



City of Isanti, Minnesota

NOTICE OF PROPOSED CITY ORDINANCE

You are hereby notified that the following Proposed Ordinance will be considered by the City Council of the City of Isanti, MN at the following meeting:

City Council Meeting: May 7, 2024

DATE POSTED: April 18, 2024

ORDINANCE NO. XXX

AN ORDINANCE AMENDING ORDINANCE 763 ADOPTED ON JULY 20, 2021, ORDINANCE NO. 543 ADOPTED ON NOVEMBER 20, 2012, ORDINANCE NO. 487 ADOPTED ON JULY 6, 2010, ORDINANCE NO. 459 ADOPTED ON JULY 6, 2010, ORDINANCE NO. 452 ADOPTED ON FEBRUARY 17, 2009, ORDINANCE NO. 207 AND 208 ADOPTED ON FEBRUARY 3, 1998, ORDINANCE NO. 197 ADOPTED ON JANUARY 21, 1997, ORDINANCE NO. 97-03 ADOPTED ON FEBRUARY 4, 1997, ORDINANCE NO. 90-09 ADOPTED ON MARCH 6, 1990, ORDINANCE NO. 89-08 ADOPTED JULY 12, 1989, ORDINANCE NO. 125 ADOPTED ON DECEMBER 18, 1984, ORDINANCE NO. 87 ADOPTED ON MAY 15, 1979 AND TITLED CHAPTER 87, ARTICLE II DOGS

The City Council of the City of Isanti, Minnesota ordains:

Section 1- Amendment to Article II. Ordinance 763, Ordinance 543, Ordinance 459, Ordinance 452, Ordinance 487, Ordinance 208, Ordinance 207, Ordinance 197, Ordinance 97-03, Ordinance 90-09, Ordinance 89-08, Ordinance 125, Ordinance 87 codified in Chapter 87 of City Code, are hereby amended as follows:

**Chapter 87
ANIMALS**

**Article II
Dogs**

§ 87-3 Definitions.

As used in this article, the following terms shall have the meanings indicated:

ANIMAL SHELTER

Any premises designated by action of the City for the purposes of impounding and caring for all animals found in violation of this article.

ANIMAL CONTROL OFFICER

The person or persons employed by the City as the enforcement officer of this article. This term shall, under the laws of this state, include humane society officers duly appointed and qualified to perform such duties.

AT LARGE

A dog is at large when it is off the property of his owner and not under restraint.

COMMERCIAL KENNEL

A place where more than two dogs over six months of age are kept, and where the business of selling, boarding, breeding, showing, treating or grooming dogs is conducted.

DOG

Applies to any canine animal, male or female, altered or unaltered.

NUISANCE DOG

Any dog which by frequent and habitual howling, yelping, barking, or other, shall cause serious annoyance or disturbance to persons or to the neighborhood.

OWN

Unless otherwise specified shall be deemed to mean keep, harbor, or have control, charge, or custody of a dog for a period of 10 days or longer. This term shall not apply to dogs owned by others which are temporarily maintained on the premises of a veterinarian or kennel operator.

OWNER

Any person, group of persons, or corporation owning, keeping, harboring, or having charge or control of, or permitting any dog to habitually be or remain on or be lodged or fed within such person's house, yard, or premises for a period of 10 days or longer. This term shall not apply to veterinarians or kennel operators temporarily maintaining on their premises dogs owned by others.

RESIDENTIAL KENNEL

A place where more than two dogs over six months of age are kept on premises which are zoned and occupied for residential purposes, and where the keeping of such animals is incidental to the occupancy of the premises for residential purposes. No more than five dogs are permitted at a residential kennel.

STRAY

Any ~~unlicensed~~ dog, the owner of which is unknown, which is at large.

§ 87-4 Restraint.

The owner shall keep his dog under restraint at all times. A dog is under restraint within the

meaning of this article if in a vehicle, on a leash of not more than six feet in length and in the custody of a person of sufficient age to adequately control the animal, or confined to the owner's property by adequate enclosure or fencing.

§ 87-5 Complaints against nuisance dogs.

No person shall be convicted for harboring a nuisance dog as defined in § 87-3 except upon complaint to the City of two or more persons, each of a different household, and no warrant or summons and complaint for violation of this article shall be issued except after written notice has been mailed or delivered to the occupant of the premises where such dog is kept or harbored, advising that a complaint has been made about the dog and calling attention to the provisions of this article.

§ 87-5.1 Removal of excrement; exceptions.

- A. Any person who owns, keeps, harbors, or has charge of an animal shall immediately collect and remove any and all feces deposited by the animal on public or private property.
- B. The owner or person in control of an animal shall not permit such animal to be on public property or the property of another without having in the possession of the owner or person in control of the animal a device or equipment for the immediate removal of feces material deposited by the animal as well as a container for the transport of such fecal material to an appropriate disposal receptacle located on the property of the owner or person in control of the animal. The owner or person in control of such animal shall be responsible for removing such material from public or private property of another to a proper disposal receptacle located on the property of the owner or person in control of the animal.]
- C. The premises on which any animal is kept shall be kept in a clean and sanitary condition and shall not be a harbor for rodents, flies, or insects.
- D. This provision shall not apply to a guide dog accompanying a blind person or to a dog when used in police or rescue activities.

~~§ 87-6 Licensing.~~

- ~~A. Except as provided under Chapter 87, § 87-8, Exemptions, no person shall own any dog over the age of six months within the City limits unless such dog is licensed as herein provided. Written application for such license shall be made to the City of Isanti and shall state the name, address and current phone number of the owner and the breed, color, birth date and sex of the dog. As a condition for the issuance of said license, the owner shall submit a current certificate of rabies vaccination for the dog. The license fee shall be paid at the time of making the application, a numbered receipt shall be given to the applicant, and a numbered durable tag shall be issued to the owner.~~
- ~~B. Applicants for dog licenses are required to purchase either an annual license or a lifetime license. A valid lifetime license extends over the life of the dog licensed and cannot be transferred. In order for the lifetime dog license to remain valid, a current certificate of rabies vaccination must be on file with the City of Isanti. It is the duty of the dog owner to provide the certificate of rabies vaccination. The fees for such licenses shall be established by the City Council as set forth in the City Fee Schedule in Chapter 160.~~

- ~~C. All annual dog licenses and kennel licenses shall be issued for one year, beginning with the first day of May. Application for licenses may be made 60 days prior to the start of the licensing year and thereafter, during the licensing year. All applications made after April 30 of the license year or more than 30 days after the dog reaches six months of age or more than 30 days after the dog owner moved into this City or more than 30 days after the applicant acquires the dog, whichever is the later date, shall be assessed a late fee established by the City Council as set forth in the City Fee Schedule in Chapter 160, which amount shall be added to and collected with the regular fee.~~
- ~~D. Any person who secures a dog after the start of the license year shall be allowed 30 days after acquiring such dog to secure a license. Any dog owner upon first becoming a resident of this City shall be allowed 30 days from such time within which to obtain the dog license. Any dog which may be impounded for not being properly licensed within such thirty-day period may be reclaimed by the owner without paying the impounding fees. Any dog owner having a valid dog license from a previous licensing municipality shall within 30 days of taking residence in the City of Isanti secure an annual dog license from the City of Isanti for which the owner shall pay the licensing fee established by the City Council as set forth in the City Fee Schedule in Chapter 160, upon surrender of the valid license from the previous licensing municipality.~~
- ~~E. In the event that the durable license tag issued for a dog shall be lost, the owner may obtain a duplicate tag upon the payment of a fee established by the City Council set forth in the City Fee Schedule in Chapter 160.~~
- ~~F. (Reserved)~~
- ~~G. If there is a change of ownership of a dog, the new owner must within 30 days apply for a license and pay the fee prescribed by this article for a new license.~~

§ 87-~~67~~ **Kennels.**

- A. License and fee required. It shall be unlawful for any person to own or operate a residential or commercial kennel unless such use is allowable within the appropriate zoning district and a license has been secured therefor from the Police Chief or City Council.
- (1) All kennel licenses shall be issued for one year, beginning with the first day of May. Application for licenses may be made 60 days prior to the start of the licensing year and thereafter, during the licensing year.
- B. Application. Application for a kennel license shall be made to the Police Chief or his/her designee on forms provided by the City. If the licensee is making application for a commercial kennel, additional information and formal reviews are required. The application shall contain the following information:
- (1) The location of the premises.
 - (2) The applicant's name, address, phone number, and email address.
 - (3) The maximum number and species of adult dogs to be kept on the premises. The term

"adult," as used herein, shall include any dog over six months of age.

- (4) A site plan showing the size, location, and type of structures for housing, fencing, or runs for dogs. If the dogs are to be kept primarily within the building, the applicant shall state so within the application. All kennels are to be located within the rear or side yard.
 - (5) Methods used to keep the premises in sanitary conditions.
 - (6) The method used to keep the animals quiet.
 - (7) An agreement by the applicant that the premises may be inspected by the City at all reasonable times. The Police Chief shall make every reasonable effort to notify a licensee prior to any site inspections.
 - (8) Any other information as the Police Chief or his/her designee may reasonably require to adequately review the application.
- C. Annual renewal. All kennel licenses shall be renewed annually. Application for such license renewal shall be made to the Police Chief or his/her designee and shall be accompanied by a specified license fee. All kennel licenses are subject to annual review and inspection by the Police Chief or his/her designee. Renewal licenses shall be granted or denied by the Police Chief, subject to the provisions of this article. The annual fee for a commercial or residential kennel shall be established by the City Council as set forth in the City Fee Schedule in Chapter 160.
- (1) Residential and commercial kennel licenses do not confer any property rights upon the licensee, and the issuance of said licenses does not assume that future licenses will be granted.
 - (2) Licenses shall be issued for a set number of dogs, which shall not be exceeded. Licensees who wish to add a dog need to reapply for a kennel license.
 - (3) Licensees who relocate to another area of the City need to reapply for a residential or commercial kennel license. Licenses are not assignable to other parties.
- D. Issuance and conditions. New and renewal kennel licenses shall be issued by the Police Chief or his/her designee by taking into consideration the following:
- (1) Adequacy of housing and space for the animals.
 - (2) Methods to be used for sanitation and noise control.
 - (3) Quality and height of fencing or the adequacy of an alternative confinement method.
 - (4) Prior violations or complaints regarding the license holder's keeping or maintenance of animals on the premises.
- E. Existing kennel license. Kennel licenses in effect on the property at the time of adoption of

this amendment to this section that do not meet the requirements of this article are considered legal nonconforming licenses and can continue to keep up to the number of dogs authorized by the kennel license. Adding more dogs to the existing license would require meeting the requirements of this section.

- F. Sanitation. Kennels shall be kept in a clean, sanitary, healthful, and humane manner at all times and shall be open to inspection by the Police Chief, Animal Control Officer or other person charged with the enforcement of this article or any health or sanitary regulation of the City at all reasonable times. Failure to do so shall constitute grounds for the revocation of the license.
- G. Violations. Any kennel license may be revoked by the City Council by reason of any violation of this article or by reason of violation of any other health or nuisance ordinance, order, law, or regulation. If a licensee fails to comply with the statements made in the application or with any reasonable conditions imposed on the license, violates any other ordinance, order, law or regulation, or fails to remedy any defects after the second notice thereof, the City Council may revoke the license in accordance with the provisions of this article.
- H. Revocation of license.
 - (1) Residential kennel license. Before revoking a residential kennel license, the licensee shall be given notice of the meeting at which such revocation will be considered; and if the licensee is present at such meeting, the licensee shall be given the opportunity to be heard. Notice of the meeting shall be given to the licensee in writing 10 days prior to the meeting. Written notice shall be mailed to the address of the licensee as set forth in the licensee's application for a kennel license.
 - (2) Commercial kennel license. A commercial kennel license may be revoked by the City Council by the procedure established and defined within Ordinance No. 445, Zoning.
- I. Appeal. The licensee may appeal a denial or nonrenewal of a kennel license to the City Council. The licensee must file with the City Clerk a notice of appeal within 10 days of the denial or nonrenewal. The City Council shall consider the appeal at a regularly scheduled meeting of the City Council. The City Council may affirm or reject the decision of the Police Chief and may add reasonable conditions to any decision granting a license or may delete any conditions previously imposed by the Police Chief.

| § 87-~~78~~ **Exemptions.**

- A. Hospitals, clinics, and other premises operated by licensed veterinarians exclusively for the care and treatment of animals are exempt from the provisions of this article, except where such duties are expressly stated.
- B. The licensing requirements of this article shall not apply to any dog belonging to a nonresident of this City and kept within the City for not longer than 30 days, provided that all such dogs shall at all times while within the City be kept under restraint.

~~C. Any dog owned, kept, or harbored by an individual or corporation holding residential or commercial kennel license need not be individually licensed.~~

§ 87-9 Tag and collar.

~~A. Upon complying with the provisions of the article, there shall be issued to the owner a durable dog tag, stamped with a number and the year from which issued.~~

~~B. Every owner is required to keep a valid tag securely fastened to the dog's collar or harness, which must be worn by the dog at all times, except when the dog for which the license is issued is indoors or on the premises of his owner.~~

§ 87-810 Impoundment.

A. Any stray or dog at large found in violation of this article may be taken up by the Animal Control Officer and impounded in the animal shelter and there confined in a humane manner for a period of not less than five business days. If not claimed prior thereto by its owner, and it shall thereafter become the property of the City and may be disposed of in a humane manner, sold to an individual desiring to purchase the dog as a pet or sold for licensed scientific use by making payment of all fees associated with the impoundment, boarding, and keeping of such impounded dog. If a dog is destroyed by a veterinarian pursuant to this article, the license for such dog shall expire.

~~B. Immediately upon the impounding of a dog wearing a current license, the Animal Control Officer must make every reasonable effort to notify the owner of such dog of the impoundment and of the conditions whereby the owner may regain custody of the dog. Any verbal notices must immediately be confirmed in writing by the Animal Control Officer.~~

~~C. Notwithstanding anything contained herein to the contrary, if a critically injured dog is impounded pursuant to this article by the Animal Control Officer, it may be destroyed by a veterinarian, but only after reasonable efforts have been made to contact its owner.~~

~~D.~~ B. Any animal critically injured and impounded which has been destroyed pursuant to the provisions of this article shall be maintained in refrigerated storage to retain a frozen condition for a period not less than seven days from the date of destruction.

§ 87-911 Redemption of impounded animals by owner.

A. Any dog impounded pursuant to this article may be reclaimed by the owner within five business days upon payment by the owner to the City a sum established by the City Council, as set forth in the City Fee Schedule and/or Animal Control contract in Chapter 160, for keeping such animal during its impoundment. All monies collected under any of the terms of this article shall be deposited with the Finance Director.

B. When in the judgment of a veterinarian, a dog should be destroyed for humane reasons, such dog may not be redeemed.

§ 87-102 Redemption of impounded animals other than by owner.

A. Any purchaser other than the owner of any animal sold by the animal shelter shall keep the same at least two months, during which time the owner may redeem such animal by paying

all costs and charges of keeping, ~~and the amount paid therefor at the sale, with interest thereon at 12% per annum, as outlined in the City Animal Control contract.~~

- B. When in the judgment of a veterinarian a dog should be destroyed for humane reasons, such dog may not be redeemed.

§ 87-1~~13~~ **Records.**

- A. It shall be the duty of the Animal Control Officer to keep, or cause to be kept, accurate and detailed records of ~~the licensing,~~ impoundment and disposition of all animals coming into his/her custody.
- B. It shall be the duty of the Police Department to keep, or cause to be kept, accurate and detailed records of all dog bite cases reported to the Department and their investigation of the same.
- C. It shall be the duty of the Animal Control Officer to keep, or cause to be kept, accurate and detailed records of all monies belonging to the City, which records shall be open to inspection at reasonable times by such persons responsible for similar records of the City, and shall be audited by the City annually in the same manner as other City records are audited.

§ 87-1~~24~~ **Quarantine.**

Any dog that has bitten a person shall immediately be impounded for at least 10 days and kept apart from other animals, under the supervision of a veterinarian, until it is determined whether such dog had or has a disease which might have been transmitted by such bite. Such impounding shall be at the City contracted animal shelter. Upon the expiration of such 10 days, if it is determined that the dog does not have a disease which might have been transmitted by such bite, he may be released. If the dog is impounded within the City contracted animal shelter, it may be reclaimed as herein provided. Any dog which has been bitten by a rabid animal shall be impounded and kept in the same manner for a period of six months, provided that if the dog which has been bitten by a rabid animal has been vaccinated at least three weeks before such bite and within one year of such bite and if it is again immediately vaccinated, then such animal shall be confined or impounded for a period of 40 days before it is released. The owner of a dog which has been bitten by a rabid animal shall notify the Animal Control Officer immediately.

§ 87-1~~35~~ **Confinement of certain dogs.**

- A. The owner of a dangerous dog or potentially dangerous dog, as defined in Minn. Stat. § 347.50, shall comply with all requirements of Minn. Stat. §§ 347.50 through 347.565, which are incorporated in this article by reference.
- B. Every female dog in heat shall be kept confined in such manner that such female dog cannot come in contact with another dog except for intentional breeding purposes.

§ 87-1~~46~~ **Investigation.**

For the purposes of discharging the duties imposed by this article and to enforce its provisions, the Animal Control Officer or any police officer is empowered to enter upon the premises upon which a dog is kept or harbored and to demand the exhibition by the owner of such dog and/or

~~the license~~[vaccination records](#) for such dog. The Animal Control Officer or any police officer may enter the premises where any animal is kept in a reportedly cruel or inhumane manner and demand to examine such animal and to take possession of such animal when in his opinion it requires humane treatment; however, only in such cases may the animal be removed from the premises.

§ 87-1~~57~~ **Interference.**

No person shall interfere with, hinder, or molest the Animal Control Officer in the performance of his duty or seek to release any animal in the custody of the Animal Control Officer except as herein provided.

§ 87-1~~68~~ **Violations and penalties.**

Any person who violates any provisions of this article may be subject to a penalty as provided in Chapter 1, Article I.

Section 2 – Effective Date:

This ordinance shall take effect upon its passage and publication in the official City newspaper.

Adopted by the Isanti City Council this 7th day of May, 2024.

Mayor James Gordon

Attest:

Jaden Strand
City Clerk

Posted On: 4/18/2024

Adopted On:

Published On:

Effective On: