

Ordinance
of the
City of Minneapolis

By Ostrow and Hodges

**Amending Title 4, Chapter 74 of the Minneapolis Code of Ordinances
relating to Animals and Fowl: Miscellaneous Regulations.**

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

Section 1. That Section 74.50 of the above-entitled ordinance be amended to read as follows:

74.50. ~~Vicious animals; animals wild by nature~~ Wild animals. No person shall keep or allow to be kept any place in the city any wild, exotic, dangerous, or non-domestic animal or reptile ~~of a ferocious or vicious character, habit or disposition or any animal wild by nature.~~

Section 2. That Section 74.60 of the above-entitled ordinance be amended to read as follows:

74.60. ~~Exceptions; permit required.~~ Any person desiring to keep an animal prohibited under sections 70.10, 74.40 and 74.50, if not duly licensed for such activity under Chapters 303 or 304, shall obtain a permit from ~~the animal control officer~~ Minneapolis Animal Care and Control. Such permit shall be issued for a period not to exceed ~~fourteen (14)~~ twenty-one (21) days and ~~shall~~ may specify further conditions under which such animal shall be kept. ~~Provided, however, that no such permit shall be issued unless such prohibited animal is brought into the city for entertainment, exhibition, show or promotional purposes only, and application is made in such form and within such reasonable amount of time as shall be required by the animal control officer.~~ The animal control officer Minneapolis Animal Care and Control shall have authority to investigate the conditions and inspect the site at which such animal shall be kept or displayed and to require the production of reasonably pertinent veterinary or similar records to the extent deemed necessary to ensure the safety and health of any person or animal. Permit fees must be paid in full prior to the issuance of any permit under this section.

Definitions

Adequate Care means the responsible practice of good animal husbandry, handling, production, management, confinement, feeding, watering, protection, shelter, transportation, treatment, and, when necessary, euthanasia, appropriate for the age, species, condition, size, and type of the animal and the provision of veterinary care when needed to prevent suffering and impairment of health.

Adequate exercise means the opportunity for the animal to move sufficiently to maintain normal muscle tone and mass for the age, species, size and condition of the animal.

Adequate feed means access to and the provision of food that is of sufficient quantity and nutritive value to maintain each animal in good health; is accessible to each animal; is prepared so as to permit ease of consumption for the age, species, condition, size and type of each animal; is provided in a clean and sanitary manner; is placed so as to minimize contamination by excrement and pests; and is provided at suitable intervals for the species, age, and condition of the animal, but at least once daily, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species.

Adequate shelter means provision of and access to shelter that is suitable for the species, age, condition, size, and type of each animal; provides adequate space for each animal; is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health; is properly lighted; is properly cleaned; enables each animal to be clean and dry, except when detrimental to the species; and, for dogs and cats, provides a solid surface, resting platform, pad, floor mat, or similar device that is large enough for the animal to lie on in a normal manner and can be maintained in a sanitary manner. Shelters whose wire, grid, or slat floors permit the animals' feet to pass through the openings, sag under the animals' weight or otherwise do not protect the animals' feet or toes from injury are not adequate shelter.

Adequate space means sufficient space to allow each animal to (i) easily stand, sit, lie, turn about, and make all other normal body movements in a comfortable, normal position for the animal and (ii) interact safely with other animals in the enclosure. When an animal is tethered, adequate space means a tether that permits the above actions and is appropriate to the age and size of the animal; is attached to the animal by a properly applied collar, halter, or harness configured so as to protect the animal from injury and prevent the animal or tether from becoming entangled with other objects or animals, or from extending over an object or edge that could result in the strangulation or injury of the animal; and is at least three times the length of the animal, as measured from the tip of its nose to the base of its tail, except when the animal is being walked on a leash or is attached by a tether to a lead line. When freedom of movement would endanger the animal, temporarily and appropriately restricting movement of the animal according to professionally accepted standards for the species is considered provision of adequate space.

Adequate water means provision of and access to clean, fresh, potable water of a drinkable temperature that is provided in a suitable manner, in sufficient volume, and at suitable intervals, but at least once every four (4) hours, to maintain normal hydration for the age, species, condition, size and type of each animal, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species; and is provided in clean, durable receptacles that are accessible to

each animal and are placed so as to minimize contamination of the water by excrement and pests or an alternative source of hydration consistent with generally accepted husbandry practices.

Animal abuse or neglect means any of the following:

(1) Insertion of any implement into any bodily orifice, unless directed by a veterinarian specifically in connection with training for a medical or reproductive procedure.

(2) Striking an animal with anything more substantial than a guide.

(3) Striking an animal with any sharp object.

(4) Striking an animal on or around any sensitive area.

(5) Applying tools used in training repeatedly and with such force that they cause any physical harm to the animal (i.e. breaking the skin, bleeding, bruising, etc.)

(6) Withholding or reducing an animal's daily recommended amount of food and/or water.

(7) Withholding veterinarian care for any reason.

(8) Failure to provide adequate care, exercise, feed, shelter, space and/or water.

(a) Class A permit: Required for any hoofed or small animal otherwise prohibited under sections 70.10 or 74.40 brought into the city for an event not open to the general public, including, but not limited to, birthday parties and weddings. The fee for a Class A permit shall be fifty dollars (\$50.00).

(b) Class B permit: Required for any hoofed or small animal (including raptors, fowl, or other birds) otherwise prohibited under sections 70.10 or 74.40 brought into the city for an event open to the general public, including, but not limited to, temporary petting zoos established at community events or festivals. Also required for any person who wants to exhibit any vicious or wild animals for educational purposes only, as determined by Minneapolis Animal Care and Control. The fee for a Class B permit shall be seventy-five dollars (\$75.00).

(c) Class C permit: Required for any vicious or wild animal otherwise prohibited under section 74.50 brought into the city for an event open to the general public, including, but not limited to, circuses and sports conventions. The fee for a Class C permit shall be ~~one hundred fifty dollars (\$150.00)~~ seven hundred fifty dollars (\$750.00). The applicant must also pay for the cost of staff time to investigate the applicant, issue the permit, and enforce this ordinance.

(d) Minneapolis Animal Care and Control shall include all staff of Minneapolis Animal Care and Control or their agents.

Section 3. That Chapter 74 of the Minneapolis Code of Ordinances be amended by adding thereto a new section 74.65 to read as follows:

74.65. Class C permit requirements. (a) Applicants for Class C permits must be identifiable persons or organizations that will be responsible for compliance with all terms of this Chapter. Applicants for Class C permits shall file an application with Minneapolis Animal Care and Control no less than ninety (90) days prior to a scheduled or planned event in the city. The application shall include:

- (1) the names and addresses of all owners and operators of the applicant organization or individual.
- (2) all reasonably pertinent records related to the veterinary care for all of the applicant's animals. The records should represent adequate care provided as needed and/or to prevent suffering and/or disease transmission. The veterinarian's records must include the age, weight, height/length, and gender of the animal.
- (3) all reasonably pertinent records of training, transporting, breeding, importing, restraining, and housing for all of the applicant's animals to the extent possible.
- (4) a safety plan for the animals and the public, including all means of restraint of the animals, and all other information as required by Minneapolis Animal Care and Control.
- (5) a complete history for all owners or operators of citations, investigations, convictions, and/or sustained violations of any federal, state or local regulations pertaining to circuses or cruelty, abuse or neglect to animals by any regulatory authority.
- (6) the scheduled locations for the ninety (90) days prior to a scheduled or planned event in the city of all of the animals that will be brought to the city for any reason for the planned event.
- (7) documentation satisfying the insurance requirements set by Minneapolis Animal Care and Control.
- (8) all other reasonably pertinent information as required by Minneapolis Animal Care and Control.

(b) At least one time prior to an event, and at the applicant's expense, Minneapolis Animal Care and Control shall travel to any of the scheduled locations prior

to the event in the city for the purposes of inspecting all facilities and locations that are used to exhibit, train, transport, breed, import, restrain, house and care for all of the applicant's animals.

(c) Upon arrival of any of the applicant's animals in the city, Minneapolis Animal Care and Control shall inspect all of the applicant's animals and verify that all of the animals are in good health, that all animals have current vaccinations, that the applicant is in possession of current medical records for all animals, and that there are no signs of any abuse of the animals (including free of cuts, abrasions or other apparent injuries due to abuse). Minneapolis Animal Care and Control may reinspect and reverify all such information and records at any time the applicant's animals are in the city. Minneapolis Animal Care and Control shall make every effort to ensure that all of the animals are inspected each day that any of the applicant's animals are in the city.

(d) Upon arrival, Minneapolis Animal Care and Control shall review all plans and inspect all facilities to verify compliance with such plans in that all of the applicant's animals are properly restrained at all times and not in direct contact with the public while in the city and that adequate plans exist in the event of an emergency to protect the animals and the public in the event of fire, escape or other threat to the public's or the animals' safety. Minneapolis Animal Care and Control may reinspect and reverify all such facilities and plans at any time the applicant's animals are in the city.

(e) While any of the applicant's animals are in the city, Minneapolis Animal Care and Control shall inspect all animals and verify all have adequate food, water, shelter, space, exercise, and care. All animals shall be kept clean at all times, all feces will be removed within one (1) hour of occurrence, fresh water will be provided to all animals at least every four (4) hours or more often as necessary to ensure the health of the animals, and all animals shall be housed at all times in temperatures considered suitable for each species in its natural environment.

(f) While any of the applicant's animals are in the city, Minneapolis Animal Care and Control shall inspect all animals to ensure none are subject to cruelty, neglect and/or abuse.

(g) The applicant shall provide for security posted to observe the animals at all times that any of the applicant's animals are in the city. Any personnel required as part of the emergency plan to protect the animals and the public shall be present and any identified tools, devices, or firearms shall be readily available.

(h) The applicant shall comply with all state and federal regulations pertaining to circuses or animals, and shall make all information related to such compliance available to Minneapolis Animal Care and Control upon request. Upon arrival in the city, the applicant shall provide a sworn affidavit representing that the applicant is in compliance with the terms of this section and with all other applicable state and federal regulations.

(i) Minneapolis Animal Care and Control shall make every effort to coordinate all inspection and enforcement efforts referred to herein with other departments in the city, with the Animal Humane Society, and other governmental organizations. Minneapolis Animal Care and Control is further authorized to contract with a veterinarian or any other person or organization with expertise in wild animal care to assist in investigating the applicant's care of the animals.

(j) It shall be unlawful for any person or organization intending to conduct an event requiring a Class C permit to bring the animals into the city without having first obtained a Class C permit. Minneapolis Animal Care and Control may enforce violations of this section through the administrative citation process in Chapter 2 of this Code, in addition to any other remedy available to the city for Code violations including permit revocation. Minneapolis Animal Care and Control is further authorized to make all other necessary orders and take all other necessary actions to protect the health and safety of the public and the animals.

(k) It shall be unlawful for any person to furnish false information for the purpose of obtaining a permit. Any permit obtained under fraudulent pretenses is void and shall be revoked.

(l) Any person applying for a permit shall provide evidence of surety bond or liability insurance in the amount set by Minneapolis Animal Care and Control which covers incidences or occurrences involving animals.

(m) Minneapolis Animal Care and Control may deny an application for a Traveling Animal Exhibition permit for any of the following reasons:

- (1) Failure to comply with or supply any information or access requested and/or required; or
- (2) Falsification of any information required; or
- (3) Previous or current violations of any provisions of this chapter; or
- (4) Previous or current citations, violations of any local, state, or federal law relating to cruelty to animals, public safety or animal exhibition permits.

(n) Minneapolis Animal Care and Control may revoke a permit for any of the following reasons:

- (1) Failure to comply with the terms of this chapter; or
- (2) Falsification of any information required; or
- (3) Current violations of any provisions of this chapter; or

(4) Violation of any local, state or federal law applicable to animals and/or traveling animal exhibitions.

(5) Any instance of animal cruelty, abuse or neglect within the City of Minneapolis.

(o) Minneapolis Animal Care and Control may confiscate, order veterinarian care, and/or prevent from exhibition any animal which possess a threat to public safety (including, but not limited to animals not current with vaccinations) and/or is in immediate danger due to animal cruelty, abuse or neglect.

(p) In the event of a permit denial by Minneapolis Animal Care and Control, the applicant may, upon written request, have the denial reviewed by the public safety and regulatory services committee of the city council no less than thirty (30) days prior to the scheduled or planned event in the city. The committee shall make a recommendation concerning the application to the full city council at the conclusion of the hearing. If the denial is affirmed by the city council, the applicant may seek such judicial review as permitted by law.