

CHAPTER 91: ANIMALS

Section

General Provisions

- 91.01 Definition
- 91.02 Keeping
- 91.03 Housing
- 91.04 Treatment
- 91.05 Restraint and confinement
- 91.06 Cat regulation

Dogs

- 91.20 License required
- 91.21 Application
- 91.22 License term and fee
- 91.23 Tag required
- 91.24 Inspection; right of entry
- 91.25 Impounding; right of entry
- 91.26 Animal pound
- 91.27 Release from animal pound
- 91.28 Disturbing the peace
- 91.29 Immobilization of dogs
- 91.30 Regulation of dangerous dogs
- 91.31 Kennels
- 91.32 Euthanasia of animals
- 91.33 Cruelty to animals
- 91.34 Removal of dog waste

GENERAL PROVISIONS

§ 91.01 DEFINITION.

For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

ANIMALS. Cattle, horses, mules, sheep, goats, swine, ponies, ducks, geese, turkeys, chickens, guinea hens, and all other animals and feathered fowl except dogs and cats, unless the pets are

specifically included in particular sections hereof, and this definition shall extend to this subchapter only. (Prior Code, § 9.29)

§ 91.02 KEEPING.

It is unlawful for any person to keep any animal, not in transit, in any part of the city not zoned for agricultural purposes.

(A) *Exceptions.*

(1) Chickens (*Gallus gallus domesticus*) subject to § 155.07.
(Prior Code, § 9.29) (Am. Ord. 2009-08, 3rd Series, passed 9-21-2009) Penalty, see § 10.99

§ 91.03 HOUSING.

It is unlawful for any person to keep any animals in any structure infested by rodents, vermin, flies, or insects. (Prior Code, § 9.29) Penalty, see § 10.99

§ 91.04 TREATMENT.

It is unlawful for any person to treat any animal or house pet in a cruel or inhuman manner. (Prior Code, § 9.29) Penalty, see § 10.99

§ 91.05 RESTRAINT AND CONFINEMENT.

It shall be unlawful for the dog or cat of any person who owns, harbors, or keeps a dog or cat, to run at large. A person, who owns, harbors, or keeps a dog or cat which runs at large shall be guilty of a misdemeanor. Dogs or cats on a leash and accompanied by a responsible person or accompanied by and under the control and direction of a responsible person, so as to be effectively restrained by command as by leash, shall be permitted in streets or on public land unless the city has posted an area with signs reading "Dogs or Cats Prohibited." Penalty, see § 10.99

§ 91.06 CAT REGULATION.

(A) It shall be unlawful for an owner or possessor of any cat to fail to obtain a rabies vaccination certificate and tag from a licensed veterinarian. The owner or possessor shall provide to the Hastings City Clerk a certificate by a veterinarian, duly licensed to practice veterinary medicine, which certificate shall state that the cat is immunized against rabies. The owner or possessor of the cat shall

also retain a copy of the certificate and shall furnish same for inspection by any police officer so requesting. All cats shall wear a collar and have rabies tag firmly affixed thereto evidencing the rabies vaccine for the period set forth in division (C) below.

(B) It shall be the obligation and responsibility of the owner or possessor of any animal of this class to prevent the animal from molesting, defiling, or destroying any property, or to howl, screech, or make other noise so as to constitute a public nuisance.

(C) It shall be unlawful for any person to own, possess, or harbor a cat or animal of related genera which has not been vaccinated for rabies within the time required under standard veterinarian practices; once a year shall be deemed to be the longest period of time during which the animal may go between rabies vaccinations, while standard veterinarian practices may require more frequent vaccinations.

(D) If a cat or other animal is reasonably believed to be rabid or otherwise diseased, hurt, vicious, or dangerous and cannot be impounded after a reasonable effort, or without serious risk to the impounder or other person, the animal will immediately be killed. (Prior Code, § 9.32) Penalty, see § 10.99

§ 91.20 LICENSE REQUIRED.

It is unlawful for any owner or other possessor of a dog, when the dog reaches the age of 6 months, to fail to obtain a property city license therefore. (Prior Code, § 9.21) Penalty, see § 10.99

§ 91.21 APPLICATION.

Application for a dog license shall be upon a form supplied by the city containing a certificate by a veterinarian, duly licensed to practice veterinary medicine within the State of Minnesota, which certificate shall state that the dog for which application for a license is made, has been inoculated against rabies and the dog owner shall be responsible for keeping the dog inoculated against rabies for the entire term of the license. (Prior Code, § 9.21) (Ord. No. 2017-01 passed 1-3-17)

§ 91.22 LICENSE TERM AND FEE.

All dog licenses issued for a bi-annual term shall expire on July 31 of each odd-numbered year following issuance of the license. All dog licenses issued for the lifetime of the dog shall have no expiration date. The license fee for dog licenses shall be established by ordinance of the City Council. (Prior Code, § 9.21) (Am. Ord. 512, passed 4-5-2004; Am. Ord. 2009-05, 3rd Series, passed 4-20-2009)(Ord. No. 2017-01 passed 1-3-17)

§ 91.23 TAG REQUIRED.

All licensed dogs shall wear a collar and have a tag firmly affixed thereto evidencing the license for the term of the license. (Prior Code, § 9.21) Penalty, see § 10.99 (Ord. No. 2017-01 passed on 1-3-17)

§ 91.24 INSPECTION; RIGHT OF ENTRY.

To enforce this subchapter or state law, the Animal Control Officer or police may enter upon the private premises, except households, with consent or where it appears or where there is reasonable cause to believe that a dog is not licensed or is not being kept confined or restrained as required herein or in pursuit of a dog running at large. Any owner shall produce for the officer's inspection, the dog's license or receipt when requested to do so by the officer. (Prior Code, § 9.21)

§ 91.25 IMPOUNDING; RIGHT OF ENTRY.

The Animal Control Officer or police are empowered to and may take up and impound any dogs found anywhere, including dogs found on the private property of their owners, within the city, in violation of this subchapter. Dogcatchers are further empowered and instructed to enter any private premises, except households, where they have reasonable cause to believe there is an unlicensed dog or a dog involved in any violation of this code. (Prior Code, § 9.21)

§ 91.26 ANIMAL POUND.

Any dog found in the city without a license, or running at large shall be placed in an animal pound, and an accurate record of the time of the placement shall be kept on each dog. Every dog placed in the animal pound shall be retained for a period of 10 days, and if unclaimed shall become the property and responsibility of the animal pound. Notwithstanding the provisions of this section, if a dog is found at large in the city and its owner can be identified and located, that animal need not be impounded but may, at the discretion of a peace officer or animal control officer, be taken to its owner. In this event, the animal shall not be returned to its owner until the owner pays the impound fee provided for by § 91.27. (Prior Code, § 9.21)

§ 91.27 RELEASE FROM ANIMAL POUND.

Before the city will authorize the release of any impounded dog, the owner of the dog must first pay the city the following fees:

(A) Impound fee to be set by City Council resolution; and

(B) Dog license fee if the owner of the dog is a resident of the city and the dog was not previously licensed, together with any penalty established by City Council resolution for failing to timely license

the dog. (Prior Code, § 9.21)

§ 91.28 DISTURBING THE PEACE.

(A) *Habitual barking.* It shall be unlawful for any person to keep or harbor a dog which habitually barks or cries. Habitual barking shall be defined as barking for repeated intervals of at least 5 minutes with less than 1 minute of interruption. The barking must also be audible off of the owner's or caretaker's premises.

(B) *Warrant required.* The Animal Control Officer or police officer shall not enter the property of the owner of an animal described in this section unless the officer has first obtained the permission of the owner to do so or has obtained a warrant issued by a court of competent jurisdiction, as provided for in § 10.20, to search for and seize the animal. Penalty, see § 10.99

§ 91.29 IMMOBILIZATION OF DOGS.

For the purpose of enforcement of this subchapter, any peace officer, dogcatcher, or other person assisting a peace officer or dogcatcher may use a tranquilizer gun or other instrument for the purpose of immobilizing and catching a dog. (Prior Code, § 9.21)

§ 91.30 REGULATION OF DANGEROUS DOGS.

(A) *State Law Adopted.* The provisions of Minnesota Statutes 347.50 through 347.565 are adopted by reference and govern dangerous dogs in the City of Hastings.

(B) *Hearing Officer Decisions Final.* All decisions or impartial hearing officers appointed pursuant to M.S. 347.541 shall be final without any further right of administrative appeal.

(C) *Quarantine.* Any dog that has bitten a person or is believed to have bitten a person shall immediately be impounded for at least 10 days and kept apart from other animals, under the supervision of a veterinarian, until it is determined whether the animal had or has a disease which might have been transmitted by the bite. The impounding may be done by the owner, under the supervision of a veterinarian, and need not be at a shelter designated by the city, but if it is not at the city designated shelter, the owner shall notify the City Animal Control Officer or the Police Department immediately and shall furnish proof in writing where the dog is being impounded. After 10 days, if it is determined the dog does not have a disease which might have been transmitted by the bite, it may be released upon approval of the Animal Control Officer or Police Department.

(1) Any dog which is not quarantined as required by this subdivision, is subject to immediate seizure by the city. Any person who fails to quarantine an animal as required by this section is guilty of a misdemeanor.

(2) Any dog which has been bitten or otherwise exposed by a rabid animal shall be humanely euthanized or quarantined for 6 months. A dog may be released from quarantine after 40 days if:

(a) The dog had been vaccinated for rabies at least 21 days and no longer than 1 year, before the bite;

(b) The dog has been re-vaccinated for rabies immediately after the bite. The 40-day period begins on the date of the re-vaccination;

(c) The required written report is sent to the Minnesota Board of Animal Health; and

(d) The owner of the dog notifies the city's animal control officer or Hastings Police Department before the dog is released from quarantine.

(3) The dog's owner is responsible for all costs incurred in confining, impounding, and disposing of any dog quarantined under this section. (Prior Code, § 9.21) Penalty, see § 10.99 (Ord. 2014-15, 3rd Series, Adopted 10-6-14)

§ 91.31 KENNELS.

No person, or combination of persons, shall keep or harbor more than 3 cats or dogs or combination thereof in excess of the age of 3 months on any parcel within the City of Hastings without first obtaining an annual kennel license from the City Clerk in accordance with this code. Provided, however, that this section shall not in any way limit or apply to small animal clinics holding a special use permit as provided for in Ordinance No. 23, Second Series. Violation of this section shall be deemed to be a misdemeanor, and in addition may be enforced by civil proceedings for a restraining order in a court of competent jurisdiction. (Prior Code, § 9.21) (Am. Ord. 499, passed 8-4-2003) Penalty, see § 10.99

Cross-reference:

Additional regulations on kennels, see § 110.17

§ 91.32 EUTHANASIA OF ANIMALS.

In the event it becomes necessary to destroy a dog or other animal under this subchapter or any other applicable law or regulation, the owner thereof shall be responsible for and pay to the city the city's cost for storage and the euthanasia of the animal. This section may be enforced by the city by appropriate civil action. (Prior Code, § 9.21)

§ 91.33 CRUELTY TO ANIMALS.

(A) The word *ANIMAL* includes every living creature except the human race; the word *TORTURE* or *CRUELTY* meaning every act, omission, or neglect whereby unnecessary or unjustifiable pain, suffering, or death shall be caused or permitted.

(B) No person shall overdrive, overload, torture, cruelly beat, neglect, or unjustifiably injure, maim, mutilate, or kill any animal, or cruelly work any animal when unfit for labor, whether belonging to himself or herself or another.

(C) No person shall deprive any animal of which he or she has charge or control of necessary food, water, or shelter.

(D) No person shall abandon any animal.

(E) No person shall allow any maimed, sick, infirm, or disabled animals to lie in any street, road, or other public place.

(F) No person shall willfully set on foot, instigate, or in any way further any active cruelty to any animal or animals, or any act tending to produce the cruelty. (Prior Code, § 9.21) Penalty, see § 10.99

(G) Tethering:

a). No person shall leave an animal unattended while chained, tied, fastened or otherwise tethered for a period of time or to the extent that the animal is deprived of adequate food, water, or shelter.

b). No person shall tether an animal as a primary means of confinement. Stationary confinement by tethering shall be considered cruel treatment.

c). A single animal may be attached to a cable line or trolley system if the system allows the animal adequate access to food, water, and shelter with freedom to move, lie down, and access shelter.

(Ord. 2014-02, 3rd Series, adopted 1-21-14)

§ 91.34 REMOVAL OF DOG WASTE.

(A) It is unlawful for any person to allow or permit a dog to be on any public property or private property, not owned or possessed by that person, unless that person is in immediate possession of equipment to remove and carry dog feces to a proper receptacle located on property owned or possessed by that person.

(B) It is unlawful for any person having custody or control of a dog to fail to pick up any feces of

the dog and dispose of them in a proper receptacle located on property owned or possessed by the person.

(C) The provisions of this section shall not apply to the ownership or use of service dogs or dogs used in police or rescue activities. (Prior Code, § 9.21) Penalty, see § 10.99