

ORDINANCE NO. 67 ANIMALS

Effective: _____

An Ordinance Replacing Ordinance No. 50

The City Council of the City of Forada ordains:

Subdivision 1. **Definitions.** As used in this Ordinance, the terms defined in this subdivision shall have the following meanings ascribed to them:

- (a) "Animal" means any living creature, excluding humans and plants.
- (b) "Animal shelter or pound" means any premises designated by the City Council for the purpose of impounding and caring for dogs held under the authority of this Ordinance.
- (c) "At large" means not under the control of the owner or some other person of suitable age and discretion by leash, chain, or cable, none of which may be longer than ten (10) feet in length, or fence, kennel, or other suitable enclosure. An animal "at large" is prohibited and unlawful. An animal enclosed within a residence, dwelling, business, or other structure so that it cannot leave on its own volition shall not be considered "at large."
- (d) "City" means the City of Forada, Minnesota.
- (e) "County" means the County of Douglas, Minnesota.
- (f) "Kennel" means any person, partnership, corporation, or other legal entity engaged in the business of breeding, buying, selling, or boarding dogs; provided that such person, partnership, corporation, or other legal entity customarily owns or boards more than three (3) dogs over six (6) months of age.
- (g) "Officer" means any law enforcement officer of the County and any person designated by the City to assist in the enforcement of this Ordinance.
- (h) "Owner" means any person owning, keeping, harboring or maintaining an animal within the City or permitting such animal to be at large within the City. An animal shall be deemed to be harbored if it is fed or sheltered for three (3) days or more.
- (i) "Wild animal" means the following: any animal, mammal, amphibian, or reptile which is of a species which is wild by nature or of a species which due to size, vicious nature, or other characteristics is inherently dangerous to human beings. This includes any crossbreeds between dogs and coyotes or dogs and wolves, but does not include crossbred domesticated animals.

Subdivision 2. **Permissible Return of Animal At Large.** Notwithstanding the definition contained in Subdivision 1(c), if an animal is found at large and its owner can be reasonably easily identified and located, such animal need not be impounded, but may, at the discretion of the officer, be taken to the owner. In such case, however, proceedings may be taken against the owner for violation of this Ordinance.

Subdivision 3. **Barking Dogs.** It shall constitute a nuisance and be unlawful if any dog barks, whines, howls, bays, cries, or makes other noise excessively so as to cause annoyance, disturbance, or discomfort to any individual provided that such noise lasts for a period of more than ten (10) minutes continuously or intermittent barking that continues for more than one (1) hour and is plainly audible outside the property limits of where the dog is kept. It shall not be a violation of this subdivision if the dog was barking, crying, or making other noise due to harassment or injury to the dog or a trespass upon the premises where the dog is located.

(a) **Penalty.** A first violation of this subdivision shall result in a warning. A second violation of this subdivision within one (1) year of the first violation shall result in a warning. A third violation of this subdivision within one (1) year of the first violation shall be a petty misdemeanor. Each violation of this subdivision occurring subsequent to the third violation and within one (1) year of the first violation shall also be a petty misdemeanor. If there are no subsequent violations of this subdivision within one (1) year from the date of the first violation, the next occurring violation after one (1) year from the date of the first violation shall be deemed a first violation for purposes of this subdivision.

(b) **Seizure of Barking Dogs – Noise Abatement.** Any officer may enter onto private property and seize any dog that is causing a nuisance pursuant to this subdivision, provided that the following conditions exist:

- 1) There is an identified complainant other than the officer making a contemporaneous complaint about the nuisance;
- 2) The officer reasonably believes the noise the dog is making meets the criteria set forth in this subdivision;
- 3) The officer can demonstrate that there have been at least two (2) previous complaints of a nuisance pursuant to this subdivision at the address on separate dates;
- 4) The officer has made reasonable attempts to contact the owner of the dog(s) or the owner of the property and those attempts have either failed or have been ignored;
- 5) The seizure will not involve forced entry into a private residence. Use of a key obtained from a property manager, landlord, innkeeper, or

other person authorized to have such a key shall not be considered as a forced entry;

- 6) No other less intrusive means to stop the nuisance is available at the time of seizure; and
- 7) Written notice of the seizure is left in a conspicuous place at the time of seizure if personal contact with the owner of the dog(s) or the owner of the property is not possible.

(c) **Disposition of Seized Dogs.** Any dog seized under Subdivision 3(b) shall be taken to an animal shelter or pound for impoundment and shall be kept there to be reclaimed by the owner. The owner shall pay all fees incurred as a result of the seizure and impoundment. If any dog seized is not claimed by its owner within five (5) days after the date of seizure, excluding holidays or other days the animal shelter or pound is closed, the dog may be destroyed in a humane way or may be adopted by any other interested person over the age of 18.

Subdivision 4. **Identification Requirements.** It is unlawful for any person to keep, harbor, or maintain a dog, cat, or ferret over the age of four (4) months unless it has an ID tag, to be worn at all times, that has on it the owner's name and contact information, including a valid telephone number, or is micro-chipped with the micro-chip data contact information kept up to date.

Subdivision 5. **Vaccination Certificates, Fees and Enforcement.** Rabies vaccination is required. It is unlawful for any person to keep, harbor, or maintain any animal over the age of four (4) months which is susceptible to rabies unless that animal has a current rabies vaccination or is otherwise specified by a licensed veterinarian. Proof of vaccination must be provided upon request.

Subdivision 6. **Running at Large.** No owner of any animal, whether kept, harbored, or maintained within or without the City, shall permit or suffer such animal to run or move at large at any time within the City. For purposes of this subdivision every such animal running at large shall be deemed running at large with the permission and at the sufferance of its owner, and in the event of a violation of the provisions of this subdivision, it shall be no defense that the offending animal escaped or is otherwise at large without the permission or sufferance of its owner.

Subdivision 7. **Condition of Premises – Dog and Cat Excrement.** It is unlawful for any person who owns or has custody of a dog or cat to cause or permit such animal to defecate on any private property without the consent of the owner of the property or on any public property, unless such person immediately removes the excrement and places it in a proper receptacle. The provisions of this subdivision shall not apply to seeing-eye dogs under the control of a blind person or dogs while being used in law enforcement activity. Violation of this subdivision shall be a petty misdemeanor.

Subdivision 8. **Confinement of Female Animals.** Every female animal in heat shall be confined in a building or other secure enclosure, in such manner that such female animal cannot come into contact with another animal, except for planned breeding.

Subdivision 9. **Obligation of Proper Care.** No owner shall fail to provide any animal with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment. No person shall beat, treat cruelly, torment, or otherwise abuse any animal, or cause or permit any animal fight. No owner shall abandon their animal. Violation of this subdivision may warrant an officer to issue a citation to the owner of the animal. A person found tormenting or causing harm to an animal which is located on the animal's owner's property, is in violation of this subdivision and shall be guilty of a petty misdemeanor.

Subdivision 10. **Quarantine of Certain Animals.** Any animal which bites a person shall be quarantined for such time as may be directed by the County Health Officer. During quarantine, the animal shall be securely confined and kept from contact with any other animal. At the direction of the County Health Officer, the quarantine may be on the premises of the owner. However, if the County Health Officer requires other confinement, the owner shall surrender the animal for the quarantine period to an animal shelter or pound at the owner's own expense.

Subdivision 11. **Proceedings for Destruction of Certain Animals.** Upon sworn complaint to a court of proper jurisdiction that any one of the following facts exists:

- (a) The animal has at any time destroyed or damaged property or habitually trespassed in a damaging manner on the property of persons other than the owner;
- (b) The animal has at any time attacked or bitten a person or other animal outside the owner's or custodian's property;
- (c) The animal is vicious or shows vicious habits or molests pedestrians or other animals or interferes with vehicles on the public streets or highways;
- (d) The animal is a nuisance as heretofore defined; or
- (e) The animal is running at large as heretofore defined.

The presiding officer of said court shall issue a summons directed to the owner of said animal commanding the owner to appear before said court to show cause why said animal should not be seized by an officer or otherwise disposed of in the manner authorized in this Ordinance. Such summons shall be returnable not less than two (2) days and not more than six (6) days from the date thereof and shall be served at least two (2) days before the time of appearance set forth therein. Upon such hearing and finding that the facts are true as complained of, the court may either order the animal killed or order the owner or custodian of the animal to remove it from the City or may order the owner or custodian of the animal to keep it confined to a designated place. If

the owner or custodian of the animal violates such order an officer as heretofore defined may impound the animal described in such order. The provisions of this subdivision are in addition to and supplement the other provisions of this Ordinance. Costs of the proceedings specified by this subdivision shall be assessed against the owner or custodian of the animal if the facts in the complaint are found to be true, or to complainant if the facts in the complaint are found to be untrue.

Subdivision 12. **Summary Destruction of Certain Animals.** Whenever an officer has reasonable cause to believe that a particular animal presents clear and immediate danger to residents of the City because it is infected with rabies (hydrophobia) or because of a clearly demonstrated vicious nature, the officer, after making reasonable attempts to impound such animal, may summarily destroy said animal. When any unattended animal shall be injured or diseased, it shall be impounded. In the event that the capture of such animal cannot be effectuated, the animal will be destroyed in a humane manner.

Subdivision 13. **Apprehension of Animals.** An officer may apprehend and take possession of any animal at large or any animal creating a nuisance pursuant to this Ordinance. Any animal apprehended by an officer may be conveyed to the animal shelter or pound to be there confined until released or disposed of as herein provided.

Subdivision 14. **Seizure of Unvaccinated Animals.** Any officer may seize any animal which is not vaccinated or the possession of which is prohibited within the City provided that the officer can demonstrate that the owner or other person in control of such animal has been warned or cited for at least three (3) previous violations of Subdivision 5 or Subdivision 6. Any animal seized under this subdivision shall be taken to an animal shelter or pound and held according to the provisions of Subdivision 13. Any other prohibited animal shall be confined in an appropriately secure place and disposed of according to Minnesota Law.

Subdivision 15. **Notice of Apprehension.** Within 48 hours after apprehending any properly identified animal pursuant to Subdivision 13, the officer shall make reasonable efforts to contact the owner of the animal at the address/telephone number listed on the ID tag or available from the micro-chip.

Subdivision 16. **Reclaiming Animals from the Animal Shelter or Pound.** Within the time limit set forth in Subdivision 17, the owner of any animal seized pursuant to this ordinance may retrieve the animal from an animal shelter or pound, provided the owner first pays all impound fees to cover the cost of apprehending the animal, boarding fees to cover the cost of sheltering the animal, pays any veterinary costs incurred by the City or animal shelter or pound, and pays any other costs incurred by the City or animal shelter or pound. Any owner who fails to comply with these requirements within five (5) working days shall be deemed to have forfeited any property right to the animal and the City or animal shelter or pound may dispose of the animal pursuant to Subdivision 17.

Subdivision 17. **Disposing of Unclaimed Animals.** If any animal apprehended by an officer is not claimed by its owner within five (5) days after the date of apprehension, excluding holidays or other days the animal shelter or pound is closed, the animal shelter or pound shall cause the animal to be destroyed in a humane way or may allow the animal to be adopted by any other interested person over the age of 18 after payment of all fees and costs incurred.

Subdivision 18. **Permitted Domesticated Animals.** Any person may own any domesticated animal which is susceptible to rabies if it can be vaccinated for rabies and it has been vaccinated with a vaccine licensed for use specifically for that species of animal. Based on current knowledge, the following animals can be legally vaccinated for rabies: dogs, cats, ferrets, cattle, sheep, and horses. However, the latter three are considered livestock and therefore not permitted within the City pursuant to Subdivision 17.

Subdivision 19. **Prohibited Animals.** It shall be unlawful to keep any livestock, chickens, roosters, goats, sheep, horses, swine, donkeys, or wild animal within the City unless special permitting has been requested by property owner, reviewed by council, and approved by city council. Special permitting for such prohibited animals will be reviewed by council on an individual requested basis which has been submitted by a property owner at a regularly scheduled council meeting.