



Request for City Council Committee Action
From the Department of Regulatory Services – Environmental Management & Safety

Date: November 28, 2006

To: Council Member Don Samuels, Chair
Public Safety & Regulatory Services Committee

Subject: Proposed Amendment to Minneapolis Code of Ordinances 64.20 (Collars and Tags Required) creating restrictions on dog collars and harnesses weighing more than two pounds and establishing administrative fine for violations.

Subject: Proposed Amendment to Minneapolis Code of Ordinances 64.50 (a) eliminating restriction of leashes exceeding eight (8) feet in length and establishing administrative fine for violations.

Subject: Proposed Amendment to Minneapolis Code of Ordinances 64.50 (b) establishing Tether requirements and administrative fine for violations.

Subject: Proposed Amendment to Minneapolis Code of Ordinances 64.50 (c) establishing administrative fine for violations of feces clean up.

Subject: Proposed Amendment to Minneapolis Code of Ordinances 64.50 (d) clarifying service and guide dog exemptions and establishing administrative fine for violations.

Subject: Proposed Amendment to Minneapolis Code of Ordinances 64.100 (Maximum number of animals) to clarify language that requires occupants of residential buildings or units to obtain permit for keeping more than three animals, changing permit authority from Commissioner of Health to Minneapolis Animal Care & Control, and establishing administrative fine for violations.

Subject: Proposed Amendment to Minneapolis Code of Ordinances 64.100 defining permit duration and changing permit fee for harboring more than three animals from \$20.00 to \$30.00.

Subject: Proposed Amendment to Minneapolis Code of Ordinances 64.100 creating sections (c), (d), and (e) defining terms and conditions of permits and enforcement.

Subject: Proposed Amendment to Minneapolis Code of Ordinances 68.10 (Pet shops, kennels) changing the license review authority from Commissioner of Health to Minneapolis Animal Care & Control.

Subject: Proposed Amendment to Minneapolis Code of Ordinances Section 70.10 (fowl, pigeons and other small animals), changing the permit and other authority from Commissioner of Health to Minneapolis Animal Care & Control, prohibiting roosters in the City of Minneapolis,

and establishing administrative fine for violations and incorporate section 70.20 into section 70.10 (b) and (c).

Subject: Proposed Amendment to Minneapolis Code of Ordinances 70.30 (Permit required, small animal) defining permit duration and changing the permit fee for keeping fowl from \$10.00 to \$30.00 and incorporate into section 70.10 (d).

Subject: Proposed Amendment to Minneapolis Code of Ordinances to eliminate section 70.50 and incorporate into section 70.10 (e).

Subject: Proposed Amendment to Minneapolis Code of Ordinances to eliminate section 70.70 (enforcement) and incorporate into section 70.10 (f).

Subject: Proposed Amendment to Minneapolis Code of Ordinances to eliminate section 70.60 (dispersal of permit fees) because this section is no longer applicable.

Subject: Proposed Amendment to Minneapolis Code of Ordinances 72.30 and 72.50 (Diseased, injured or dead animals) granting authority quarantine and unclaimed animal disposal to Minneapolis Animal Care & Control.

Recommendation: That the City Council adopt the proposed ordinance.

Previous Directives: NA

Prepared by/Presenters in Committee: Lori Olson, Deputy Director, Environmental Management & Safety, and Tom Doty and Marilyn Fisher, Co-Managers, Animal Care & Control

Approved by: Burt Osborne, Director, Licenses & Environmental Management

Permanent Review Committee (PRC) Approval _____ Not Applicable
Policy Review Group (PRG) Approval Date of Approval Not Applicable

Financial Impact (Check those that apply)

- No financial impact (If checked, go directly to Background/Supporting Information).
- Action requires an appropriation increase to the Capital Budget or Operating Budget.
- Action provides increased revenue for appropriation increase (in 2007 Budget request).
- Action requires use of contingency or reserves.
- Business Plan: Action is within the plan. Action requires a change to plan.
- Other financial impact (Explain):
- Request provided to department's finance contact when provided to the Committee Coordinator.

Community Impact (use any categories that apply)

- Neighborhood Notification
- City Goals
- Comprehensive Plan
- Zoning Code
- Other

Background/Supporting Information Attached

For the past year, Animal Care and Control has been in the process of reviewing and amending Title IV (Animals and Fowl) of the Minneapolis Code of Ordinances. The attached ordinance amendments are the final submission in this effort to bring the Code up-to-date with current practices and programs.

Specifically, the proposed amendments seek to accomplish the following:

1. Dog collar and harness restrictions

- Staff proposes a two (2) pound weight restriction to all collars and harness to prevent owners from adding weight around an animal's neck to "build up" and strengthen neck muscles for fighting purposes.

2. Leashing and Tethering

- Leashing can include but is not limited to restraining an animal on specific premises and/or when walking. Tethering applies to a specific location in a yard. The proposed language clarifies requirements for owners of pets to be secured in a safe and humane manner while allowing access to shelter and water and includes a five (5) pound weight restriction for the health and safety of the animal.
- The proposed amendment removes the eight (8) foot length limit on leashes. Staff proposes this change because the current limit is not enforced because many pet owners use retractable leashes, which exceed the eight foot requirement.

3. Certified Service Dogs

- Current ordinance language provides exceptions to the leashing, feces cleanup, and collar restrictions for "seeing eye dogs" only; the amendments broaden the exception to include all certified service dogs.

4. Maximum number of animals

- Staff is not changing the maximum number of dogs, cats, ferrets or rabbits allowed; that number will remain at 3 animals.
- Current ordinance language is unclear about who is responsible for seeking the maximum number of animals permit in rental buildings. The proposed language clarifies that the permit requirement rests with the owner or custodian of the animals, not the building's owner.
- The proposed amendment includes adding a provision to require the written approval of 80% of neighbors within 100 feet of the dwelling seeking a maximum number permit. This is current practice but is not stated in the Code.
- An increased permit fee from \$20.00 to \$30.00 is also proposed.

5. Fowls, pigeons and other small animals

- Staff proposes prohibiting roosters in the City of Minneapolis. Currently, roosters are allowed only with a permit. Roosters make a significant amount of noise and Animal

Control receives complaints. Animal control cannot take any enforcement action for rooster noise if the animal is in the city with a permit.

- An Increased permit from \$10.00 to \$30.00 is also proposed for keeping fowl in the city.

6. Establish administrative fines for violations of any of the above mentioned provisions

7. General housekeeping that grants authority to administer above mentioned and other ordinance provisions to Minneapolis Animal Care and Control by removing authority from the Commissioner of Health

Approval of these amendments will complete the total review and revision of Title IV (Animals and Fowl) of the Minneapolis Code of Ordinances.

ORDINANCE 2006-Or-____
By Samuels

Amending Title 4, Chapters 64, 68, 70, and 72 of the Minneapolis Code of Ordinances relating to Animals and Fowl.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 64 of the above-entitled ordinance be amended to read as follows.

64.20 Collars and tags required. Every person required to obtain a dog or cat license under this chapter shall place and keep around the neck of the dog or cat a permanent-type collar or harness to which shall be securely attached the metallic license tag issued at the time the license was applied for. No person shall make, sell, purchase, possess, place or allow to be placed on any dog or cat any metallic tag of the same form, shape, or appearance as the official metallic license tag. Collars may not exceed two pounds in weight and must be made of durable material strong enough to hold the animal it is intended for. Collars or harnesses may not cause injury to the animal. Violations of this provision are subject to an administrative fine.

Section 2. That Section 64 of the above-entitled ordinance be amended to read as follows.

64.50 Leashing and Tethers; Feces Clean Up.

(a) Leashing. No person having the custody or control of any dog or animal of the dog kind shall permit ~~the same~~ the dog to be on any unfenced area or lot abutting upon a street, alley, public park, public place or upon any private land without being effectively restrained from moving beyond such unfenced area or lot; nor shall any person having the custody or control of any dog or animal of the dog kind permit ~~the same~~ the dog at any time to be on any street, alley, public park, school ground, or public place without being effectively restrained by chain or leash ~~not exceeding eight (8) feet in length~~, except in areas officially designated for off leash activities. Violations of this provision may result in an administrative fine.

(b) Tethers; Tethers are a method (cable, rope or chain) of physical restraint intended to secure and confine an animal to a specific location in a safe and humane manner. Tethers must be at least three times the length of animal secured to it. Any animal secured with a tether must be in an area that would not allow the animal to become tangled around objects and allow the animal access to shelter and water. Tethers must be placed in such a location as to inhibit the secured animal from reaching a public sidewalk, street, school grounds, alley or public place or any other property other than

the owner or custodian's property. Tethers may not exceed five (5) pounds in weight. Violations of this provision may result in an administrative fine.

~~(b)~~ (c) Feces clean up. Any person having the custody or control of any dog or domestic animal shall have the responsibility for cleaning up any feces of the animal and disposing of such feces in a sanitary manner. It shall furthermore be the duty of any person having custody or control of any dog or domestic animal on or about any public place to have in such person's possession suitable equipment for picking up, removal and sanitary disposal of animal feces. ~~The provisions of this paragraph shall not apply to a guide dog accompanying a blind person or to a service dog accompanying a disabled person or to a dog when used in police or rescue activities. Every person convicted of a violation of this provision shall be punished by a fine of not more than one hundred dollars (\$100.00).~~ Violations of this provision may result in an administrative fine.

~~(e)~~ (d) The provisions of this section shall not apply to ~~the ownership or use of Seeing Eye dogs by blind persons,~~ a certified guide dog accompanying a blind person, a certified service dog accompanying a disabled person, or dogs used in official police activities of the city, such as the canine corps or tracking dogs used by or with the permission of the city's police department. Violations of this provision may result in an administrative fine.

Section 3. That Section 64 of the above-entitled ordinance be amended to read as follows.

64.100. Maximum number animals of the dog, cat, ferret, or rabbit kind.

(a) No occupant ~~owner or caretaker~~ of any residential building or unit of a residential building shall knowingly allow more than three (3) animals of the dog, cat, ferret, or rabbit kind over the age of four (4) months to be kept, ~~harbored or maintained~~ within the any residential building or unit on any residential lot or parcel of property in the city without a permit.

(b) The number of dogs, cats, ferrets, or rabbits permitted in subsection (a) may be increased by obtaining a permit issued by Minneapolis Animal Care & Control ~~the commissioner of health or their designee~~. Such ~~The~~ permit shall specify any restrictions, limitations, conditions or prohibitions required which by the Manager of Minneapolis Animal Care & Control ~~commissioner of health or their designee 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 or safety.~~ Such ~~a~~ The permit may be modified from time to time or revoked by the Manager of Minneapolis Animal Care & Control ~~commissioner or their designee~~ for failure to conform to such restrictions, limitations, conditions 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~~

dogs, cats, ferrets, or rabbits. Violations of this section may result in an administrative fine.

(c) The Manager of Minneapolis Animal Care and Control may grant permits pursuant to this section only after the applicant has gained the written consent of at least eighty (80) percent of the occupants of the several descriptions of real estate situated within one hundred (100) feet of the applicant's real estate.

(e)-(d) Any person desiring a permit shall make application to Minneapolis Animal Care and Control. Approval of application is subject to conditions prescribed by Minneapolis Animal Care and Control. The permit may be denied or cancelled at the discretion of the Manager of Minneapolis Animal Care and Control. All permits issued hereunder shall expire on ~~February~~ January 31 of the following year first next after its issuance unless sooner revoked. The annual fee for such permit shall be ~~twenty dollars (\$20.00)~~ thirty dollars (\$30.00) which shall be paid at the time of the making of the application therefor. Minneapolis Animal Care & Control ~~Animal control~~ shall inspect the premises annually or as deemed necessary, ~~every other year~~ prior to issuing a renewal of the permit. Should the permit be refused or cancelled, the fee paid with application shall be retained by Minneapolis Animal care and Control. Violations may result in an administrative fine. (Code 1960, As Amend., § 810.100; Ord. of 6-13-75, § 2; 85-Or-039, § 1, 2-22-85; 86-Or-113, § 7, 5-23-86; 2000-Or-006, § 3, 1-21-00; 2005-Or-082, § 2, 9-23-05)

(e) Minneapolis Animal Care and Control shall enforce the provisions of this chapter.

Section 4. That Section 68 of the above-entitled ordinance be amended to read as follows.

68.10. License required; application procedure; duration.

(c) Any person desiring a license under either subdivision (a) or (b) shall file with the department of licenses and consumer services a written application ~~to the city council~~ for such license. The application shall state in full the name, place of residence of the applicant and, where applicable, the name and residence of the owners of the place, premises and location where the applicant desires to conduct said business. The department of licenses and consumer services shall forward such application for a license ~~to the commissioner of health~~ Minneapolis Animal Care and Control for a report on the sanitary conditions and other requirements of the place where the applicant intends to carry on the business, including any mobile pet care vehicle, and a report from the zoning administrator where applicable. When said reports are completed, the license shall be issued or denied pursuant to section 259.30.

Section 5. That Section 70 of the above-entitled ordinance be amended to read as follows.

70.10. Permit required. (a) No person shall anywhere in the city keep, harbor, or maintain care, custody, or control over any small animal or any fowl such as a chicken, turkey, or duck, or any pigeon, without obtaining a permit therefor issued by Minneapolis Animal Care & Control, the commissioner of health or their designee. Roosters are prohibited in the City of Minneapolis.

(b) The Manager of Minneapolis Animal Care & Control commissioner of health or their designee may grant any permit pursuant to this section after the applicant has sought the written consent of at least eighty (80) percent of the occupants of the several descriptions of real estate situated within one hundred (100) feet of the applicant's real estate. Such written consent shall be required on the first and initial application and as often thereafter as the Manager of Minneapolis Animal Care & Control commissioner of health or their designee deems necessary.

70.20. Application for permit. (c) Application for permit. Any person desiring a permit under this chapter shall make written application therefor to Minneapolis Animal Care & Control the commissioner of health upon a form prepared by the commissioner of health, which Approval of application is subject to conditions prescribed by Minneapolis Animal Care & Control. The application shall describe the real estate upon which it is desired to keep any animals and shall require the giving of such information by the applicant as the commissioner of health may desire. Such application shall contain a statement by the applicant that he will "at all times keep such animals in accordance with all conditions prescribed by the commissioner of health and Failure to adhere to obey such conditions shall be a violation of this chapter and shall be is cause for cancellation of the permit and/or result in an administrative fine. by the commissioner of health." (Code 1960, As Amend., § 814.020; Ord. of 6-13-75, § 2)

70.30 Duration of permit; fee. (d) Duration of permit. All permits issued hereunder shall expire on February January 31 of the following year first next after its issuance unless sooner revoked. The annual fee for such permit shall be thirty dollars (\$30.00) which shall be paid at time of application. Minneapolis Animal Care and Control will inspect the premise annually or as deemed necessary.

(b) — The annual fee for a permit shall be ten dollars (\$10.00) which shall be paid at the time of the making of the application therefor. (Code 1960, As Amend., § 814.030; Ord. of 6-13-75, § 2; 77-Or-147, § 1, 7-15-77; 78-Or-253, § 1, 12-14-78; 85-Or-040, § 2, 2-22-85)

70.40. Conditions for keeping animals or fowl; revocation of permit. The commissioner of health may prescribe general conditions for the keeping of animals or fowl and specific conditions as to a particular animal or fowl or particular premises as in his or her judgment are necessary to safeguard public health and the general welfare. The commissioner of health may revoke any permit granted pursuant to this chapter if any such condition is violated or if any pet becomes a public nuisance. (Code 1960, As Amend., § 814.040; Ord. of 6-13-75, § 2)

~~**70.50. Refusal to grant permit.** (e) Refusal to grant permit. The commissioner of health Minneapolis Animal Care & Control may refuse a permit to keep or maintain animals or fowl hereunder for failure to comply with the provisions of this chapter, and shall refuse a permit if in his or her judgment such animals or fowl should not be kept upon the premises described in the application for the permit. If any such permit is refused, the fee paid with the application shall be retained by Minneapolis Animal Care and Control. the city to pay its expenses in the investigation and consideration thereof and be applied as provided in section~~

70.60. (Code 1960, As Amend., § 814.050; Ord. of 6-13-75, § 2; Pet. No. 248858, § 7, 3-31-89)

~~**70.60. Dispersal of permit fees.** The city finance officer shall at the close of each month credit one third of the permit fees collected under the provisions of this chapter to the council/clerk subdivision of the current expense fund, other than personal, to meet the cost and expense of publication of notices in the official newspaper of the city, and other similar expenses, and two-thirds thereof to the department of health fund to meet the cost and expense of the commissioner of health in connection with the inspection of premises and promulgation of any general or special order relative to the enforcement of this chapter. (Code 1960, As Amend., § 814.060; Ord. of 6-13-75, § 2)~~

~~**70.70 Enforcement.** (f) Enforcement. The commissioner of health or the commissioner's duly authorized appointees Minneapolis Animal Care & Control shall enforce the provisions of this chapter. (Code 1960, As Amend., § 814.070; Ord. of 6-13-75, § 2; Pet. No. 248858, § 8, 3-31-89)~~

Section 6. That Section 72 of the above-entitled ordinance be amended to read as follows.

72.30. Quarantine. The commissioner of health and/or Minneapolis Animal Care and Control may order any diseased animal to be immediately quarantined. Upon certification by a licensed veterinarian that such animal is indeed suffering from one of the diseases enumerated in section 72.10, the commissioner and/or Minneapolis Animal Care and Control may order that such animal be disposed of and direct the manner thereof. (Code 1960, As Amend., § 814.030; Ord. of 6-13-75, § 2; Pet. No. 248858, § 9, 3-31-89)

Section 7. That Section 72 of the above-entitled ordinance be amended to read as follows.

72.50. Unclaimed animals. Any sickly, injured or diseased animal found or abandoned upon any street, alley, lot or public place, which is adjudged by the commissioner of health or by any veterinarian summoned by the commissioner of health and/or Minneapolis Animal Care and Control to be past recovery, shall, if unclaimed and

uncared for by the owner thereof, be disposed of pursuant to state law by order of the commissioner of health and/or Minneapolis Animal Care and Control. (Code 1960, As Amend., § 815.050; Ord. of 6-13-75, § 2)