

ORDINANCE NO. 186

THE CITY COUNCIL OF THE CITY OF ARLINGTON, MINNESOTA TO PROMOTE THE PUBLIC SAFETY, HEALTH AND WELFARE, HEREBY ORDAIN AS FOLLOWS:

AN ORDINANCE TO REGULATE THE KEEPING OF ANIMALS WITHIN THE CITY LIMITS OF ARLINGTON.

1. **Allowed Animals.** No animals shall be kept or housed by any person or entity within the city limits of Arlington except as those allowed under the terms of this ordinance. Household pets, being those animals commonly bred and used as domesticated household pets, and which are of a size and nature as to be reasonably fit for such purpose, are allowed in all areas of the City, subject to the other restrictions set out in this Ordinance. Household pets would include, but are not limited to, dogs, cats, caged rodents such as white mice and gerbils, ferrets, rabbits, small aquarium fish such as goldfish, and non-hunting birds such as pigeons, parakeets and parrots.
2. **Farm Animals and Horses.** Farm animals, defined as animals usually held for agricultural or commercial production, including, but not limited to, cattle, hogs (including miniature "pot-bellied" pigs), sheep, goats, mink, ermine, chickens, or turkeys, and also horses, shall only be allowed to be kept or housed in portions of the city zoned as agricultural zones, subject to any further restrictions contained in other City ordinances.
3. **Wild or Predator Animals.** No wild animal of any kind taken from its natural habitat shall be kept or harbored in the City limits. These may include, but are not limited to, raccoons, squirrels, beavers, badgers, or muskrats. No predator animal, defined as any animal normally considered a predator in the wild, even if bred in captivity, including, but not limited to bears, wolves, coyotes, lions, tigers, cougars, panthers, lynx, and other members of the large hunting cat family, eagles, hawks, falcons and other large hunting bird species, alligators, crocodiles, iguanas, and any poisonous or constrictor snakes, shall be allowed to be kept or housed within the City of Arlington. This section shall not prohibit the keeping or housing of hunting dogs within the city, these being recognized as household pet animals.
4. **Exotic Animals.** Certain species of animals that are sometimes kept in captivity for exhibit, controlled hunting purposes, or agricultural production, may fit some or all of the other categories listed above. These exotic animals are of such a size and nature as to not be reasonably considered as appropriate domesticated household pets. Such animals include, but are not limited to, buffalo, elk, deer, llamas, ostriches and emus. No such exotic animals may be kept or housed within the City of Arlington, except by special use permit in agricultural zones.
5. **Pet Number Limitation.** No person or entity shall keep or house in the City of Arlington more than two adult household pet animals of any species. An adult animal is defined as an animal of breeding age. For example, a person can keep two adult dogs and two adult cats, but not three adult animals of either species. The immature offspring of the allowed adult animals may be kept or housed until they reach breeding age, at which time they must be immediately removed from the premises. For purposes of this section, neutered or spayed animals which have reached breeding age shall be considered adult animals, even though they have been altered and cannot actually breed. This section shall not apply to small animals subject to close confinement at all times in a cage or aquarium, such as small birds or fish.

As an exception to the limitation of two adult household pet animals of any species in the preceding paragraph, a person or entity may request a conditional use permit from the city council to keep or house a third such adult animal of the same species. To qualify for the conditional use permit, it must be demonstrated to the satisfaction of the city that said third animal has been owned by the petitioner for no less than 30 days prior to the petitioner moving to the city. In the alternative, the petitioner may qualify for such conditional use permit if the petitioner proves to the satisfaction of the city that the petitioner resided in Arlington with said third animal prior to the adoption of Ordinance 172, which imposed these numbers restrictions. Any such conditional use permit shall be granted in the sole discretion of the city, which shall have the right to apply conditions to the permit appropriate to the situation, to carry out the goals of the city to protect persons, property and pets, avoid nuisances and maintain property values. Any violation of the permit conditions may result in revocation of the permit. If the third animal authorized under such permit is sold, gifted, dies or for any other reason ceases to reside at the address designated on the permit, that pet cannot be replaced and thereafter the person or entity to whom the conditional use permit was granted shall revert back to the standard restriction of two adult household pet animals of the same species.

6. Licensing. All dogs and cats kept or held within city limits must obtain a license from the city and pay the required license fee, which is set by the City Council from time to time. Proof that the dog or cat has been vaccinated for rabies must be presented at the time the license application is made. Licenses are to be obtained no later than 30 days after the animal is first acquired to be kept or housed within city limits. Such licenses expire March 31 each year, and owners are given a month grace period in which to renew said licenses, which are to be renewed no later than April 30 of each year. The full year license fee is payable for any part year the animal is kept or held in city limits, and there shall be no refund of the yearly license fee for any animal that dies or is removed from city limits prior to the expiration of the 12 month license issued.
7. Animal Care and Control. All animals kept or held within city limits must be physically controlled by the person or entity keeping or holding said animal, and in a manner to provide proper care for said animal. This control can be exercised as follows:
 - A. by keeping the animal caged, housed within a building that does not allow the animal free exit through a pet door or other uncontrolled opening or
 - B. by a fenced enclosure of sufficient construction and dimensions to prevent the animal from escape by jumping or climbing over or digging through under said enclosure. Escape by digging shall be prevented by providing a floor to the cage or enclosure consisting of concrete, plastic, wood of sufficient thickness, or other material that the animal cannot dig or chew through to escape from the enclosure. (Electronic control measures such as "invisible fencing" and electronic collars are not acceptable physical controls under this ordinance) or
 - C. by controlling the animal by a leash of sufficient composition to prevent the animal from breaking free of said leash, and with said leash held at all times by a person of sufficient size and strength to control the animal, or by anchoring the leash to a stake, ring, bolt or other device of sufficient strength and composition to prevent the leash from detaching from said connection.

- D. In addition, any cage, building, enclosure or leash arrangement must be of sufficient composition, dimensions and location so as to reasonably prevent the animal from injuring any person or property. For example, if it is known that a dog has aggressive tendencies, it will not be considered sufficient control to merely stake the dog in the yard with a leash, if it can be reasonably anticipated that young children in the neighborhood may be able to approach the dog within the diameter of the leash. In this example, reasonable control would be to have the dog fenced in a cage or enclosure out of reach of any young children.
 - E. Any animal restraint or enclosure shall be set up in such a way as to properly care for the health of the animal. This shall include providing the animal with sufficient source of food and water available to the animal, shade in the summer and shelter from the elements in the winter.
 - F. Animals will be restrained or housed as required under this ordinance only in the rear yards of lots in the City of Arlington. No animals shall be leashed or housed in any manner in the front or side yards of any property in the City of Arlington. No animals shall be leashed or housed at a location which would allow the animal to trespass onto the property of any other owner or onto public street, sidewalk or alley rights of way.
8. Noise Control. Any person or entity who keeps or harbors a pet or other animal, or allows another to keep or harbor a pet or other animal on his property, in the case where the pet or animal is of such a nature or disposition or is kept in such confinement or condition that the animal disrupts the peace of the neighboring property owners by emitting barking or other noises during normal sleep hours, shall be considered as maintaining a public nuisance in violation of this ordinance. Normal sleep hours for purpose of this section shall be defined as any time after 11:00 P.M. and before 7 A.M. It shall also be a violation of this ordinance if any person keeps or harbors a pet or other animal who emits barking or other noises at any time of the day or night in a continuous or persistent manner. The phrase "continuous or persistent manner" for purpose of this section shall be defined as any barking or loud noises created by the pet continuously for a period of 10 minutes or more, or on an average of more than once each hour.
9. Manure Control. No person or entity shall keep or house any animal within the city limits in such a manner or in such a condition as to allow a build up of manure which could reasonably be considered offensive to any neighbor. It shall automatically be considered a violation of this section if the person or entity keeping or holding the animal allows more than six separate bowel eliminations to remain on the premises for a period of more than 24 hours. Such manure must properly be disposed of in a garbage container, sealed sufficiently to avoid odors from escaping from the container, and to avoid the accumulation of flies and other insects. Such garbage containers must be picked up for disposal outside City limits at least once each week. This section does not apply to animals kept in an agricultural zone.
10. Vicious Animals. No person will keep or harbor an animal within the city limits if said animal is known to have vicious tendencies. Any animal which attacks and causes serious injury to a person is automatically considered to be a vicious animal. Any animal which is found to have attacked or attempted to attack a person or another household pet animal at least two occasions shall automatically be considered a vicious animal. If such animal is not immediately removed from city limits by the person keeping or holding said animal after the second such attack, the police are authorized and directed to seize said animal and

have it destroyed in a humane manner by a veterinarian. This section shall not apply to trained police dogs directed to attack in a law enforcement situation by their handler, or to an animal attacking a person or other animal in legitimate defense of itself, its owner or the owner's property. As an example, a family dog attacking a burglar inside the family home shall not be deemed a vicious animal on the basis of that attack.

11. Penalty. Any person or entity keeping or housing an animal in violation of any provision of this ordinance shall be guilty of a misdemeanor, punishable by a fine of \$50.00, plus all veterinary impoundment and boarding charges, and in the case of destruction of an animal, any veterinarian charge for said service. Any person or entity violating this ordinance more than once within a 12 month term shall be fined \$100.00 for each violation after the first violation, plus any veterinary fees as stated above. In addition, if the same animal is the subject of a second violation within a 12 month term, the police are authorized and directed to serve notice on the person or entity keeping or harboring the animal, that the animal will be confiscated if the violation is not corrected within 7 days after the second violation citation is issued. If the violation is not corrected within said 7 day term, the police are authorized and directed to impound the animal and dispose of it as the police deem appropriate, which may include sale, adoption or destruction, and the person or entity keeping or harboring the animal shall pay all costs related to said impoundment and disposal. If an animal is found to be the subject of a third violation within a 12 month term, the animal shall be impounded by the police without any further notice to the person keeping or harboring the animal, and disposed of by sale, adoption or destruction as the police deem appropriate, with the person or entity who kept or harbored the animal paying the impoundment and disposal costs.
12. Exceptions. This ordinance shall not prohibit the keeping of farm animals in appropriate places, and appropriately controlled, on the Sibley County Fairgrounds during the celebration of the county fair and other livestock exhibitions. In addition, the City Council, may, in its discretion, issue a special permit from time to time to allow the presence of animals within city limits that would normally be restricted by this ordinance, in conjunction with parades, circuses or other community celebrations, but in such case the city shall have the right to place conditions on the presence of such animals, to include provisions that will ensure that the animals are properly controlled and that the public health and safety are protected.

All ordinances or portions of ordinances inconsistent with this ordinance are hereby amended.

This ordinance shall become effective immediately upon publication.

For City of Arlington

/s/ David Czech

By David Czech
Its Mayor

/s/ David L. Krueger

By David L. Krueger
Its City Administrator

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