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**CHAPTER 3          ANIMAL REGULATIONS<sup>1</sup>****Article 1.          Dogs and Other Animals****Section 3-1.      Definitions.**

Unless the context clearly indicates otherwise, the words, combinations of words, terms and phrases as used in this chapter shall have the meaning as set forth in the following paragraphs:

Animal Warden. Shall mean the County Sheriff or any of his deputies, a town constable or the town pound master.

At Large. A dog is at large when it is off the property of the person owning, harboring, or keeping said dog, and it is not under restraint.

Citation. Shall mean a notice of complaint by the Animal Warden to the owner of animals with one or more violations of this Section.

Commercial Kennel. Shall mean a place where more than three (3) dogs of over six (6) months are kept for the purposes of breeding, sale or boarding.

Domestic Animal shall mean any animal that is livestock, a companion animal, or both. (See Section 3-32 for definition of livestock.)

Owner. Shall mean any person owning, keeping, harboring, or acting as custodian of a dog or other domesticated animal.

Person. Shall mean any individual, firm, partnership or corporation.

Premises. Shall mean any building, structure, shelter or land whereupon dogs or other animals are kept or confined.

Pound Master. Shall mean that person or persons from time to time appointed by the Athens Town Board to carry out the duties of a pound master as defined by Minnesota Statutes or to enforce this section or both.

Public Nuisance Animal or Animals. Shall mean any animal or animals that:

1. If a dog, is/are repeatedly found at large;
2. Damages the property of anyone other than the owner;
3. Is/are vicious animal(s);
4. Causes fouling of the air by odor;
5. Causes unsanitary conditions of enclosures or surroundings;
6. By virtue of number of types of animals maintained, are offensive or dangerous to public health, safety or welfare.

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<sup>1</sup> See Chapter 20 for zoning regulations for private animals and commercial kennels.

7. Excessively makes disturbing noises;
8. Molests passer(s) by or passing vehicles;
9. Attacks other domestic animals; or
10. Has been determined by the Animal Warden to be a public nuisance animal or animals by virtue of being a menace to the public health, safety or welfare.

Under Restraint. A dog is under restraint if it is on the premises of the person harboring or keeping the dog; if it is at heel beside a person having custody of it or obedient to that persons command; if it is within a private motor vehicle of a person owning, harboring, or keeping the dog; or if it is controlled by a leash not exceeding six (6) feet in length.

Veterinary Hospital. Shall mean a place for the treatment, hospitalization, care and boarding of animals or birds, which place is owned and operated by a licensed veterinarian.

Vicious Animal or Animals. Shall mean any animal or animals that constitute a physical threat to human beings or other animals by virtue of one or more attacks of such severity as to cause property damage or physical injury.

Section 3-2. **Enforcement.**

The provisions of this Section shall be enforced by the Animal Warden pursuant to policies established by the Town Board.

Section 3-3. **Right of Entry.**

The Animal Warden shall have the right to enter upon any premises at all reasonable times for the purpose of discharging the duties imposed by this Section where there is a reasonable belief that a violation of this Section has been committed.

Section 3-4. **Records.**

It shall be the duty of the Animal Warden to keep the following records:

- (a) Accurate and detailed records of the impoundment and disposition of all animals coming into custody;
- (b) Accurate and detailed records of all reported bite cases and investigations for a period of three (3) years;
- (c) Accurate records of all citations issued for violations of this Chapter; and
- (d) Accurate and detailed records of all money collected and expended in the operation of the functions of this office.

**Section 3-5. Running At Large Prohibited.**

No dog shall be allowed by its owner to run at large and every owner of a dog shall cause the same to be:

- (a) Confined to the owner's property by training, fencing, or leashing and females in heat shall be confined in an enclosure and so kept and confined therein during such entire period and until such dogs shall not attract other dogs on account thereof.
- (b) While in any public place, such as a school, playground, or a park, to be on a leash, chain or cord of not more than six (6) feet in length and in the custody of a person of sufficient age to adequately control the dog at all times, and to have and keep said dog under control.
- (c) While in other areas, such as on a public street or in an automobile, to be in the custody of a person of sufficient age to adequately control the dog at all times, and to have said dog under control.

**Section 3-6. Confinement of Animals with a History of Biting.**

Every fierce, dangerous, or vicious animal, including dogs, that has a history of biting a human or any domestic animal, shall be confined by the owner within a building or secure, covered enclosure. Such animal shall not be taken out of the building or secure, covered enclosure unless muzzled and on a leash.

**Section 3-7. Dogs on Leash.**

The restriction imposed by Section 3.5 shall not prohibit the appearance of a dog upon the streets or other public place when such a dog is on a leash or under restraint, except a female dog in season.

**Section 3-8. Abandonment of Animals.**

It shall be unlawful to abandon any dog or other animal within the Township.

**Section 3-9. Impounding Stray Dogs or Animals.**

- (a) The Animal Warden may seize or impound any dog or animal found to be stray on public property or claimed to be stray by the owner of the premises upon which such animal shall be found provided that the owner of the premises demands such seizure or impoundment and agrees in writing to indemnify and hold harmless the Town from any claim for damages by the owner of said dog or other animal.
- (b) Upon taking and impounding any dog, the Animal Warden shall, within one day thereafter, post at the front door of the Town Hall a Notice of Impoundment in the form established by the Town Board. If the owner of the dog is known, a written Notice of Impounding, in lieu of posted notice, shall be given to the owner thereof either by mail or personal service.

- (c) Disposition of such impounded stray shall thereafter be pursuant to the provisions of Section 3.10 of this Code.

**Section 3-10. Disposition of Certain Diseased or Dangerous Dogs or Other Animals.**

- (a) Any dog or other animal displaying symptoms of being rabid may be seized at any place or time and shall be confined in the Town Dog Pound or other appropriate place designated for such purpose by the Town Board from time to time, at the expense of the owner, until found to be free from rabies.
- (b) If any dog or other animal appears to be diseased, vicious, dangerous, rabid, or has been exposed to rabies, and such dog or other animal cannot be taken up and impounded without serious risk, such dog or other animal may be killed if reasonably necessary for the safety of any person or persons.
- (c) When a dog or other animal has bitten any person, wherein the skin has been punctured or the services of a doctor are required, a report of the incident shall be made to the Town by the owner or custodian of the biting dog or animal, or the person bitten or his parent or guardian, within twenty-four (24) hours of the bite.

**Section 3-11. Possession of Nuisance Animals.**

No person shall keep, own, harbor, or otherwise possess within the Town an animal that is a public nuisance animal as defined in Section 3-1 of this Chapter:

**Section 3-12. Animals Disturbing the Peace.**

It shall be unlawful for any person to own, keep, have in his possession or harbor any animal which by frequent and habitual howling, yelping, barking or otherwise shall cause serious annoyance or disturbance to persons or to the neighborhood; provided, however, that the provisions of this Chapter shall not apply to duly authorized hospitals or clinics established and operating for the treatment of small animals. No person shall be convicted under the provisions of this Section except under the evidence from fifty percent (50%) of the adult residents living within five hundred (500) feet of the residence of the animal complained of or from four (4) persons, each from a different household, whichever is less, and no warrant shall be issued except after written notice has been mailed or delivered to the occupant of the premises where such animal is kept or harbored advising that the complaint has been made about the animal and calling attention to the provisions of this Section.

**Section 3-13. Permits for Commercial Kennels.**

- (a) No person shall operate a commercial kennel in Athens Township without first obtaining a permit. Applications for such permits shall be made to the Town Board and shall be accompanied by the permit fee.

- (b) Commercial kennel permits will only be issued if a commercial kennel is permitted within the zoning district for the subject property.
- (c) Commercial 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 fee shall be the amount per year or fraction thereof as set forth by the Town Board from time to time.
- (d) Commercial kennels shall be kept in a clean and healthful condition at all times and shall be open for inspection by duly authorized Town officials at any reasonable time. A commercial kennel permit may be revoked by the Town Board by reason of violation of this Chapter or any health or nuisance order laws or regulations.
- (e) No person shall own, harbor, or keep upon his premises more than three (3) dogs over the age of six (6) months that are kept for the purposes of breeding, sale or boarding unless in a commercial kennel duly permitted under this section.

Section 3-14. **Maintenance of Commercial Kennels.**

- (a) Commercial kennel facilities shall be structurally sound and maintained in good repair. Indoor housing facilities should be adequately ventilated and have ample light and heat, either natural or artificial.
- (b) Shelter shall include a moisture-proof and wind-proof structure of suitable size to accommodate the dog and allow retention of body heat. It shall be made of durable materials with a solid floor, raised at least two (2) inches from the ground, and with the entrance covered. The structure shall be provided with a sufficient quantity of suitable bedding materials consisting of hay, straw, cedar shavings, blankets, or the equivalent, to provide insulation and protection against cold and dampness and promote retention of body heat.
- (c) Dogs kept outside shall be provided with access to shelter to protect them from the sun, rain, and snow, together with adequate bedding when the temperature falls below 50 degrees Fahrenheit.
- (d) If the dogs are confined by chains, such chains shall be so attached that they cannot become entangled with the chains of other dogs or other objects. Chains shall be of a size commonly used for the size of dogs involved and shall be attached to the dog by means of a well-fitted collar. Such chains shall be at least three (3) times the length of the dog as measured from the tip of its nose to the base of its tail. Cable runs with floors constructed of concrete shall be at least twenty-five (25) feet in length.

- (e) The enclosure shall be of sufficient size to allow each dog to turn around fully and stand, and lie in a comfortable, normal position. The floors of the enclosure shall be constructed so as to prevent injury to the dog's legs and feet.
- (f) All outdoor exercise pens shall have concrete floors and be at least eight (8) feet wide and twelve (12) feet in length with sufficient height to contain the dog. The mesh shall be of sufficient size as not to harm the dog.
- (g) The temperature for indoor housing facilities shall not be allowed to fall below 50 degrees Fahrenheit for dogs not accustomed to lower temperatures.
- (h) Disposal facilities shall be provided to minimize vermin, infestation, odors and disease hazards. All disposal facilities shall be separate from the disposal systems of any dwelling.
- (i) Adequate storage and refrigeration shall be provided to protect food supplies against contamination and deterioration.

Section 3-15. **Violations.**

Any person violating this Section shall be guilty of a misdemeanor and, in addition to the penalty imposed by the Court, shall pay the appropriate costs of prosecution as may be determined by the Court.

Sections 3-16 thru 3-30. **Reserved.**

**Article II: Exotic Animals.****Section 3-31. Purpose and Intent.**

It is the intent of the Town Board of Athens Township to protect the public against the health and safety risks that exotic animals pose to the community and to protect the welfare of individual animals that are held in private possession. By their very nature, exotic animals are wild and potentially dangerous and, as such, do not adjust well to a captive environment.

**Section 3-32. Definitions.**

The following definitions shall apply to this Chapter of the Town Code:

Domestic Animal means any animal that is livestock, a companion animal, or both.

Livestock means any animal commonly used by persons for use, draft or pleasure purposes. The definition of “livestock” includes but is not limited to:

1. Poultry
2. Cattle
3. Swine
4. Sheep
5. Goats
6. Horses

Companion animal mean any animal that is commonly kept by persons as a pet or for companionship. The definition of “companion animal” includes but is not limited to:

1. Domesticated dogs
2. Domesticated cats

Exotic Animal means any animal that is not normally domesticated in the United States or is wild by nature. Exotic animals include, but are not limited to, any of the following orders and families, whether bred in the wild or captivity, and also any of their hybrids with domestic species. The animals listed in parentheses are intended to act as examples and are not to be construed as an exhaustive list or limit the generality of each group of animals, unless otherwise specified:

1. Non-human primates and prosimians (monkeys, chimpanzees, baboons)
2. Felidae (lions, tigers, bobcats, cougars, leopards, jaguars, not domesticated cats)
3. Canidae (wolves, coyotes, foxes, jackals, not domesticated dogs)
4. Ursidae (all bears)

5. Reptilia (all venomous snakes, all constricting snakes, iguanas, turtles, lizards)
6. Crocodilia (alligators, crocodiles)
7. Proboscidae (elephants)
8. Hyaenidae (hyenas)
9. Artiodactyla (hippotamuses, giraffes, camels, not cattle or swine or sheep or goats)
10. Procyonidae (raccoons, coatis)
11. Marsupialia (kangaroos, opossums)
12. Perissodactylea (rhinoceroses, tapirs, not horses or donkeys or mules)
13. Edentata (anteaters, sloths, armadillos)
14. Viverridae (mongooses, civets, and genets)
15. Pea fowl.

**Section 3-33. Keeping of Exotic Animals Prohibited.**

- (a) It shall be unlawful for any person to own, possess, keep, harbor, bring, or have in one's possession an exotic animal within Town limits.
- (b) It shall be unlawful for the owner, possessor, or any other person in control of a lot, tract, or parcel of land within the Township or any residence or business premises situated thereon to knowingly permit any other person to be in possession of an exotic animal or exotic animals upon the property, residence or premises.

**Section 3-34. Exceptions.**

The following shall be exempt from these regulations under the conditions noted:

1. Licensed humane societies.
2. Animal control officers.
3. Licensed veterinary hospitals or clinics.
4. Any wildlife rehabilitator licensed by the State who temporarily keeps exotic animals within the Township when the purpose is to return the animals to the wild.
5. Any person who owned, possessed, kept or harbored an exotic animal(s) on or before the effective date of this Ordinance, provided that all licensing and/or approval requirements are met. Any person who falls within this paragraph shall be permitted to hold, keep, harbor or maintain the number of exotic animals that person was legally permitted to hold, keep, harbor or maintain as of the date of adoption of this Ordinance but shall not be permitted to increase the number of exotic animals held, kept, harbored or maintained within the Township.



**Section 3-35. Violations and Penalties.**

Any person who violates any provision of this Chapter shall be deemed guilty of a misdemeanor and shall be punishable according to State law. Each day that a violation continues shall constitute a separate offense.

Section 3-36 thru 3-50. **Reserved.**

**Article III. Animal Fights Prohibited.****Section 3-51. Animal Fights Prohibited.**

Any person who (1) promotes or engages in, or is employed at the activity of cockfighting, dog fighting, or violent pitting of one domestic animal against another of the same or a different kind; or (2) receives money for the admission of any person to any place used, or about to be used, for that activity; or (3) willfully permits any person to enter or use for that activity premises of which the permittee is the owner, agent, or occupant; or (4) uses, trains or possesses a dog or other animal for the purpose of participating in, engaging in or promoting that activity is guilty of a felony. Any person who purchases a ticket of admission or otherwise gains admission to that activity is guilty of a misdemeanor.

Section 3-52 thru 3-55. **Reserved.**