

**ORDINANCE NO. 518**

**AN ORDINANCE AMENDING BRECKENRIDGE CITY CODE, CHAPTER 54 – ANIMALS AND CHAPTER 118 – NUISANCES**

**THE CITY COUNCIL OF THE CITY OF BRECKENRIDGE DOES ORDAIN THAT** (new material is underlined; deleted material is lined out; sections which are not proposed to be amended are omitted; sections which are only proposed to be re-numbered are only set forth below as to their number and title)::

SECTION 1. Breckenridge Code, Chapter 54, Article I Dogs, Section 54-18, Nuisances caused by dogs and other animals, is hereby moved to Article II Other Animals and is amended to read as follows:

**§ 54-18 (Reserved)**

**Article II Other Animals**

**§ 54-189 Nuisances caused by dogs and other animals.**

- A. It shall be the obligation and responsibility of the owner or custodian of any dog or other animal in the city, whether permanently or temporarily therein, to prevent such dog or animal from committing any act which constitutes a nuisance. It shall be considered a nuisance for any dog or other animal to:
- (1) Habitually or frequently bark or cry.
  - (2) Frequent school grounds.
  - (3) Chase vehicles.
  - (4) Molest or annoy any person if such person is not on the property of the owner or custodian of such animal.
  - (5) Molest, defile, or destroy any property, whether public or private.
  - (6) Run at large.
- B. The owner or the custodian of any animal ~~dog~~ shall be responsible for the actions of the animal ~~dog~~ when such defecates, urinates, or vomits on property other than the owners or otherwise causes an unsanitary condition in a public or private place. The owner shall make every effort to immediately clean up after the ~~dog~~ animal. The accumulation of any animal waste on private or public property is declared a public nuisance and is subject to enforcement and abatement under § 118-25 and 118-26.
- C. Failure on the part of the owner or custodian to prohibit the animal from committing an act of nuisance shall be subject to the penalty hereinafter provided and is subject to enforcement and abatement under § 118-25 and 118-26.
- D. Any authorized City personnel may remove any animal committing such a nuisance or having committed a nuisance and cause it to be impounded if the owner or custodian is not present to prevent such nuisance or is unwilling or unable to prevent or abate such nuisance.

**Article II Other Animals**

**§ 54-20 Areas where keeping of certain animals restricted.**

Subject to the exceptions contained in § 54-21 of this article, no person shall keep, pen, raise or house any animals other than domestic animals, as defined in this chapter, in the City limits of Breckenridge, within the following described limits:

- A. Any area of the City that is zoned as general residential.
- B. Any area of the City which lies within 350 feet of a residence or building occupied by any person who is not the owner of such animals.

**§ 54-21 Certain pets permitted; cats; freeing confined animals.**

- A. Nothing in this chapter shall prohibit any person from keeping pets which fit the definition of domestic animals as defined in this chapter, provided that such animals are kept in an enclosure which will prevent their running or flying uncontrolled.
- B. Cats will be subject to Section 54-8 Running at large. ~~the same requirements as dogs\_ and the same procedures may be applied for enforcement of the at-large provision and the owner's responsibility.~~ ~~Section 54-3 limiting the number of animals per household does not apply to cats.~~ No household shall keep or maintain more than four cats.
- C. No person shall loose, free or intentionally cause any animal confined to be at large.

SECTION 2: Breckenridge Code, Chapter 118 Nuisances is hereby amended to add a new Article V General Nuisances to read as follows:

**Article V General Nuisances**

**§ 118-21 Nuisances & Blight**

- A. Public Nuisance. Whoever by an act or failure to perform a legal duty intentionally maintains a public nuisance is subject to the enforcement and abatement procedures, as provided in § 118-25 and 118-26. The following acts or omissions shall constitute a public nuisance:
  - (1) Maintains or permits a condition which unreasonably annoys, injures, or endangers the safety, health, morals, comfort, or repose of any considerable number of members of the public.
  - (2) Permits or maintains on real property under such person’s control a public nuisance, junk, or blight, as defined herein.
  - (3) Permit, suffer, or maintain or fail to remove any offensive, nauseous, hurtful, dangerous, or unhealthful condition from the failure to properly dispose of sick or

unsound flesh, meat, fish, carcass, garbage, sewage, waste, debris, excrement, or any other offensive substance, liquid, or thing whatsoever upon said premises or land, or premises or land occupied or used by or under such person's control, or drop, discharge, pass, deposit, or otherwise deliver the same upon any ground, private or public.

(4) Any act or omission defined as a nuisance within this Code or adopted by reference.

B. Blight. No person, firm, or corporation of any kind shall maintain or permit to be maintained any of these causes of blight or blighting factors upon any property owned, leased, rented, or occupied by such person, firm, or corporation:

- (1) the building, structure, or parcel of land is in a condition which poses a threat to the safety, health, morals, and general welfare of the community;
- (2) it is attracting illegal activity as documented by the police department;
- (3) it is a fire hazard as determined by the fire department;
- (4) the existence of the following conditions:
  - i. missing, damaged or boarded windows or doors;
  - ii. collapsing or missing walls or roofs;
  - iii. parts of walls that need repair;
  - iv. damaged or missing siding or gutters;
  - v. a structurally faulty foundation, porch, chimney, or other attached structure;
  - vi. a principal or accessory buildings in need of repair, paint, or sealer;
  - vii. fencing in disrepair;
  - viii. accumulation human or animal liquid and solid waste;
- (5) a structure on the property that has been continuously vacant for at least one year, has been condemned as unfit for human occupancy or use by the building official in accordance with the Minnesota building code, but has neither been demolished nor repaired by the owner as directed by the building official;
- (6) there is evidence of rat or rodent infestation or harborages caused by conditions on the property;
- (7) the property has an inadequate sewage, septic, plumbing, well, or heating system;
- (8) if the property is vacant, the owner has failed to take adequate precautions to prevent the use of or access to the property by trespassers;
- (9) a potential attractive nuisance to children exists on the property, including, but not limited to, abandoned wells, basements, excavations, or broken fences, refrigerators, and other appliances.

C. Junk: No person, firm, or corporation of any kind shall permit the accumulation of junk that includes, but is not limited to, any of the following:

- (1) waste material, trash, rubbish, refuse, or litter of any kind upon any land or inside or under any building or structure which may provide harborage or breeding places for mosquitoes, vermin, or rats.
- (2) batteries; paper; lumber or salvaged wood; boxes or containers; bottles; cans; discarded chemicals; bricks; stones; old or scrap copper, brass, iron, steel, or other metals; old and/or inoperable appliances; tanks; barrels; cages; clothing; pallets;

