this section shall be impounded, or impounded subject to destruction, at the owner's expense.

(g) An animal that poses a danger to the public health, safety or welfare if misused by a convicted felon under this section means any of the following:

(1) An animal weighing more than twenty (20) pounds;

(2) An animal which has been designated a potentially dangerous or dangerous animal under this chapter; or

(3) An animal designated by MACC as posing a danger to the public's health, safety or welfare if misused by a convicted felon based upon the following factors:

a. The nature of any complaints regarding the animal.

b. The strength of the animal, including jaw strength.

c. The animal's tolerance for pain.

d. The animal's tendency to refuse to terminate an attack.

e. The animal's propensity to bite humans or other domestic animals.

f. The animal's potential for unpredictable behavior.

g. The animal's aggressiveness.

h. The likelihood that a bite by the animal will result in serious injury. This section shall not apply to any assistance animal, including guide animals, signal animals and service animals, trained or in training to assist a qualified individual with a disability.

**66.90. Prohibitions.** No person shall harbor, hide or conceal an animal found to be potentially dangerous or dangerous by MACC which has been ordered into custody for disposition. No person shall use or possess any device, equipment, treatment or products for the strengthening or conditioning of an animal with the intent to enhance the animal's ability to inflict bodily injury upon human beings or domestic animals on public or private property.

## CHAPTER 67. FERAL CAT COLONIES.

**67.10. In general.** Feral cat colonies shall be permitted and feral cat colony caretakers shall be entitled to maintain and care for feral cats by providing food, water, shelter, medical care, and other forms of sustenance, provided that the feral cat colonies are registered with and approved by a MACC registered sponsor, as defined in this title, and that the feral cat colony caretaker takes all appropriate and available steps to meet the terms and conditions of this title.

**67.20. Sponsorship of colony TNR programs.** Any humane animal-related organization, registered as a non-profit with the State of Minnesota, that meets the requirements of this title imposed upon sponsors shall be eligible to act as a sponsor. Any humane animal-related organization intending to undertake the responsibilities of sponsor shall so advise MACC in writing and provide organizational information, including the organization's name, address, telephone number, board member's names, contact person, and electronic mail addresses, as appropriate and requested.

**67.30. Sponsor requirements.** (a) In order to operate as an approved sponsor, the non-profit shall be registered with MACC and shall reasonably complete the following requirements:

- (1) Review, and in its discretion, approve feral cat colony caretakers.
- (2) Take reasonable steps necessary to resolve any complaints over the conduct of a feral cat colony caretaker or of cats within a colony.
- (3) Maintain records provided by feral cat colony caretakers on the size and location of the colonies as well as the vaccination, microchip registration information, photographs of the cats, and spay and neuter records of cats in the sponsor's colonies. These records must be made available upon request to MACC for review and to accredited researchers as identified by MACC for the purpose of research in which the confidentiality of the names and addresses of the colony caretakers is protected.
- (4) Provide, at a minimum, written educational training for all caretakers addressing uniform standards and procedures for colony maintenance.
- (5) Report annually to MACC on the following:
  - a. Number and location by zip code or other identified and requested parameter of colonies, excluding the names and addresses of colony caretakers, for which it acts as a sponsor in the city.
  - b. Total number of cats in each of its colonies.
  - c. Number of cats from its colonies microchipped, vaccinated, spayed and neutered pursuant to the TNR program and number of cats and kittens from its colonies placed in permanent homes.
- (6) A sponsor shall not permit feral cat colonies to be managed within one-half ( $\frac{1}{2}$ ) mile of the edge of any public lands encompassing a creek, river, or body of water of six (6) acres or more in size.
- (7) Provide any forms or other documentation necessary to allow feral cat colony caretakers to receive any public or private subsidies, medical care or other forms of assistance for their feral cat colonies which may be available to them.

(8) Provide to MACC the location, by address, of feral cat colonies where feral cat colony caretakers have regularly failed to comply with this chapter or where the sponsor has been unable to resolve a nuisance behavior situation.

(9) Annually visit all feral cat colonies registered with their organization.

**67.40. Feral cat colony caretaker responsibilities.** In order to be an approved feral cat colony caretaker, said caretakers shall reasonably complete the following:

(1) Register the colony with the sponsor.

(2) Take all appropriate and available steps to vaccinate the colony population for rabies, preferably with a three (3) year vaccine, and to update the vaccinations as warranted and mandated by law.

(3) Take all appropriate and available steps to have the colony population spayed or neutered by a licensed veterinarian.

(4) Ear-tip the ear of a colony cat that has been vaccinated and spayed or neutered, so that colony cats can be readily identified.

(5) Have an EAID inserted into each colony cat by a veterinarian in accordance with professional medical standards. The sponsor and/or the feral cat colony caretaker shall be the named contacts for purposes of registering the EAID.

(6) Provide the sponsor with descriptions and photographs of each cat in the colony and copies of documents demonstrating that the cats have been vaccinated, microchipped, and spayed or neutered.

(7) Provide food, water and shelter for colony cats. Food shall only be provided for a period not to exceed three (3) hours per day.

(8) Obtain proper medical attention for any colony cat that appears to require it.

(9) Observe the colony cats at least twice per week and keep a record of any illness or unusual behavior noticed in any colony cat.

(10) Obtain the written approval of the owner of any property, or any authorized representative of the owner, to which the caretaker requires access to provide colony care.

(11) Take all reasonable steps to:

a. Remove kittens from the colony as early as appropriate.

b. Place the kittens in homes or foster homes for the purpose of subsequent permanent placement.

c. Capture and spay the mother cat.

(12) Report semiannually in writing to the sponsor on:



- a. The location of the colony.
- b. The number and gender of all cats in the colony.
- c. The number of cats that died or otherwise ceased being a part of the colony.
- d. The number of kittens born to colony cats and their disposition.
- e. The number of cats placed in animal shelters or in permanent homes as companion cats.
- f. The number of cats vaccinated.
- g. The number of cats microchipped and ear tipped.
- h. The number of cats spayed or neutered.

(13) Take reasonable steps necessary to resolve any complaints over the conduct of cats within a colony.

(14) Educate neighbors, within a four (4) block area, on the nature of TNR and resources, which shall minimally include the sponsor's contact information and any other information required by MACC.

**67.50. Withdrawal of feral cat colony caretaker or sponsor.** In the event that a feral cat colony caretaker is unable or unwilling to continue in that role, he or she shall notify his or her sponsor. In the event a sponsor is unable or unwilling to continue to perform its role, it shall so advise MACC. The sponsor shall work with MACC to obtain a replacement sponsor. If no new sponsor is found within thirty (30) days, the sponsor shall notify MACC.

**67.60. Disposition of feral colony cats.** An animal control officer who has a trapped cat whose right or left ear has been tipped or which bears some other distinguishing mark, such as but not limited to a tattoo, indicating that it belongs to a feral cat colony, shall scan the cat for an EAID. If an EAID is found, the officer shall attempt to contact the sponsor or feral cat colony caretaker. If an EAID is not found, the officer shall take reasonable steps to notify a sponsor of the description and sex of the cat, and if available, the address or location where the cat was trapped. The sponsor shall then take all appropriate and available steps to identify the feral cat colony caretaker of the cat or a feral cat colony caretaker who will take responsibility for managing the cat.

If the feral cat colony caretaker is not able to immediately take custody of the cat, the officer shall transport the cat to MACC. The feral cat colony caretaker shall be responsible for retrieving the cat from the shelter within three (3) business days or advising the shelter if he or she does not intend to retrieve the cat; no fees will be charged for cats reclaimed within three (3) business days. In all other cases normal impound and kennel fees apply.

MACC, its designee, or a licensed veterinarian, in accordance with this title shall be the only persons permitted to destroy a feral cat. No person may knowingly cause physical harm to or cause the destruction by any means of a feral cat. The only exception will be by written permit from the Minnesota Department of Agriculture or the Minnesota Department of Health for the purpose of controlling diseases transmissible to humans or other animals and only when all other methods and

means have been exhausted. Such a permit shall name a person or persons conducting the activities, specify the items and products to be used, give the boundaries of the area involved and specify the precautionary measures to be employed to ensure the safety of humans and other animals. Any drugs used for the euthanasia shall be administered by or under the direction of a licensed veterinarian.

**67.70. Enforcement.** (a) MACC or its designee, in order to encourage the stabilization and reduction of the feral cat population in the City of Minneapolis, shall have, in addition to any other rights and powers provided pursuant to this Code, state statute or applicable law, the powers enumerated in this section.

(1) MACC is authorized to trap in a humane manner and remove any feral cats that:

- a. Have not been vaccinated against rabies or which are demonstrating signs of the disease.
- b. Are not spayed or neutered.
- c. Have bitten or injured a person or domestic pet.
- d. Are not identifiable through an EAID as belonging to a feral cat colony that has a sponsor and a feral cat colony caretaker.
- e. Belong to a colony that is illegally being managed within one-half (½) mile of the edge of any public lands encompassing a creek, river or body of water of six (6) acres or more in size.
- f. Pose any other public health or public safety concerns.
- g. If no issue of public health or safety exists, or if any issues of public health and safety can be addressed by the removal and relocation of the cat to another area, a sponsor may arrange to have the cat spayed or neutered, ear-tipped, and vaccinated against rabies by a licensed veterinarian, and have an EAID inserted. The sponsor may then arrange for the cat to be adopted or placed in a feral cat colony.
- h. If a feral cat is demonstrating signs of having rabies, or has an illness or injury that presents an imminent danger to the public health or safety, or to its own person, the cat shall be humanely destroyed.

(2) MACC is authorized to direct that a sponsor remove a feral cat that is creating a nuisance or harm if the sponsor has failed to adequately resolve the issue within thirty (30) days (or such shorter time period as MACC may specify) after being given written notice thereof. In the event that MACC directs the sponsor to remove the cat, the sponsor shall have thirty (30) days (or a shorter period as MACC may specify) to do so. Failure of the sponsor to remove the cat within said time period as specified shall constitute grounds for MACC to remove the cat and/or remove the sponsor as a registered sponsor.

(b) Animal control officers or police officers shall investigate any nuisance or harm complaint allegedly caused by a feral cat.

(1) In the event that an animal control officer or police officer finds that a feral cat or feral cat colony has created a nuisance or harm, the animal control officer or police officer shall advise the sponsor in writing of the issue.

(2) The sponsor shall have the right to review the matter with MACC or MACC's designee. If the sponsor is not able to satisfy MACC or MACC's designee that the nuisance or other violation has not or is not occurring, the sponsor shall have thirty (30) days (or shorter time period as MACC may specify) to comply with the direction with respect to correcting the issue. If the sponsor fails to correct the issue, MACC shall have the right to remove the cat and/or remove the sponsor as a registered sponsor.

(c) If a sponsor fails to perform its responsibilities under this chapter, MACC may notify the sponsor that it must comply with the requirements of this chapter within thirty (30) days. If the sponsor fails to do so or repeatedly fails to comply with the requirements of this chapter, MACC may remove the sponsor from being a registered sponsor, and may reassign the feral cat colonies from the sponsor to another approved sponsor.

(d) If a feral cat colony caretaker regularly fails to comply with the requirements of this chapter, the sponsor may notify the feral cat colony caretaker that he or she has thirty (30) days to make all reasonable efforts to fulfill the responsibilities of this chapter. If the feral cat colony caretaker fails to comply within that time period or has received more than one (1) notification, the sponsor shall remove approval for the person from being a feral cat colony caretaker and may identify and obtain replacement feral cat colony caretakers for the feral cat colonies of the non-compliant feral cat colony caretaker. If no other feral cat colony caretaker can be found within thirty (30) days, the sponsor shall notify MACC, and MACC may humanely remove all, or portions of, the feral cat colonies and dispose of them in accordance with this title.

(e) Any sponsor or feral cat colony caretaker that has been removed from being a registered sponsor or removed as an approved feral cat colony caretaker due to non-compliance issues shall not be allowed to be a sponsor or a feral cat colony caretaker for one (1) year from the date of their removal.

(f) Feral cats that were spayed or neutered and vaccinated for rabies prior to the commencement of the city's feral cat colony program, but did not have an EAID inserted or were marked as feral by some indication other than an ear-tip, such as but not limited to a tattoo, shall be deemed to be in compliance with this chapter, if all other requirements are being met by their feral cat colony caretaker. Feral cat colony caretakers shall take all appropriate and available steps to bring these cats into compliance with the provisions of this article within three (3) years of its enactment, or upon revaccination of the cats for rabies, whichever comes first.

**67.80. Abandonment of feral cats prohibited.** No person having the care, custody and control of any feral cats shall abandon said animals anywhere in the city, nor introduce said animals from outside the city into an existing feral cat colony inside the city.