

**CITY OF RUSHFORD VILLAGE
ANIMAL CONTROL ORDINANCE
ORDINANCE NUMBER 1**

**AN ORDINANCE REGULATING THE KEEPING OF DOGS, OTHER DOMESTIC ANIMALS
AND NON-DOMESTIC ANIMALS, CHICKENS, AND DANGEROUS ANIMALS**

(Public Hearing on amendments, September 19, 2013; Council Approval: November 19, 2013)

(REPEALS AND REPLACES ORDINANCE NUMBER 1, DATED JUNE 20, 2000 AND JULY 20, 2010)

The City of Rushford Village Ordains:

SECTION 100. TITLE. These regulations and provisions shall be known as the **City of Rushford Village Animal Control Ordinance, Ordinance No. 1.**

SECTION 200. PURPOSE, SCOPE, and AUTHORITY. These Animal Control regulations are adopted for the purpose of safeguarding the public health, safety and general welfare by regulating the control and keeping of animals in the City of Rushford Village, and further providing for the administration, enforcement and amendment thereof. This Ordinance applies to all Zoning Districts in the City of Rushford Village, unless otherwise noted.

SUBSECTION 201. DOGS and CATS in Residential Zoning Districts R1 & R2.

Running "at Large" is Prohibited. It shall be unlawful for any dog or cat of any person who owns, harbors, or keeps a dog or cat, or the parents or the guardians of any such person under eighteen (18) years of age, to permit a dog and/or cat to run at large. If your dog or cat is off your property, they need to be on a leash. The dogs and/or cats on a leash must be accompanied by and under the control and direction of a responsible person so as to be effectively restrained by command as by leash, and shall be permitted in streets or on public land unless the City has posted an area with signs reading "Dogs or Cats Prohibited."

SUBSECTION 202. NON-DOMESTIC ANIMALS in Residential Zoning Districts R1 & R2.

It shall be illegal for any person to own, possess, harbor, or offer for sale, any non-domestic animal within an R1 or R2 Zoning District. Any owner of such an animal(s) at the time of adoption of this Code shall have thirty days in which to remove the animal(s) from the City after which time the City may impound the animal(s) as provided for in this Ordinance. An exception shall be made to this prohibition for animals specifically trained for and actually providing assistance to the handicapped or disabled, and for those animals brought into the City as part of an operating zoo, veterinarian clinic, scientific research laboratory, or a licensed show or exhibition. (Section 600)

SUBSECTION 203. CHICKENS in Residential Districts R1 & R2.

It is recognized that the ability to cultivate one's own food is a sustainable activity that can also be a rewarding past time. Therefore, it is the purpose and intent of this Ordinance to permit the keeping and maintenance of chickens as a source of eggs or meat in a clean and sanitary manner that is not a nuisance to or detrimental to the public health, safety, and welfare of the community. This Ordinance will serve to provide regulations for the issuance of permits for the keeping of chickens within the City of Rushford Village within certain limitations in the residential zoning districts of R-1 and R-2, and in residential subdivisions in the City of Rushford Village. The keeping of other poultry is prohibited.

SECTION 300. DEFINITIONS. As used in this Chapter, unless the context otherwise indicates, the following words shall be defined to mean:

ANIMAL. "Animal" shall mean any mammal, reptile, amphibian, fish, bird (including all fowl and poultry) or other member commonly accepted as a part of the animal kingdom. Animals shall be classified as follows:

ANIMAL, DOMESTIC. "Domestic animals" shall mean those animals commonly accepted as domesticated household pets. Unless otherwise defined, such animals shall include dogs, cats, caged birds, gerbils, hamsters, guinea pigs, domesticated rabbits, fish, non-poisonous, non-venomous and non-constricting reptiles or amphibians, and other similar animals.

ANIMAL, NON-DOMESTIC. "Non-Domestic animals" shall mean those animals commonly considered to be naturally wild and not naturally trained or domesticated, or which are commonly considered inherently dangerous to the health, safety, and welfare of people. Unless otherwise defined, such animals shall include:

- (1) Any member of the large cat family (family felidae) including lions, tigers, cougars, bobcats, leopards and jaguars, but excluding commonly accepted domesticated house cats.
- (2) Any naturally wild member of the canine family (family canidae) including wolves, foxes, coyotes, dingoes, and jackals, but excluding commonly accepted domesticated dogs.
- (3) Any crossbreeds such as the crossbreed between a wolf and a dog, unless the crossbreed is commonly accepted as a domesticated house pet.
- (4) Any member or relative of the rodent family including any skunk (whether or not descended), raccoon, squirrel, or ferret, but excluding those members otherwise defined or commonly accepted as domesticated pets.
- (5) Any poisonous, venomous, constricting, or inherently dangerous member of the reptile or amphibian families including rattlesnakes, boa constrictors, pit vipers, crocodiles and alligators.
- (6) Any other animal which is not explicitly listed above but which can be reasonably defined by the terms of this subpart, including but not limited to bears, deer, monkeys and game fish.

ANIMALS, FARM. "Farm animals" shall mean those animals commonly associated with a farm or performing work in an agricultural setting. Unless otherwise defined, such animals shall include members of the equestrian family (horses, mules), bovine family (cows, bulls), sheep, poultry (chickens, turkeys), fowl (ducks, geese), swine (including Vietnamese pot-bellied pigs), goats, bees, and other animals associated with a farm, ranch, or stable.

ANIMAL, CAT. "Cat" shall be intended to mean both the male and female of the felidae species commonly accepted as domesticated household pets.

ANIMAL, DOG. "Dog" shall be intended to mean both the male and female of the canine species, commonly accepted as domesticated household pets, and other domesticated animals of a dog kind.

ANIMAL OWNER. "Owner" shall be intended to mean any person or persons, firm, association or corporation owning, keeping, or harboring an animal.

ANIMAL AT LARGE. "At Large" shall be intended to mean off the premises of the owner and not under the custody and control of the owner or other person, either by leash, cord, chain, or otherwise restrained or confined.

KENNEL. "Kennel" shall mean the keeping of four or more dogs on the same premises, whether owned by the same person or not and for whatever purpose kept, except that a fresh litter of pups may be kept for a period of three months before such keeping shall be deemed to be a "kennel". An Interim Use Permit required for Commercial Kennels.

ANIMAL CONTROL OFFICER means the Animal Control Contractor, if hired, or any person designated and authorized by the City Council as the Animal Control enforcement officer.

SUBSECTION 301. DEFINITIONS regarding the KEEPING OF CHICKENS.

BROODING. "Brooding" means the period of chicken growth when supplemental heat must be provided due to the immature chicken's inability to generate enough body heat.

CHICKEN. "Chicken" means the common domestic fowl (*Gallus domesticus*) or its young as a source of eggs or meat.

COOP. "Coop" means the structure for the keeping or housing of chickens permitted by the ordinance.

EXERCISE YARD. "Exercise yard" means a fenced area that provides at least sixteen 16 square feet per chicken for exercise and foraging for the chickens when supervised.

LAYING HEN. "Laying Hen" means a female chicken kept for laying eggs.

OTHER POULTRY. "Other Poultry" is prohibited and includes birds that serve as a source of eggs or meat such as turkeys, ducks, geese, peafowl, pigeons, pheasants and others.

ROOSTER. "Rooster" means a male chicken.

SUBSECTION 302. DEFINITIONS regarding a DANGEROUS ANIMAL (according to Minnesota Statute 347.51, and as amended from time to time; Section 400).

302.01. POTENTIALLY DANGEROUS ANIMAL. A "potentially dangerous animal" is an animal, which has:

302.01.01. Bitten a human or a domestic animal on public or private property; or

302.01.02. When unprovoked, chased or approached a person upon the streets, sidewalks, or any public property in an apparent attitude of attack; or

302.01.03. Has engaged in unprovoked attacks causing injury or otherwise threatening the safety of humans or domestic animals.

302.02. DANGEROUS ANIMAL. A “dangerous animal”, is an animal which has:

302.02.01. Caused bodily injury or disfigurement to any person on public or private property; or

302.02.02. Engaged in any attack on any person under circumstances which would indicate danger to personal safety; or

302.02.03. Exhibited unusually aggressive behavior, such as an attack on another animal; or

302.02.04. Bitten one (1) or more persons on two (2) or more occasions; or

302.02.05. Been found to be potentially dangerous and/or the owner has personal knowledge of the same; the animal aggressively bites, attacks, or endangers the safety of humans or domestic animals.

302.03. PROPER ENCLOSURE for a DANGEROUS ANIMAL. “Proper enclosure” means securely confined indoors or in a securely locked pen or structure suitable to prevent the animal from escaping and to provide protection for the animal from the elements. A proper enclosure does not include a porch, patio, or any part of a house, garage, or other structure that would allow the animal to exit of its own volition, or any house or structure in which windows are open or in which door or window screens are the only barriers which prevent the animal from exiting. The enclosure shall not allow the egress of the animal in any manner without human assistance. A pen or kennel shall meet the following minimum specifications:

302.03.01. Have a minimum overall floor size of thirty-two (32) square feet.

302.03.02. Side walls shall have a minimum height of five (5) feet and be constructed of 11-gauge or heavier wire. 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 in the ground eighteen (18) inches or more. When a concrete floor is not provided, the sidewalls shall be buried a minimum of eighteen (18) inches in the ground.

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

302.03.04. An entrance or exit gate shall be provided and be constructed of the same material as the sidewalls and shall also have no openings in the wire greater than two (2) inches. The gate shall be equipped with a device capable of being locked and shall be locked at all times when the animal is in the pen or kennel.

302.04. UNPROVOKED. “Unprovoked” shall mean the condition in which the animal is not purposely excited, stimulated, agitated or disturbed.

SECTION 400. ANIMALS PRESENTING A DANGER TO HEALTH & SAFETY OF CITY.

If, in the reasonable belief of any person or police officer, or animal control officer, or the animal control contractor, an animal presents an immediate danger to the health and safety of any person, or the animal is threatening imminent harm to any person, or the animal is in the process of attacking any person, the officer may destroy the animal in a proper and humane manner, subject to Definitions Subsection 302 of this Ordinance, regarding Dangerous Animals, according to Minnesota Statute 347.51, and as amended from time to time. If the animal is destroyed, a charge ?? set annually by the Council to dispose of the animal is payable by the owner of the animal.

SUBSECTION 401. ATTACK by an ANIMAL. It shall be unlawful for any person's animal to inflict or attempt to inflict bodily injury to any person or other animal whether or not the owner is present. This Subsection shall not apply to an attack by a dog under the control of an on-duty law enforcement officer or to an attack upon an uninvited intruder who has entered the owner's home with criminal intent.

SUBSECTION 402. DESIGNATION as POTENTIALLY DANGEROUS ANIMAL. The animal control officer shall designate any animal as a **potentially dangerous** animal upon receiving such evidence that such **potentially dangerous** animal has, when unprovoked acted according to the Definitions Subsection 302.01. When an animal is declared **potentially dangerous**, the animal control officer shall cause one (1) owner of the **potentially dangerous** animal to be notified in writing that such animal is **designated as potentially dangerous**.

402.01 Evidence Justifying Designation as a Potentially Dangerous Animal. The animal control officer shall have the authority to designate any animal as a potentially dangerous animal upon receiving evidence according to the Definitions Subsection 302.01.

SUBSECTION 403. DESIGNATION as a DANGEROUS ANIMAL. The animal control officer shall designate any animal as a **dangerous** animal upon receiving such evidence that such **potentially dangerous** animal has, when unprovoked, acted according to the Definitions Subsection 302.02. When an animal is declared **dangerous**, the animal control officer shall cause one (1) owner of the **dangerous** animal to be notified in writing that such animal is **designated as a dangerous animal**.

403.01 Evidence Justifying Designation as a Dangerous Animal. The animal control officer shall have the authority to designate any animal as a dangerous animal upon receiving evidence according to the Definitions Subsection 302.02.

SUBSECTION 404. DESTRUCTION of a DANGEROUS ANIMAL(S). The animal control officer shall have the authority to order the destruction of a dangerous animal(s) in accordance with the terms established by this Ordinance.

404.01. Authority to Order Destruction. The animal control officer, upon finding that an animal is dangerous hereunder, is authorized to order, as part of the disposition of the case, that the animal be destroyed based on a written order containing one (1) or more of the following **findings of fact**:

404.01.01. The animal is dangerous as demonstrated by a vicious attack, an unprovoked attack, an attack without warning or multiple attacks; or

404.01.02. The owner of the animal has demonstrated an inability or unwillingness to control the animal in order to prevent injury to persons or other animals.

404.02. Procedure for Destruction.

The animal control officer, after having determined that an animal is dangerous, may proceed in the following manner:

404.02.01. The animal control officer shall cause one (1) owner of the animal to be notified in writing or in person that the animal is dangerous and may order the animal seized or make such orders as deemed proper. This owner shall be notified as to dates, times, places and parties bitten,

and shall be given fourteen (14) days to appeal this order by requesting a hearing before the city council for a review of this determination.

404.02.02. If no appeal is filed, the orders issued will stand or the animal control officer may order the animal destroyed.

404.02.03. If an owner requests a hearing for determination as to the dangerous nature of the animal, the hearing shall be held before the city council, which shall set a date for hearing not more than three (3) weeks after demand for the hearing. The records of the animal control or city clerk's office shall be admissible for consideration by the animal control officer without further foundation.

404.02.04. After considering all evidence pertaining to the temperament of the animal, the city council shall make an order, as it deems proper. The city council may order that the animal control officer take the animal into custody for destruction, if such animal is not currently in custody. If the animal is ordered into custody for destruction, the owner shall immediately make the animal available to the animal control officer.

404.02.05. No person shall harbor an animal after it has been found to be dangerous and ordered into custody for destruction.

SUBSECTION 405. DANGEROUS ANIMAL REQUIREMENTS. (MN Statute 347.51) If the city council does not order the destruction of an animal that has been declared dangerous, the city council may, as an alternative, order any or all of the following:

405.01. That the owner provide and maintain a proper enclosure for the dangerous animal as specified in the Definitions Subsection 302;

405.02. Post the front and the rear of the premises with clearly visible warning signs, including a warning symbol to inform children, that there is a dangerous animal on the property as specified in Minnesota Statute 347.51;

405.03. Provide and show proof annually of public liability insurance in the minimum amount of three hundred thousand dollars (\$300,000.00);

405.04. If the animal is a dog and is outside the proper enclosure, the dog must be muzzled and restrained by a substantial chain or leash (not to exceed six (6) feet in length) and under the physical restraint of a person sixteen (16) years of age or older. The muzzle must be of such design as to prevent the dog from biting any person or animal, but will not cause injury to the dog or interfere with its vision or respiration;

405.05. If the animal is a dog, it must have an easily identifiable, standardized tag identifying the dog as dangerous affixed to its collar at all times as specified in Minnesota Statute 347.51;

405.06. **All animals deemed dangerous by the animal control officer shall be registered with the County** in which this city is located **within fourteen (14) days** after the date the animal was so deemed and provide **satisfactory proof thereof** to the animal control officer.

405.07. If the animal is a dog, the dog must be licensed and up to date on rabies vaccination. If the animal is a cat or ferret, it must be up to date with rabies vaccination.

SUBSECTION 406. SEIZURE and RECLAIMING of DANGEROUS ANIMAL(S).

406.01. The Animal Control Officer shall immediately seize any dangerous animal if the owner does not meet each of the above requirements within fourteen (14) days after the date notice is sent to the owner that the animal is dangerous. Seizure may be appealed to district court by serving a summons and petition upon the City and filing it with the district court.

406.02 A dangerous animal seized under this Subsection may be reclaimed by the owner of the animal upon payment of impounding and boarding fees, and presenting proof to the Animal Control Officer that each of the requirements under Section 400, Subsection 405 is fulfilled. An animal not reclaimed under this Subsection within fourteen (14) days may be disposed of as provided under Section 400, Subsection 404, and the owner is liable to the City for costs incurred in confining the animal, and for all related costs of administration and other costs incurred.

SUBSECTION 407. SUBSEQUENT OFFENSES.

407.01. If an owner of an animal has subsequently violated the provisions under Section 500 with the same animal, the animal must be seized by the Animal Control Officer. The owner may request a hearing as defined in Subsection 404.02.

407.02. If the owner is found to have violated the provisions for which the animal was seized, the animal control officer shall order the animal destroyed in a proper and humane manner and the owner shall pay the costs of confining the animal, and for all related costs of administration and other costs incurred.

407.03. If the person is found not to have violated the provisions for which the animal was seized, the owner may reclaim the animal under the provisions of Subsection 406.

407.04. If the animal is not yet reclaimed by the owner within fourteen (14) days after the date the owner is notified that the animal may be reclaimed, the animal may be disposed of as provided under Section 400, Subsection 404 and the owner is liable to the animal control for the costs incurred in confining, impounding and disposing of the animal, and for all related costs of administration and other costs incurred.

SECTION 500. LIMITATIONS & RULES on the KEEPING of CHICKENS.

SUBSECTION 501. LIMITATIONS for EACH SINGLE DWELLING RESIDENTIAL UNIT:

501.01. No more than six (6) chickens shall be housed or kept on any one (1) residential lot in any area of the city zoned R-1 and R-2 or a residential subdivision in the City of Rushford Village.

501.02. 100% Consent of adjacent property owners is required in writing.

501.03. Roosters are prohibited.

501.04. Slaughtering of chickens on the property is prohibited.

SUBSECTION 502. ACCOMMODATIONS AND MAINTENANCE.

502.01. A separate coop is required to house the chickens. Coops must be constructed of durable
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materials and must be maintained to meet the following minimum standards:

502.01.01. Located in the rear or side yard.

502.01.02. Setbacks of at least ten (10) feet from the rear and side property lines.

502.01.03. Interior floor space – four (4) square feet per chicken (24 sq.ft. for 6 chickens).

502.01.04. Interior height –six (6) feet to allow access for cleaning and maintenance.

502.01.05. Doors – one (1) standard door or gate to allow humans to access the coop and one (1) door for chickens (if above ground level, the coop must also include a stable ramp).

502.01.06. Windows – one (1) square foot window per ten (10) square feet floor space. Windows must be able to open for ventilation.

502.01.07. Nest boxes and Roosts to adequately accommodate the laying hens.

502.01.08. Rodent proof – coop construction and materials must be adequate to prevent access by rodents.

502.01.09. Chickens must not be housed in a residential house or an attached or detached garage, except for brooding purposes only.

502.02. A covered and fenced exercise yard is required which must be constructed and maintained to meet the following minimum standards:

502.02.01. Location in the rear or side yard and connected to the coop for ingress and egress.

502.02.02. Size: sixteen (16) square feet per chicken (96 sq.ft. for 6 chickens).

502.02.03. Height: Four (4) to Six (6) feet in height to allow access for cleaning and maintenance.

502.02.04. Gate: One gate to allow human access to the yard.

502.02.05. Cover and Fence: Adequate to keep chickens in and predators out.

502.02.06. Substrate: Composed of material that can be easily raked or regularly replaced to reduce odor and flies.

502.03. All premises on which chickens are kept or maintained shall be kept clean from filth, garbage, and any substances which attract rodents. The coop and its surrounding must be cleaned frequently enough to control odor. Manure shall not be allowed to accumulate in a way that causes an unsanitary condition or causes odors detectible on another property. Failure to comply with these conditions may result in the officer removing chickens from the premises or revoking a chicken permit.

502.04. All grain and food stored for the use of the hens on a premise with a chicken permit shall be kept in a rodent proof container.

502.05. Chickens shall not be kept in such a manner as to constitute a nuisance to the occupants of adjacent property.

502.06. Dead chickens must be disposed of according to the Minnesota Board of Animal Health rules which require chicken carcasses to be disposed of as soon as possible after death, usually

within forty-eight (48) to seventy-two (72) hours. Legal forms of chicken carcass disposal include offsite burial, offsite incineration or rendering, or offsite composting.

SUBSECTION 503. PERMIT REQUIRED. No person shall own, keep, harbor or have custody of any live chicken without first obtaining a permit in writing from the City, which shall include the keeping of chickens and the chicken accommodations. Permits allow only the permittee to conduct the activity, and permits are not assignable or transferable.

503.01. The City shall grant a permit for up to six (6) chickens after the applicant has obtained and filed with the City the written consent of one hundred (100) percent of the owners of privately or publicly owned real estate that are located adjacent (i.e., sharing property lines) on the outer boundaries of the premises for which the permit is being requested, or in the alternative, proof that the applicant's property lines are one hundred fifty (150) feet or more from any house.

503.02. Where an adjacent property consists of a multiple dwelling or multi-tenant property, the applicant need obtain only the written consent of the owner or manager, or other person in charge of the building. Such written consent shall be required on the initial application and as often thereafter as the officer deems necessary.

SUBSECTION 504. PERMIT APPLICATION.

504.01. Any person desiring a permit as required under the provisions of this section shall make written application to the city upon a form prescribed by and containing such information as required by the city. Among other things, the application shall contain the following information:

504.01.01. A description of the real property upon which it is desired to keep the chickens.

504.01.02. The breed and number of chickens to be maintained on the premises.

504.01.03. A site plan of the property showing the location and size of the proposed chicken coop and exercise yard, setbacks from the chicken coop to property lines and surrounding buildings (including houses and buildings on adjacent lots), and the location, style, and height of fencing proposed to contain the chickens in an exercise area.

504.01.04. Portable coops and cages are allowed, but portable locations must be included with the site plan.

504.01.05. Such other and further information as may be required by the City or permitting officer.

504.02. Special Permit Conditions may be imposed by the City including, but not limited to, restrictions, limitations, and prohibitions which the City deems reasonably necessary to protect any person or neighboring property or use from unsanitary conditions, unreasonable noise or odors, or annoyance, and to protect the public health and safety.

504.03. Such permit may be modified from time to time or revoked by the City for failure to comply with such restrictions, limitations, and prohibitions. Such modification or revocation shall be effective after ten (10) days following the mailing of written notice thereof by certified mail to the person or persons keeping or maintain such chickens.

504.04. The granting of a permit under this ordinance does not entitle the permit holder to any other rights as may be granted to farmers or commercial entities relating to equipment used in the course

of conducting animal husbandry business. The permit issued hereunder only allows the permittee to consume or utilize the eggs produced for personal consumption or use on the premises covered by the permit. No commercial sales of eggs are allowed.

504.05. Fees may be imposed for a permit application for each residential site and said fee may be revised by the City Council, from time to time.

SUBSECTION 505. TERM /RENEWAL /REVOCATION, Investigation & Enforcement.

505.01. The permit under this section shall be reviewed annually for continuance, but shall expire at the end of five (5) years if no chickens are kept for a period of five (5) years.

505.02. The City Council shall designate a person who shall have authority in the investigation and enforcement of this ordinance. No other person shall interfere with, hinder or molest any such authorized person in the exercise of such powers. The authorized person shall make investigations as is necessary and may recommend the granting, denial, or refusal to renew any application for permit, or to terminate an existing permit under this article under the direction of the City Council.

505.03. The City may revoke any permit issued under this ordinance if the person holding the permit refuses or fails to comply with this ordinance, and/or with any regulations promulgated by the city council pursuant to this ordinance, or with any state or local law governing cruelty to animals or the keeping of animals. Any person whose permit is revoked shall, within ten (10) days thereafter, humanely dispose of all chickens being owned, kept or harbored by such person, and no part of the permit fee shall be refunded.

The following sections apply to all other sections in this ordinance

SECTION 600. BASIC CARE.

All animals shall receive from their owners or keepers kind treatment, housing in the winter, and sufficient food and water for their comfort. Any person not treating their pet in such a humane manner will be subject to the penalties provided in this Section.

SECTION 700. NUISANCES in Residential Zoning Districts R1 & R2.

Subsection 701. Kennel as a Nuisance.

Because the keeping of four or more dogs on the same premises is subject to ??great abuse, causing discomfort to persons in the area by way of smell, noise, hazard, and general aesthetic depreciation, the keeping of four or more dogs on the premises is hereby declared to be a nuisance and no person shall keep or maintain a kennel within the City.

Subsection 702. 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 three minutes with less than one minute of interruption. Such barking must also be audible off of the owner's or caretaker's premises.

Subsection 703. Damage to Property.

It shall be unlawful for any person's dog or other animal to damage any lawn, garden, or other property, whether or not the owner has knowledge of the damage. Any animal covered by this Ordinance may be impounded as provided in this Ordinance or a complaint may be issued by

anyone aggrieved by an animal under this Ordinance against the owner of the animal for prosecution under this Ordinance.

Subsection 704. Cleaning up Litter.

The owner of any animal or person having the custody or control of any animal shall be responsible for cleaning up any feces of the animal and disposing of such feces in a sanitary manner whether on their own property, on the property of others, or on public property. Any person violating this subsection shall be punishable by a fine of ten dollars (\$10.00) or five (5) hours of public lands fecal clean-up. Any person who is found guilty of subsequent violations of this subsection shall be punished by a fine of at least twenty-five dollars (\$25.00) but not more than fifty dollars (\$50.00).

SECTION 800. POUND / IMPOUNDING, and ENFORCEMENT.

SUBSECTION 801. OFFICIAL POUND. Every year the Council shall designate an official pound to which animals found in violation of this chapter shall be taken for safe treatment, and if necessary, for destruction.

SUBSECTION 802. ANIMAL CONTROL OFFICER as INDEPENDENT CONTRACTOR .

The City Council is hereby authorized and shall retain the services of an independent Animal Control Contractor to enforce the provisions of this Ordinance. It shall be the Animal Control Contractor's duty as the Enforcement Officer to enforce the provisions of this Ordinance. He or she may from time to time, with the consent of the Council, designate assistants.

SUBSECTION 803. ANIMAL CONTROL OFFICER: Official Pound and Impoundment.

803.01. The Animal Control Contractor shall be responsible for operating the Official Pound in a manner prescribed by law.

803.02 Impoundment. The Animal Control Contractor shall be responsible for impounding any dog or other Domestic Animal reported running at large and shall notify the City of Rushford Village Clerk within forty-eight (48) hours of such impoundment. **Unless reclaimed sooner,** an impounded dog shall be kept in a humane manner for a period of no less than ten (10) days following posted notice of such impoundment.

803.03 Notice of Impoundment and Reclaiming. The City of Rushford Village Clerk shall post notice of such impoundment at designated places for Rushford Village official notices, including the date and location where the dog was found, a description of its breed, size, gender, color, identifying tags (if available), and any other identifying factors. The notice shall also include the date, ten (10) days after posting of such a notice, by which the impounded dog may be reclaimed after payment of the required fee per dog. Said fee, which may be adjusted from time to time, may be paid to the contractor for the City of Rushford Village or paid at the office of the City Clerk and receipt of such payment shall be presented to the contractor for reclaiming the animal.

803.04. Unclaimed Animals. If an impounded animal is not reclaimed within the minimum of ten (10) days as specified by the notice, the animal control contractor shall dispose of the dog in a manner prescribed by law.

803.05. DANGEROUS ANIMALS. The animal control contractor shall exercise the authority to deal with dangerous animals as authorized in Section 500 of this Ordinance.

SECTION 900. VIOLATIONS AND PENALTIES.

SUBSECTION 901. INTERFERENCE with OFFICERS. No person shall in any manner molest, hinder, or interfere with any person authorized by the Council to capture dogs, cats or other animals and convey them to the pound while engaged in such operation. Nor shall any unauthorized person break open the pound, or attempt to do so, or take or attempt to take from any agent any animal taken up by him or her in compliance with this Ordinance, or in any other manner to interfere with or hinder such officer in the discharge of his or her duties under this Ordinance. Such interference shall be considered a violation of this Ordinance

Subsection 902. Separate Offenses. Each day a violation of this Ordinance is committed or permitted to continue shall constitute a separate offense and shall be punishable as such under this Section.

Subsection 903. Petty Misdemeanor. Violations of Subsections relating to Dogs, Cats, other Domestic or Non-Domestic Animals, Chickens, Nuisances, Interference with Officers, and Basic Care are petty misdemeanors punishable by a fine up to \$200.

Subsection 904. Misdemeanor. Unless otherwise provided, violation of this SubSections 500 shall constitute a misdemeanor punishable by a fine of up to \$1000 [??\$700 was in Section 1700) or imprisonment for up to ninety (90) days, or both.

Subsection 905. Additional Violations regarding the Keeping of Chickens.

905.01. If any person is found guilty by a court for violation of any Section or Subsection relating to the Keeping of Chickens, their permit to own, keep, harbor, or have custody of chickens shall be deemed automatically revoked and no new permit may be issued for a period of one (1) year.

905.02. Any person violating any conditions of a permit for the Keeping of Chickens shall reimburse the City for all costs borne by the city to enforce the conditions of the permit including but not limited to the pickup and impounding of chickens.

SECTION 1000. SEVERABILITY and SAVINGS CLAUSE.

If any section or portion of this ordinance shall be found unconstitutional or otherwise invalid or unenforceable by a court of competent jurisdiction, that finding shall not serve as an invalidation or affect the validity and enforceability of any other section or portion of this Ordinance.

SECTION 1100. REPEAL OF CONFLICTING ORDINANCE.

All ordinances or parts of ordinances in conflict with this Animal Ordinance, or inconsistent with provisions of this ordinance, are hereby repealed to the extent necessary to give this ordinance full force and effect.


SECTION 1200. EFFECTIVE DATE.

This ordinance shall become effective and in force from and after its passage and publication.

Recommended by the City of Rushford Village Zoning Board.


Jonathan Pettit, Zoning Administrator

Passed by the City Council this 19th Day of November, 2013



Dale Schwanke, Mayor

Attest: 

Kristina A. Mart, City Clerk

Published in Tri-County Record on November 28, 2013

CITY OF RUSHFORD VILLAGE

Resolution #2013-11-19.03 re: Animal Control Ordinance, Ord No. 1, as Amended.

Public Hearing on amendments 09-17-2013; Council Approval as Summary 11-19-2013

The City Council of the City of Rushford Village, having held a public hearing at its regular meeting on September 17, 2013, and after additional review on November 19, 2013, approved the **Animal Control Ordinance, Ordinance No. 1**, as amended, including Dangerous Animal regulations, and Regulations for the Keeping of Chickens (originally Ordinance 1A), and this Resolution 2013-11-19.03 as the summary publication; the full text is available for public inspection at the city office, and

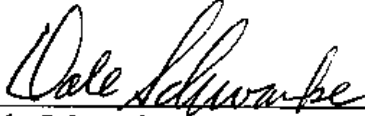
WHEREAS, These Animal Control regulations are adopted for the purpose of safeguarding the public health, safety and general welfare by regulating the control and keeping of animals in the City of Rushford Village, and further providing for the administration, enforcement and amendment thereof, and

WHEREAS, the City Council of the City of Rushford Village amended its **Animal Control Ordinance, Ordinance No. 1**, to include Dangerous Animal regulations according to by M.S. 347.51, and

WHEREAS, the City Council of the City of Rushford Village also amended its **Animal Control Ordinance, Ordinance No. 1**, to include domestic and non-domestic animals, and to incorporate its Regulations on the Keeping of Chicken, formerly Ordinance 1A, and

WHEREAS, the City Council of the City of Rushford Village, with these amendments has combined all regulations on Animals, as defined in **Animal Control Ordinance, Ordinance No. 1**, as amended, and authorized Enforcement by an Animal Control Officer who shall be the Animal Control Contractor hired by the City of Rushford Village, and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF RUSHFORD VILLAGE, that the City of Rushford Village **Animal Control Ordinance, Ordinance No. 1**, is hereby amended and effective upon publication of this Resolution #2013-11-19.03 as the summary publication, on Motion by Hamilton Petersen, seconded by Gordon Johnson with all members present and voting as follows, aye: Johnson, Petersen, Baker; nay: Overland. The full text of this Amended Animal Control Ordinance, Ordinance #1, is available for public inspection at the city office during regular office hours or by appointment.

Approved: 
Dale Schwanke, Mayor

Attest: 
Kristina A. Mart, Clerk

Published as summary, Animal Control Ord. No. 1, as amended, in Tri-County Record on November 28, 2013.

CITY OF RUSHFORD VILLAGE
Neighborhood Consent Form for Chicken Permit Application

Rushford Village City Ordinance #1A allows the keeping of up to six (6) chickens in certain residential zoned districts, under certain circumstances, with the approval of a permit application. The permit application must also be approved by 100 percent of the property owners adjacent to the applicant's property.

Your neighbor is requesting a permit for keeping chickens within the residential zoned property at _____ in the City of Rushford Village. If approved, the permit will allow your neighbor to keep up to six (6) chickens in an approved chicken coop. A summary of the chicken permit requirements is listed below for your information. Your signature below indicates your consent for your neighbor at _____ to keep up to six (6) chickens on their property with a permit that may be granted pursuant to City Animal Control Ordinance No. 1.

<u>Street Address</u>	<u>Owner Name</u>	<u>Signature (consent to issue permit)</u>

CITY of RUSHFORD VILLAGE Chicken Permit Requirements and Limitations:

1. Up to six (6) chickens (No Roosters) may be allowed in certain districts with a permit.
2. Consent for initial permit must be given by 100% of the property owners adjacent to applicant's property.
3. Slaughtering of chickens on the property is prohibited.
4. A separate coop is required to house the chickens with a connected, covered, and fenced exercise yard. Both must be located in the rear or side yard and be set back at least 10 feet from the side and/or rear property lines.
5. The exercise yard must provide at least 16 square feet per chicken.
6. All premises on which chickens are kept or maintained shall be kept clean from filth, garbage, and any substances which attract rodents.
7. The coop and its surrounding area must be cleaned frequently enough to control odor. Manure shall not be allowed to accumulate in a way that causes an unsanitary condition or causes odors detectible on another property.
8. All grain and food stored for the use of the hens shall be kept in a rodent proof container.
9. Dead chickens must be disposed of according to the Minnesota Board of Animal Health rules which require chicken carcasses to be disposed of as soon as possible after death, usually within 48 to 72 hours. Legal forms for chicken carcass disposal include offsite burial, incineration, or rendering, or offsite composting.