

ORDINANCE NO. 16-02.

THE CITY COUNCIL OF THE CITY OF SKYLINE, BLUE EARTH, COUNTY, MINNESOTA,
ORDAINS:

**SECTION 1. NEW CITY CODE SUPERSEDES ANY PRIOR CITY OF SKYLINE CITY CODES
REGARDING ANIMALS.**

For the purpose of this Ordinance, any previously enacted Skyline City Codes regarding animals are no longer in effect or valid. The new Skyline City Code, Chapter 2, Animals, approved by the Council of the City of Skyline on the eleventh day of April, 2016, supersedes any Skyline City Code enacted by any earlier Skyline City Council prior to April 11, 2016. The active Skyline City Code for Chapter 2, Animals is attached.

SECTION 2. EFFECTIVE DATE

This ordinance becomes effective from and after its passage and publication.

Mayor

Date

Attest:

Date

Clerk

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**SKYLINE CITY CODE
CHAPTER 2
ANIMALS**

Sec. 2.01. - Definitions.

As used in this chapter, the terms defined in this section shall have the meanings ascribed to them:

- (a) Dog. The word "dog" means and includes any domesticated canine animal, male or female.
- (b) Cat. The word "cat" means and includes any domesticated feline animal, male or female.
- (c) Vaccination against rabies. The term "vaccination against rabies" refers to and means the inoculation of a dog or cat with a rabies vaccine. Such vaccination shall be performed by a veterinarian duly licensed to practice veterinary medicine.
- (d) Owner. "Owner" shall mean the license holder or any other person or persons, firm, association or corporation owning, keeping or harboring an animal. Any person keeping or harboring an animal for five (5) consecutive days shall, for the purposes of this chapter, be deemed to be an owner thereof.

Regulated animal means:

- (e) All members of the Felidae family including but not limited to, lions, tigers, cougars, leopards, cheetahs, ocelots, and servals, but not including domestic cats or cats recognized as a domestic breed, registered as a domestic breed, and shown as a domestic breed by a national or international multibreed cat registry association;
- (f) Bears;
- (g) All nonhuman primates, including, but not limited to lemurs, monkeys, chimpanzees, gorillas, orangutans, marmosets, lorises, and tamarins; and
- (h) Any hybrid or cross between an animal listed herein and a domestic animal, and any offspring from all subsequent generations of those crosses or hybrids.

Wild or exotic animal means any mammal, amphibian, reptile or bird which is of a species not usually domesticated, and of a species which, due to size, wild nature or other characteristic, is dangerous to humans. The term includes animals and birds, the keeping of which is licensed by the state or federal government, such as wolves, raptors and pheasants. By way of example and not of limitation, the term includes: snakes, eagles, weasels, badgers, deer and bison. The term also includes crossbreeds such as the cross between dogs and coyotes and dogs and wolves. Any wild or exotic animal which also fits the definition of a "regulated animal" shall be treated as a regulated animal for the purpose of this chapter.

Sec. 2.02. - Keeping of certain animals absolutely prohibited.

- (a) Hoofed animals. No person shall stable, keep or permit any hoofed animal to remain on any lot or premises within the city.
- (b) Wild or exotic animals. No person shall keep or allow to be kept any wild or exotic animal within the city, whether or not the keeping of such animal is licensed by the state or federal government.

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- (c) Any animal or species prohibited by federal or Minnesota law.
- (d) Any exotic animal or species when kept in such numbers or in such a way as to constitute a likelihood of harm to the animals themselves, to human beings or to the property of human beings, or which constitutes a public or private nuisance.
- (e) Any skunk, whether captured in the wild, domestically raised, de-scented or not de-scented, vaccinated against rabies or not vaccinated against rabies.
- (f) Any regulated animal.
- (g) Any member of the family Canidae, such as wolves, dingoes, coyotes and jackals, except domesticated dogs.
- (h) Any crossbreed such as the crossbreed between dogs and coyotes and dogs and wolves.
- (i) Any raccoon.
- (j) Any male chicken (rooster).
- (k) Small animals and birds of the orders Anseriformes and Galliformes, which include but are not limited to, ducks, geese, swans, peacocks, turkeys, pheasants, and guinea hens.

Any person keeping any prohibited animal identified above may have it seized immediately by animal control.

(l) Exceptions.

- (1) This section does not apply to animals which are temporarily brought into the city for the purpose of participating in any circus or show; nor does it apply to any public zoo, or persons keeping animals for a public zoo as volunteers, docents or otherwise; nor to any bona fide research institution, or veterinary hospital, provided protective devices adequate to prevent such animal from escaping or injuring the public are provided.
- (2) Chickens as described in Section 2.07.
- (3) Any single dove or any other small bird, or any chinchilla, hamster, gerbil, ferret, white rat, mouse or guinea pig maintained as a pet.
- (4) In the case of regulated animals, those exemptions listed in Minn. Stat. § 346.155, subd. 7 shall apply.

Sec. 2.03. – Dogs and Cats.

- (a) No residence shall have more than three (3) dogs, and three (3) cats.
- (b) Pet waste: Each owner is responsible for picking up after their pet at all times, in all public and private areas of the city.
- (c) The owner or keeper of any dog or cat shall be responsible for the effective restraint of such dog or cat and shall not permit the dog or cat to run at large. Any dog or cat which is not effectively contained within a fenced area, or any dog or cat which is on any unfenced area or lot abutting a street, alley, public park, school grounds or public place without being effectively restrained by chain, leash, or tie-out, from moving

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beyond such unfenced area or lot, or any dog or cat on any street, public park, school grounds or public place without being effectively restrained by chain or leash not exceeding twelve (12) feet in length shall be deemed to be running at large.

Invisible (underground electric) fences may be used as a secondary restraint only, and are not an acceptable replacement for a chain, leash, tie-out or properly fenced-in area.

Sec. 2.04. - Vaccination requirements.

(a) Every dog, cat or ferret, four (4) months of age and older, shall be vaccinated against rabies.

(b) Every dog, cat or ferret which is not vaccinated at the time of its acquisition or transportation into the city shall be vaccinated within thirty (30) days of acquisition or arrival, whichever is applicable, unless such dog, cat or ferret is under four (4) months of age.

(c) Every dog, cat or ferret shall be revaccinated thereafter in accordance with the current "Compendium of Animal Rabies Vaccines, Part II: Vaccines Marketed in U.S. and NASPHV Recommendations," prepared by the National Association of State Public Health Veterinarians, Inc., incorporated herein by reference and on file in the office of the city clerk.

(d) A metal or durable plastic current rabies vaccination tag, issued by the attending veterinarian, shall be securely attached to the collar or harness of the dog, cat or ferret by the owner. Whenever the dog, cat or ferret is out of doors, whether on or off the owner's premises, the collar or harness with the vaccination tag must be worn. In addition, the owner may be requested to provide a current certificate of rabies vaccination issued by the veterinarian.

Sec. 2.05. - Attack by an animal.

It shall be unlawful for an owner or custodian to fail to restrain an animal from inflicting or attempting to inflict bodily injury to any person or other animal. Violation of this section shall be a misdemeanor. This section 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.

Sec. 2.06. - Animals; disturbing the peace.

It shall be unlawful for any person to own, keep, have in possession or harbor any animal or animals which make any noise to the reasonable annoyance of another person or persons. The phrase "to the reasonable annoyance of another person or persons" shall include, but is not limited to, the creation of any noise by any animal or animals which can be heard by any person, including the animal control officer or a law enforcement officer, from a location outside of the building or premises where the animal or animals are located and which animal noise occurs repeatedly over at least a five-minute period of time with no more than a one-minute lapse of time between each animal noise during the five-minute period.

Sec. 2.07. – Chickens

- (a) Chickens. No person shall keep or allow to be kept any coop or other facility for the housing of chickens within the city without a permit.
- (b) Standards. City standards for operating and maintaining a chicken coop/loft
 - (1) The coop/loft and run area must be located in the rear yard and must be a minimum of five (5) feet away from interior property lines and twenty-five (25) feet away from any neighboring residence.

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- (2) The maximum height of the structure must be no more than twelve (12) feet from the ground to the rooftop.
- (3) One hen chicken is allowed for every four (4) square feet of coop area, along with ten (10) square feet of run space, with a maximum of six (6) hen chickens.
- (4) If electricity is provided for heating, lights, etc., a permanent electrical supply must be brought to the coop following Minnesota electrical codes. No extension cords are allowed.
- (5) Feed must be stored in covered, rodent-proof containers. When feed is provided to the animal, it must be done in a way that will not attract rodents.
- (6) Birds must be tended to daily, assuring sufficient water, shelter, and feed.
- (7) Structures and grounds must be well maintained and in a clean and sanitary condition.
- (8) All animal waste (fecal matter, bedding, food, etc.) shall be properly maintained so as not to create noxious odors, or insect and rodent issues.
- (9) Composting feces is allowed.
- (10) Flies, rodents, and noxious odors must be controlled.
- (11) Chickens must be confined to the property.

Sec. 2.08. - Honey Bees

No person shall keep or allow to be kept any hive or other facility for the housing of bees within the city without a permit.

Sec. 2.09. - Permit; application, procedures, term.

(a) Application. Any person desiring a permit required under the provisions of section 2.07 or section 2.08 shall make written application therefor to the City Council upon a form prescribed by and containing such information as required by the City Council. Among other things, the application shall contain the following information:

- (1) A description of the real property upon which it is desired to keep the animal or animals.
- (2) The species and number of animals to be maintained on the premises.
- (3) A statement that the applicant/permittee will at all times keep the animals in accordance with all the conditions prescribed, or modification thereof, and that failure to obey such conditions will constitute a violation of the provisions of this chapter and grounds for cancellation of the permit.
- (4) Such other and further information as may be required by the City Council.

(b) Term of permit. The term of the permit shall be one (1) year from date of issuance, and the permit may be renewed from year to year, upon application to the city council; provided, however, that upon any adverse action or violation of the conditions of the permit or substantial amendment to the permit application as originally described, a new application, may be required before the granting of a permit or renewal thereof.

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(c) Fee for permit shall be ten (10) dollars.

(d) Permit; conditions. If granted, the permit shall be issued by the city clerk and shall state the conditions, if any, imposed upon the permittee for the keeping of animals under the permit. The permit shall specify the restrictions, limitations, conditions and prohibitions which the city council deems reasonably necessary to protect any person or neighboring use from unsanitary conditions, unreasonable noise or odors, or annoyance, or to protect the public health and safety. Such permit may be modified from time to time or revoked by the city council for failure to conform to such restrictions, limitations or prohibitions. Such modification or revocation shall be effective from and after ten (10) days following the mailing of written notice thereof by certified mail to the person or persons keeping or maintaining such animals.

(e) Refusal to grant or renew a permit. The city council may refuse a permit to keep or maintain animals hereunder for failure to comply with the provisions of this chapter, if the facilities for the keeping of the animals are or become inadequate for their purpose, if the conditions of the permit are not met, if a nuisance condition is created, or if the public health and safety would be unreasonably endangered by the granting of such permit.

(f) Numbers of animals; species. The permit shall state the maximum number and species of animals which may be maintained on the premises. The permittee shall not exceed the maximum number of animals allowed on the permit or substitute the animals with different species. A permittee that wishes to increase the number of animals allowed or to substitute or add a different species to those listed on the permit, shall be required to apply for a new permit.

(g) In the event of refusal to grant or renew a permit or of a permit being revoked, the applicant or permit holder may request, in writing, a hearing on such matter. The hearing will take place at the next available City Council meeting with a minimum 14-day notice.

Sec. 2.10. - Rules and regulations; conditions of permits.

(a) Rules and regulations. The city council shall promulgate rules and regulations prescribing the general conditions, limitations and prohibitions applicable to the keeping of animals or classes of animals under permits granted pursuant to the provisions of this chapter. Such rules and regulations, and any amendments thereto, are effective twenty (20) days after filing with the city clerk.

(b) Special conditions. The city council may prescribe specific conditions, limitations and prohibitions pertaining to the keeping of particular animals under any permit granted pursuant to the provisions of this chapter as the city council deems reasonably necessary to protect any person or neighboring use from unsanitary conditions, unreasonable noise or odors, or annoyance, or for the control of rodents and insects, or to protect the public health and safety.

Sec. 2.11. - Nuisance.

No person shall keep any animal, bird or other living thing in such a manner as to constitute a nuisance.

Sec. 2.12. - Deer feeding prohibited.

No person shall intentionally feed deer within the city.

(a) Feeding defined. For purposes of this subdivision, feeding shall include the act of placing or permitting to be placed on the ground, or within five feet of the ground, any grain, fodder, salt licks, fruit, vegetables, nuts, hay or any other edible materials, which may reasonably be expected to result in deer feeding, unless such items are screened or otherwise protected from deer consumption. Living food sources, such as fruit trees and other vegetation shall not be included in this definition.

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(b) Exceptions. This prohibition shall not apply to:

- (1) Veterinarians, city animal control officers, or any other county, state, or federal game officials acting on the course of their official duties.

(c) Penalty. A violation of this section shall be a petty misdemeanor.

Sec. 2.13. - Enforcement.

The law enforcement agency of the City of Skyline shall enforce the provisions of this chapter.

Sec. 2.14. - Violation; penalty.

Any person who violates any provision of Chapter 2 is guilty of a misdemeanor unless otherwise stated.