



*12260 S. Diamond Lake Road  
Dayton, Minnesota 55327  
P: (763) 427-4589  
F: (763) 427-3708  
<http://www.cityofdaytonmn.com>*

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### **ANIMAL COMPLAINTS**

The City of Dayton currently has an ordinance in effect regarding animals. The ordinance follows the complaint form in this document. This ordinance is enforced by the Dayton Police Department and the Zoning Administrator and those in violation may be cited.

If you have a complaint regarding another resident's animal at large, you can call 911 for an officer to call you back or you can print off the animal complaint form, which follows this information, fill it out completely, sign at the bottom, and return it to:

**Dayton Police Department**

**12260 South Diamond Lake Road**

**Dayton, MN 55327**



**ORDINANCE NO. 2011-07**

**CITY OF DAYTON  
HENNEPIN AND WRIGHT COUNTIES, MINNESOTA**

**AN ORDINANCE ADOPTING DAYTON CITY CODE  
SECTION 1001.42 REGARDING ANIMALS**

**THE CITY COUNCIL OF THE CITY OF DAYTON DOES ORDAIN:**

**SECTION 1. REPEAL.** City Code Section 502 is hereby repealed in its entirety.

**SECTION 2. AMENDMENT.** The Dayton City Code is hereby amended by adding Section 1001.42 as follows:

**1001.42 ANIMALS.**

**Subd. 1 Definitions.** The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**Animal** means a dog, cat, horse, bird, including, but not limited to, fowl and poultry, or any other domesticated bird or animal, which is harbored, fed or kept by any person or group of persons.

**Animal Control Officer** means any community service officer, police officer or that person or agency designated by the City as the control agent of the City relating to the keeping of animals within the City.

**At Large** means an animal when it is off the property of the person owning, harboring, or keeping the animal, and it is not under restraint.

**City** means the City of Dayton, Minnesota.

**City Council** means the City Council of the City of Dayton, Minnesota.

**Farm Animal** means any living horse, mule, donkey, pony, cattle, sheep, goat, swine, chicken, goose, duck, turkey, rabbit or any other livestock in the raising of which is determined by the state of Minnesota to be an agricultural pursuit, including, but not limited to, Cervidae, llamas, and Ratitae.

**Large Animal** shall include any livestock and non-domesticated animals more than twelve (12) months of age.

**Kennel, Commercial** means any premises where more than five (5) animals of over six (6) months of age are boarded, trained, or bred for compensation or are offered for

sale, except for an animal hospital, pet shop or veterinary clinic.

**Kennel, Private** means a place where five (5) dogs over six (6) months of age are kept on premises which are zoned and occupied for residential purposes and where the keeping of such dogs is incidental to the occupancy of the premises for residential purposes.

**Owner** means any person possessing, harboring, keeping, repeatedly feeding, having an interest in, or having care, custody or control of any animal.

**Person** means any individual, firm, corporation, organization, department or other legal entity.

**Public Nuisance Animal** means any animal which commits acts defined in Dayton City Code § 800 and/or:

- a. Is repeatedly found at large;
- b. Damages the property of anyone other than its owner;
- c. Causes fouling of the air by odor;
- d. Causes unsanitary conditions of enclosures or surroundings;
- e. By virtue of the number of types of animals maintained, is offensive or dangerous to the public health, safety or welfare;
- f. Excessively makes disturbing noises;
- g. Molests passersby or passing vehicles;
- h. Attacks other domestic animals; or
- i. Has been designated by the animal control officer to be a public nuisance animal by virtue of being a menace to the public health, welfare and safety.

**Regular Business Day** means any day during which the City offices are open for the transaction of public business.

**Small Animal** means any living domesticated animal commonly kept as pets, including, but not limited to, the following:

- a. Domestic dogs (excluding hybrids with wolves, coyotes or jackals), properly vaccinated against rabies;
- b. Domestic cats (excluding hybrids with ocelots or margays), properly vaccinated against rabies;

- c. Rodents, such as hamsters, mice, gerbils, white rats, guinea pigs, chinchillas or hedgehogs, capable of being maintained continuously in a cage;
- d. Rabbits;
- e. Captive-bred species of common cage birds;
- f. Small non-venomous snakes;
- g. Non-poisonous lizards, iguanas, chameleons, salamanders and turtles or other similar small reptiles, unless prohibited by state or federal law;
- h. Fish, unless prohibited by state or federal law;
- i. Domestically raised ferrets, properly vaccinated against rabies (must be vaccinated yearly);
- j. Domestically raised pot-bellied pigs; or
- k. Peacocks.

**Wild and Exotic Animal**

(1) **Wild and Exotic Animal** means any one of a nonhuman species of the animal kingdom, including those born or raised in captivity, except those defined as a Small Animal.

(2) **Wild and Exotic Animal** includes, but is not limited to, the following:

- a. Wolves, wolf hybrids, coyotes, foxes, jackals, and dingoes;
- b. Any large cat of the family Felidae, such as lions, tigers, jaguars, leopards, bobcats, lynx, cougars, ocelots or margays;
- c. Any skunk, whether captured in the wild, domestically raised, de-scented or not de-scented, or vaccinated against rabies or not vaccinated against rabies;
- d. Any raccoon;
- e. Venomous snakes of the family Viperidae, such as adders, Gabon vipers and pit vipers. Venomous snakes of the family Elapidae, such as cobras, coral snakes, and sea snakes. The following three snakes of the family Colubridae: the African twig snake (*Thelotomis Kirtland*), the rear fanged boomslang (*Disphoiidustypus*), and the Asian tiger snake (*Rhabdophisforinus*). Such snakes are wild and exotic animals whether or not captured in the wild or

domestically raised, de-fanged or not de-fanged, or de-venomed or not de-venomed;

- f. Any monkey;
- g. Alligators, crocodiles, and caimans; or

**Subd. 2 Enforcement.**

- (1) To enforce this section, the animal control officer or his designee may enter upon private property when there is reasonable cause to believe that an animal is on the premises and is not licensed as required by the City, or that there is an animal on the premises which is not being kept, confined or restrained. An owner shall produce for inspection his license receipt when requested to do so by such officer.
- (2) Interference with enforcement. No person shall intentionally interfere with, hinder, or molest any animal control officer or his designee in the performance of his or her duty in the enforcement of this section.
- (3) Strays. No stray animal shall be permitted within the confines of the City. It shall be the duty of the animal control officer to immediately impound any stray animal that is not physically bearing a license tag as required in this section.
- (4) Confinement. The owner shall confine within a building or secure enclosure any fierce, dangerous or vicious dog, cat or other animal except when muzzled and in the control of a competent person. Every dog or cat in heat shall be confined in a building, secure enclosure, veterinary hospital or boarding kennel, or shall be controlled on a leash while being exercised, provided it does not create a public nuisance.
- (5) Quarantines and animal bites.
  - a. Any animal that has bitten a person shall immediately be impounded for at least ten (10) days and kept apart from other animals, under the supervision of a veterinarian, until it is determined whether such animal had or has a disease that might have been transmitted by such bite. Such impounding shall be at the owner's expense. Upon the expiration of ten (10) days, if it is determined that the animal does not have a disease that might have been transmitted by such bite, the animal may be released by the pound keeper and reclaimed from the pound as hereinafter provided. Any animal which has been bitten by a rabid animal shall be euthanized or impounded and kept in the same manner for a period of six (6) months; provided that if the animal which has been bitten by a rabid animal has been vaccinated at least three (3) weeks before such bite and within one (1) year of such bite and if it is again immediately vaccinated, then such animal shall be confined or impounded for a period of forty (40) days before it is released. The period of time an animal is impounded may be

reduced at the City's discretion and based on a veterinarian's referral.

- b. Any dog or other animal that bites a human being shall be quarantined in the manner provided by this section. The animal control officer or his designee may determine that an animal or dog which bites a human being is ferocious and of a vicious character, habit or disposition and the dog or animal is a public nuisance and request the owner to voluntarily dispose of said dog or animal. If the owner or person in whose custody the animal resides refuses to dispose of said dog or animal, the animal control officer or his designee shall declare the keeping of said animal to be a public nuisance and shall provide written notice directly to the owner or person keeping said animal to abate the public nuisance, and if said person refuses to do so, they shall be guilty of a misdemeanor.

(6) Dog defecation.

- a. Any person owning or having charge or control of any dog not confined to that person's property shall immediately remove any feces deposited on public or private property. Any such person shall have in their possession a means to collect and dispose of all fecal matter in a proper manner. A violation of this subsection is a petty misdemeanor.
- b. A person owning or having charge of any animal shall keep their premises free from an unreasonable accumulation of fecal matter.

**Subd. 3 Impoundment.**

- (1) The animal control officer or his designee shall apprehend and impound any animal found under circumstances that are in violation of any of the provisions of this section or upon reasonable belief that the animal is diseased, rabid, or exposed to rabies. Any animal impounded by the animal control officer shall be delivered to the animal containment facility designated by the City as its agent to house and care for confined animals.
- (2) An animal control officer or his designee may enter upon private property for the purpose of impounding an animal where there is reasonable cause to believe an animal to be in violation of the terms of this section.
- (3) Any owner, when requested by the animal control officer or his designee, shall produce for inspection his or her animal as well as the license receipt and/or tag for a dog or cat.
- (4) The animal control officer or his designee, upon receiving any animal, shall make a complete registry thereof by entering the type of animal, breed, color and sex of such animal and, if required, whether the animal is licensed. If licensed, the officer shall enter the name and address of the owner and the

number of the license tag.

**Subd. 4 Killing Dangerous Animals in Lieu of Impoundment.** If an animal is diseased, vicious, dangerous, rabid or exposed to rabies and such animal cannot be impounded after a reasonable effort, or cannot be impounded without serious risk to the persons attempting it, such animal may be immediately killed by or under the direction of the animal control officer or his designee. The City shall make reasonable attempts to provide notice to the owner.

**Subd. 5 Notice and Disposition of Impounded Animals.**

(1) Notices.

- a. At the earliest practical time after an animal is impounded, the duly designated animal control officer or his designee shall notify the owner personally or by mail, if such owner be known to him or can be ascertained with reasonable effort, of the impoundment of the animal.
- b. If the owner is unknown, such notifying agents shall post notices at the animal containment facility and police department, giving a reasonable description of the animal so impounded and the approximate time when and location where the animal was picked up for impoundment.
- c. The notice shall also state that, if the animal is not claimed within five (5) regular business days after the animal has come into possession of the animal containment facility, the facility shall dispose of the animal.
- d. The animal containment facility or police department may mail a notice to an owner who fails to claim an impounded animal stating that, if the owner fails to retrieve the animal within five (5) regular business days from the date of mailing, the animal shall be deemed abandoned and may be adopted or euthanized. The owner shall be liable for fees and expenses incurred by the City in connection with the impoundment.
- e. Disposition of unclaimed animals. If the animal is not claimed within the time specified and all fees and charges paid in connection therewith, the animal containment facility is authorized to sell or destroy the animal, and, if destroyed, dispose of the carcass. In disposing of dogs or cats after the five (5) regular business day period, the animal containment facility shall comply with all the requirements set forth in Minn. Stat. § 35.71.
- f. Care of animals. Any animal in the custody of the animal containment facility shall be housed and fed in a humane manner during its confinement. Dogs or cats which have been impounded shall be kept in segregated pens and fed an appropriate commercial dog or cat food.

- g. Fees. Impoundment fees for the impoundment of dogs, cats or other animals, which fees shall include charges for board and shelter for each such animal impounded, shall be in an amount duly established by the Dayton City Council and animal control agency from time to time. The impoundment fees may, at the Council's discretion, increase with each occasion the same animal has been impounded by the City.

(2) Nuisances.

- a. No owner shall allow any animal to commit acts defined or described in this section or Dayton City Code § 800 as a nuisance.
- b. The owning, keeping, or harboring of any animal which does any of the following is hereby declared to be an act of nuisance committed by the person owning, keeping or harboring the animal:
  - i. Is repeatedly found at large;
  - ii. Damages the property of anyone other than its owner;
  - iii. Causes fouling of the air by odor;
  - iv. Causes unsanitary conditions of enclosures or surroundings;
  - v. By virtue of the number of types of animals maintained, is offensive or dangerous to the public health, safety or welfare;
  - vi. Excessively makes disturbing noises;
  - vii. Molests passersby or passing vehicles;
  - viii. Attacks other domestic animals;
  - ix. Has been designated by the animal control officer to be a public nuisance animal by virtue of being a menace to the public health, welfare and safety; or
  - x. Commits any other act constituting a nuisance as defined by local, state or federal rules or regulations.
- c. An animal that scratches or bites a person is subject to an animal bite procedure administered by the Dayton Police Department, which procedure shall be adopted by resolution of the City Council.
- d. In addition to punishment of the owner of the animal as prescribed in this section, the animal committing such act of nuisance shall be subject to impoundment. The owner shall be advised in writing prior to release of the

animal of the basis for the impoundment and the consequences of further violations.

- e. When an animal commits an act of nuisance and the owner is convicted or the animal is impounded, and the animal commits a subsequent act of nuisance, the control officer or his designee may do one or more of the following:
  - i. Direct the owner to remove the animal from the City within ten (10) days of receipt of notice by personal service or mail. Failure to comply is a misdemeanor;
  - ii. Seek a court order for the destruction of the animal; or
  - iii. Declare the animal potentially dangerous or dangerous if it also meets the criteria in either subdivision 6 or 7 of this section.

**Subd. 6 Potentially Dangerous Animals.**

- (1) The animal control officer or his designee may declare an animal potentially dangerous if one of the following criteria is met:
  - a. The animal, without provocation, attacks or bites a person or a domestic animal on public or private property;
  - b. The animal, without provocation, chases or approaches a person, including, but not limited to, on a bicycle or upon the street, sidewalk or any public or private property in an apparent attitude of attack or in a menacing fashion;
  - c. The animal has a known propensity, tendency, or disposition to attack without provocation, to cause injury, or to otherwise threaten the safety of any person or domestic animal; or
  - d. The animal is owned or harbored primarily or in part for the purpose of fighting or is trained for fighting.
- (2) The person making such declaration shall notify the animal's owner in writing of the declaration and provide information pertaining to the regulation of dangerous animals. The owner may appeal this designation according to the procedures in subsection (4)(a) of this section. Notwithstanding any appeal that may be requested by the owner, the owner shall comply with the provisions of this section until and unless the declaration is reversed by the hearing officer or a court of law.
- (3) The owner of a potentially dangerous dog must have a microchip implanted in the dog for identification pursuant to Minn. Stat. § 347.515. Proof in the form of a

receipt of the implanted microchip must be provided to the Dayton Police Department within fourteen (14) days of notification under this subdivision. The name of the microchip manufacturer and identification number must also be provided to the animal control authority.

(4) Potentially dangerous animal appeal.

a. The owner may appeal by delivering a written notice of appeal to the Dayton Police Department within seven (7) days after receipt of the notice referred to in subsection (2) of this section. The notice of appeal must identify the name, address, and telephone number of the owner, include complete animal information, and must state the basis for the appeal. Upon receipt of a valid notice of appeal, a hearing shall be held within fourteen (14) days of the request before an impartial hearing examiner who shall not be a member of the Dayton City staff. The rules of evidence need not be strictly followed and records of the animal control officer or law enforcement officer shall be considered without further foundation. After considering all evidence submitted, the hearing examiner shall issue a written order setting forth whether the animal is potentially dangerous pursuant to Minn. Stat. § 347.50. The order shall be made within ten (10) business days after the hearing and shall be served by mail or personal service upon the owner as soon as practical.

b. The hearing officer shall be appointed by the city administrator or his designee. The hearing officer shall receive compensation in an amount to be determined by the City Council. The decision of a hearing officer is effective the date it is issued, unless a later date is stated in the decision.

(5) The owner of a potentially dangerous dog shall keep the dog, while on the owner's property, in a proper enclosure or on a substantial leash. For the purpose of this section, the term "substantial leash" shall mean a leash that properly and completely restrains the potentially dangerous dog's movements.

(6) The owner of a potentially dangerous dog shall muzzle and restrain the dog on a substantial leash not to extend more than six feet whenever off of its own property. The muzzle must be made in a manner that will prevent the dog from biting any person or animal but will not cause injury to the dog or interfere with its vision or respiration, such as a basket-type muzzle.

(7) The owner of a potentially dangerous dog must post a clearly visible purchased "Beware of Dog" sign. The sign must be at least ten (10) inches by fourteen (14) inches in dimension.

(8) The owners of a potentially dangerous dog shall notify the Dayton Police Department in writing if the potentially dangerous dog:

a. Dies or is sold or transferred;

- b. Is to be kept at a location or residence within the City that is new or different from the owner's property on file with the Dayton Police Department; or
- c. Shall no longer be kept within the City.

Such notice shall be provided within fourteen (14) days of said event and shall include, but is not limited to (if applicable), the name, address and contact information of any new owner and location(s) where the dog is being kept.

**Subd. 7 Dangerous Animals.**

- (1) Compliance with state law. The owner of a dangerous dog must comply with Minn. Stat. §§ 347.50-347.565. Any violation of such statutory provisions is a misdemeanor under this section.
- (2) Procedure for determination that animal is dangerous. The owner of a dangerous animal shall be advised in writing of the determination that the animal is dangerous, and shall be provided a copy of Minn. Stat. §§ 347.50-347.565. The owner may appeal this designation according to the procedures in subsection (3)(a) of this subdivision. Notwithstanding any appeal that may be requested by the owner, the owner shall comply with the provisions of this section until and unless the declaration is reversed by the hearing officer or a court of law.
- (3) Dangerous animal appeal.
  - a. The owner may appeal by delivering a written notice of appeal to the Dayton Police Department within seven (7) days after receipt of the notice referred to in subsection (2) of this subdivision. The notice of appeal must identify the name, address, and telephone number of the owner, include complete animal information, and must state the basis for the appeal. Upon receipt of a valid notice of appeal, a hearing shall be held within fourteen (14) days of the request before an impartial hearing examiner who shall not be a member of the Dayton City staff. The rules of evidence need not be strictly followed and records of the animal control officer or law enforcement officer shall be considered without further foundation. After considering all evidence submitted, the hearing examiner shall issue a written order setting forth whether the animal is dangerous pursuant to Minn. Stat. § 347.50. The order shall be made within ten (10) business days after the hearing and shall be served by mail or personal service upon the owner as soon as practical.
  - b. The hearing officer shall be appointed by the city administrator or his designee. The hearing officer shall receive compensation in an amount to be determined by the City Council. The decision of a hearing officer is effective the date it is issued, unless a later date is stated in the decision.

- (4) Registration required. No person shall own, keep or harbor a dangerous animal without first registering with the Dayton Police Department. Said registration shall expire yearly from the date of the original dangerous dog declaration. Each registration shall be accompanied with a fee established by the City Council.

**Subd. 8 Keeping of Animals other than Dogs and Cats.**

(1) Generally.

- a. Small animals, as defined in subdivision 1 of this section, are permitted in all residential zones. Any owner of residentially zoned property where five (5) dogs over six (6) months of age are kept on the premises and such use is incidental to the occupancy of the premises for residential purposes shall be required to apply for a Private Kennel license.
- b. The keeping or maintaining of any wild and exotic animals is prohibited in all areas of the City.
- c. Only animals or animal types specified or named in this section and not predominately found only in the wild may be used for security purposes.
- d. The keeping and/or maintaining of animals in the B-1, B-2, B-P, I-1 and I-2 districts shall be limited to security animals.
- e. The keeping and/or maintaining of honeybees is prohibited in areas within the City zoned R-O and R-MH unless a Conditional Use Permit is obtained.
- f. The keeping and/or maintaining of large animals and farm animals in the R-MH, GMU-1, GMU-2, and GMU-3 districts is prohibited.
- g. The maintaining of a commercial dog kennel or cat shelter is prohibited in all areas of the City except areas zoned A-1, B-3, and B-4.
- h. All land zoned A-1, A-2, S-A, and R-E which is in land 20 acres or less may be required to provide a wetland delineation to ensure land is suitable for animals.
- i. A property owner may apply for an Interim Use Permit to allow more animals than permitted by this section.

(2) Agriculture and Large Lot Residential (A-1, A-2, S-A, R-E).

a. Lots less than 25,000 sq. ft. are permitted 1.0 animal unit.

<b>Permitted Animal Types for Lots less than 25,000 sq. ft. in Agriculture and Large Lot Residential (A-1, A-2, S-A, R-E)</b>	<b>Assigned Animal Unit Values</b>
Poultry/fowl/bird families (of a size larger than the ordinary pigeon) except emu and ostrich	3 head = 1.0 unit
Poultry/fowl/bird families (of a size of the ordinary pigeon or smaller)	6 head = 1.0 unit
Small animals	6 head = 1.0 unit

b. Lots greater than 25,001 sq. ft. but less than 90,000 sq. ft. are permitted 1.0 animal unit.

<b>Permitted Animal Types for Lots greater than 25,001 sq. ft. but less than 90,000 sq. ft. in Agriculture and Large Lot Residential (A-1, A-2, S-A, R-E)</b>	<b>Assigned Animal Unit Values</b>
Poultry/fowl/bird families (of a size larger than the ordinary pigeon) except emu and ostrich	12 head = 1.0 unit
Poultry/fowl/bird families (of a size of the ordinary pigeon or smaller)	25 head = 1.0 unit
Small animals	25 head = 1.0 unit

c. Lots greater than 90,001 sq. ft. are permitted animal units as follows:

- i. Lots greater than 90,001 sq. ft. but less than 5.0 acres are permitted 4.0 animal units.
- ii. Lots greater than 5.01 acres but less than 8.0 acres are permitted 6.0 animal units.
- iii. Lots greater than 8.01 acres but less than 12.0 acres are permitted 9.0 animal units.
- iv. Lots greater than 12.01 acres but less than 16.0 acres are permitted 12.0 animal units.
- v. Lots greater than 16.01 acres but less than 20.0 acres are permitted

16.0 animal units.

- vi. Lots greater than 20.01 acres of land shall have their animal units determined by the following formula:

Maximum animal unit value = Number of Acres (according to Hennepin County records) x 1.0

When added together the sum of the individual animal unit values as shown on the schedule shall not exceed the maximum animal value as determined by the formula.

<b>Permitted Animal Types for Lots Greater than 90,001 sq. ft. in Agriculture and Large Lot Residential (A-1, A-2, S-A, R-E)</b>	<b>Assigned Animal Unit Values</b>
Horse/mule families	1 head = 1.0 unit
Cattle family	1 head = 1.0 unit
Hog family, including nondomestic potbellied pigs	1 head = 1.0 unit
Sheep/goat families	2 head = 1.0 unit
Poultry/fowl/bird families (of a size larger than the ordinary pigeon) except emu and ostrich	25 head = 1.0 unit
Poultry/fowl/bird families (of a size of the ordinary pigeon or smaller)	50 head = 1.0 unit
Small animals	25 head = 1.0 unit

(3) Residential (R-O, R-1, R-2)

- a. R-1 and R-O zoned lots less than 50,000 sq. ft. are permitted 1.0 animal unit.

<b>Permitted Animal Types in R-1 and R-O Zoned Lots less than 50,000 sq. ft.</b>	<b>Assigned Animal Unit Values</b>
Poultry/fowl/bird families (of a size larger than the ordinary pigeon) except emu and ostrich	3 head = 1.0 unit
Poultry/fowl/bird families (of a size of the ordinary pigeon or smaller)	6 head = 1.0 unit
Small animals	6 head = 1.0 unit

- b. R-1 zoned lots greater than 50,000 sq. ft and R-2 zoned lots are permitted 1.0 animal unit.

<b>Permitted Animal Types in R-1 Zoned Lots greater than 50,000 sq. ft and R-2 Zoned Lots</b>	<b>Assigned Animal Unit Values</b>
Poultry/fowl/bird families (of a size larger than the ordinary pigeon) except emu and ostrich	25 head = 1.0 unit
Poultry/fowl/bird families (of a size of the ordinary pigeon or smaller)	50 head = 1.0 unit
Small animals	25 head = 1.0 unit

- c. R-E zoned district are permitted 4.0 animal units.

<b>Permitted Animal Types in R-E Zoned District</b>	<b>Assigned Animal Unit Values</b>
Horse/mule families	1 head = 1.0 unit
Cattle family	1 head = 1.0 unit
Hog family, including nondomestic potbellied pigs	1 head = 1.0 unit
Sheep/goat families	2 head = 1.0 unit
Poultry/fowl/bird families (of a size larger than the ordinary pigeon) except emu and ostrich	25 head = 1.0 unit
Poultry/fowl/bird families (of a size of the ordinary pigeon or smaller)	50 head = 1.0 unit
Small animals	25 head = 1.0 unit

**Subd. 9 Standards for Keeping and Maintaining Animals.**

- (1) Statutes adopted by reference. Minn. Stat. §§ 343.20-343.36 relating to animal cruelty to animals are hereby adopted by reference and incorporated in and made a part of this section as though fully set forth in this subdivision.
- (2) Federal regulations adopted by reference. The Code of Federal Regulations, 9 CFR § 1, relating to humane handling, care, treatment and transportation of animals is hereby adopted by reference and incorporated in and made part of this section as though fully set forth in this subdivision.
- (3) Animal Restraint. In all situations in the A-1, A-2, S-A, and R-E zoning districts where animals of the hoofed variety or the fowl family are permitted to roam and/or graze about the property, a suitable fencing system shall be in

place so as to restrain the animals roaming and/or grazing to the property of the person keeping or maintaining the animals.

- a. The fence shall be of sufficient type so as to effectively control the animals therein and to prevent an animal from crossing the boundaries established by the fence.
  - b. In addition, neither such fence nor any animal shelter or stabling facility shall be any closer than fifty (50) feet from any structure which is used for residential purposes and is not the residential structure of the animal owner or keeper.
- (4) Animal stabling. All areas where animals are to be kept, stabled or maintained shall be of adequate space to maintain such animals in reasonably healthy condition and comfort, and the space shall be in compliance with the requirements of this code. In no instance shall any one horse, colt or pony be kept in an area that is less than one undivided acre.
- (5) Pollution of public water. The keeping, storing, stabling or maintenance of any animal in any district shall not contribute to the pollution of any public body of water.
- (6) Sanitary conditions.
- a. Any person who owns, keeps, harbors, or has charge or control of any animal shall immediately collect and remove any and all feces deposited by the animal on public property or on private property not occupied by or under control of that person.
  - b. While a person is with an animal on property not occupied by or under the control of that person, such person shall have in his immediate physical possession a means to collect and sanitarly dispose of all animals fecal matter deposited on public property or the private property of another.
  - c. Any person who owns, keeps, harbors, or has charge or control of any animal on or upon premises or land occupied by, or under the control of, that person shall frequently collect and remove any accumulation of fecal matter that is unhealthy or offensive.
  - d. The premises on which any animal is kept or maintained shall be kept in a clean and sanitary condition, including removal of all fecal matter and bedding material, and shall not be a harbor for rodents, flies, or insects.

**Subd. 10 Dead Animals.** Disposal of dead animals is regulated as follows:

- (1) The term "body" does not include the ashes of a cremated animal.

- (2) The body of any animal that dies in the City shall, within twenty-four (24) hours of death, be cremated, removed from the City, or buried in accordance with the terms of this section.
- (3) Burial of an animal shall be at a minimum depth of at least three (3) feet and in a manner designed so as to prevent exposure of the carcass by erosion, the digging by other animals, or any other reasonably foreseeable act or occurrence. No animal shall be buried in an area deemed by the City to pose a threat to the public's health, safety or welfare, such as low swampy areas, areas which may be subject to flooding, areas in close proximity to any water table, or under any other conditions, soil or otherwise, which could create a potential threat to the public's health, safety or welfare, unless proof acceptable to the City is provided showing that any such condition present or likely to be present will not pose such a threat or will be neutralized so as to substantially eliminate such a threat.
- (4) No person shall retain custody of or deposit a dead animal or conduct any other activity in violations of provisions of this section.

**Subd. 11      Cat and Dog License and Kennels.**

- (1) License. No person shall own, harbor, or keep a dog or cat over six (6) months of age within the City unless a current license for such dog or cat has been obtained. The license shall be issued for a two-year period and shall expire on December 31 of the last year of the license issued.
- (2) Animals owned by nonresidents. Dogs and cats over six (6) months of age owned or kept by nonresidents of the City are not permitted to remain in the City longer than fourteen (14) days without complying with the terms of this section.
- (3) Application; fee; receipt. Each person owning, keeping, or harboring a dog or cat is required to pay a license fee to the city administrator or his designee as imposed by this section. The license fee for any dog or cat shall be established by the City Council by resolution. Each application for such license shall include a statement, signed by the person applying for the license, which certifies that the dog or cat has been inoculated for rabies not more than twenty-four (24) months preceding the date of application. Upon receipt of the license fee and the signed application, the city administrator or his designee shall execute the receipt in triplicate, the original of which shall be given to the person who pays the fee. The duplicate shall be given to the Police Department and the third copy shall be retained in the records of the city administrator or his designee. This receipt shall describe the dog or cat as to color, breed, age, sex, and weight. Any owner shall produce for inspection the license receipt upon the request of the animal control officer or a police

officer.

- (4) Unlawful use of a receipt, tag, or inoculation certificate. It shall be unlawful for any person to use a dog or cat license receipt, license tag, or rabies inoculation certificate issued to another person.
- (5) Tags. The city administrator or his designee shall procure a sufficient number of metallic tags for delivery of one tag to the person paying the license fee. It shall be the responsibility of the owner of the dog or cat for which the tag was obtained to permanently attach the tag to the collar of the dog or cat in such a manner that the tag may be readily seen. The tag is not transferable to any other dog or cat or to a new owner of the dog or cat. If a tag is lost or stolen, the owner may obtain a new tag by surrendering the license receipt for the first tag and by paying an additional fee as duly established by the City Council by resolution.
- (6) Kennels.
  - a. Required. No person shall own, harbor, or keep upon his premises five (5) dogs or cats over the age of six (6) months unless in a commercial or private kennel duly permitted under this section.
  - b. Issuance. No person shall operate a commercial or private kennel in the City without first obtaining a permit. Application for such permit shall be made to the city administrator or his designee and shall be accompanied by a permit fee established by the City Council by resolution. Such a permit shall be issued upon a showing of compliance with all laws and ordinances.
  - c. Term; fee. Commercial and private kennel permits shall be issued on an annual basis, expiring on December 31 following the first effective day of the kennel permit. The commercial kennel permit shall be as established by the City Council by resolution.
  - d. Maintenance of premises; inspections; revocations of permit. Commercial and private kennels shall be kept in a clean and healthful condition at all times and shall be open for inspection by duly authorized City authorities at any reasonable time. A commercial or private kennel permit may be revoked by the City Council after notice and a reasonable opportunity to be heard by reason of a violation of this section or any health or nuisance order, law, or regulation.
- (7) Standards for Kennels.
  - a. Private and commercial kennel facilities shall be structurally sound and maintained in good condition. Indoor housing facilities should be adequately ventilated and have ample light and heat, either natural or artificial.

- b. Animals kept outside shall be provided with access to shelter to protect them from the sun, rain, and snow, together with adequate bedding when temperature falls below fifty (50) degrees Fahrenheit.
- c. If animals are confined by chains, such chains shall be so attached that they cannot become entangled with the chains of other animals or objects. Chains shall be at least three (3) times the length of the animal as measured from the top of its nose to the base of its tail.
- d. Enclosures shall be of sufficient size to allow each animal to turn around fully and stand, sit, and lie in a comfortable normal position. The floors of the enclosure shall be constructed so as to prevent injury to the animal's legs and feet.
- e. The temperature for indoor housing facilities shall not be allowed to fall below fifty (50) degrees Fahrenheit for animals not accustomed to lower temperatures.
- f. Disposal facilities shall be provided to minimize vermin, infestation, odors and disease hazards.
- g. Adequate storage and refrigeration shall be provided to protect food supplies against contamination and deterioration.

**Subd. 12 Appeals.** Any person aggrieved by any procedure or decision of the Animal Control Officer or designee, notwithstanding Sections 1001.42, subd. 6(4) and 7(3), may appeal the decision to the City Council in accordance with the Dayton Zoning Code Section 1001.28.

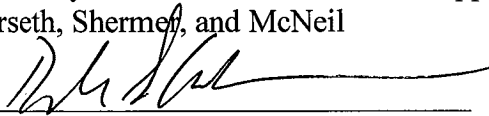
**SECTION 3. EFFECTIVE DATE.** This ordinance shall be in full force and effect from and after its passage and publication as required by law and after October 1, 2011.

Adopted by the City Council of the City of Dayton this 10<sup>th</sup> day of May 2011

Motion was made by Councilmember Forseth, seconded by Councilmember McNeil to approve.

Ayes: Mayor Anderson, Councilmembers Hoke, Forseth, Shermet, and McNeil

Nays: NONE

  
 \_\_\_\_\_  
 Mayor

ATTEST:   
 \_\_\_\_\_  
 City Clerk

Published in the Champlin Dayton Press on June 30, 2011

**ORDINANCE NO. 2011-07**

**CITY OF DAYTON  
HENNEPIN AND WRIGHT COUNTIES, MINNESOTA**

**AN ORDINANCE ADOPTING DAYTON CITY CODE  
SECTION 1001.42 REGARDING ANIMALS**

THE CITY COUNCIL OF THE CITY OF DAYTON DOES ORDAIN:

**SECTION 1. REPEAL.** City Code Section 502 is hereby repealed in its entirety.

**SECTION 2. AMENDMENT.** The Dayton City Code is hereby amended by adding Section 1001.42 as follows:

**1001.42 ANIMALS.**

Effective date of Ordinance 2011-07 is October 1, 2011

A full copy of the Ordinance is available for inspection and copying at the Dayton City Hall located at 12260 S. Diamond Lake Road, Dayton, Minnesota 55327

ADOPTED by the City Council of Dayton this 10<sup>th</sup> day of May 2011

Dated this 23<sup>rd</sup> day of June, 2011  
Sandra Borders, City Clerk, City of Dayton, MN

Published in the Champlin Dayton Press on June 30, 2011