

ORDINANCE 48

AN ORDINANCE TO PROTECT AND PRESERVE THE PUBLIC HEALTH BY REGULATING THE KEEPING OF CERTAIN DOMESTIC ANIMALS AND/OR FOWL WITHIN THE CITY OF MINNESOTA CITY AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF.

The Council of the City of Minnesota City does ordain:

Section 1. Definitions.

OWNER: Any person, firm, partnership or corporation owning, harboring or keeping any domestic animal(s) or fowl.

KENNEL: Any person, firm, partnership or corporation responsible for the keeping of more than three dogs over the age of six (6) months for commercial or domestic purposes.

ANIMAL SHELTER: Any premises designated by the City Council for the purpose of impounding and caring for animals held under the authority of this ordinance and approved by humane society.

OFFICER: Any enforcement officer of the city, and qualified persons designated by the city, to assist in the enforcement of this ordinance.

RESTRAINT: An animal is under restraint within the meaning of this ordinance if it is controlled by leash, on or within a vehicle, or on the property of its owner, or otherwise in the control of a competent person.

VICIOUS ANIMAL: animal which has bitten, or attempted to bite any person without undue provocation, or which attacks or acts as if it intended to attack or bite.

Section 2. Licensing regulations.

a) No person, firm, partnership or corporation shall keep a dog or cat over the age of six (6) months within the city unless a license therefor has first been secured from the city clerk.

b) The license fee shall be as determined by resolution of the City Council.

c) The license fee shall be paid on or before the first day of each year or upon acquiring ownership or possession of any unlicensed dog or cat, or upon owner-harbinger establishing residence in the city. A penalty of \$.50 per month will be added after the thirty first (31) day of each January.

d) The person issuing said license shall issue a certificate stating name, age, color, weight and breed of animal, and a metal numbered tag to be affixed to collar of animal and worn by it at all times. Duplicate records shall be kept of all license and permits issued. In the event an identifying tag is lost, a duplicate may be obtained for a fee of \$1.00.

e) No person shall place a tag on a dog or cat other than the one for which the license is issued.

f) A license will be issued only if owner-harbinger provides proof of rabies inoculations for each animal to be licensed. A dog shall receive rabies shots every two years. A cat shall receive rabies shots every year.

g) An applicant for a license for a spayed female or neutered male animal shall present a statement from a veterinarian indicating the service performed and date of the operation.

Section 3. Running at large. No person shall permit an animal to run at large within the city at any time.

Section 4. Habitual barking or howling. No person shall keep or harbor a dog which habitually barks or cries. Keeping or harboring such a dog is declared to be a public nuisance.

Section 5. Damage to property. No person shall permit his animal to damage any lawn, garden or other property.

Section 6. Impoundment. Any licensed or unlicensed animal found running at large shall be picked up and be impounded in an approved animal shelter designated by the city council and there confined until redeemed by owner or after complying with provisions of this ordinance. Any animal not claimed by its owner before the expiration of five (5) days shall become the property of said shelter and shall be disposed of at its discretion.

Section 7. Rabies control. Any animal which bites a person shall be promptly reported to city. County law officers who, at their discretion, shall order owner-harbinger to place such animal under quarantine for not less than ten (10) days on his own premises, or at his own expense, at a veterinary hospital. In either case, under the close scrutiny of a veterinarian for symptoms of rabies. If rabies are diagnosed said animal must be destroyed immediately by owner, veterinarian, or other person at owner's expense.

Section 8. An animal shall be considered vicious if it is known to have

- a) attacked or bitten a person outside of the owner's or custodian's premises,
- b) Any animal that shows vicious habits or molests pedestrians or interferes with vehicles on public streets and highways.
- c) Any animal that has destroyed property or habitually trespasses in a damaging manner on the property of persons other than the owner or custodian.
- d) if after a reasonable attempt is made to capture and impound such animal, the officer involved is threatened with bodily harm, he may in defense of himself, summarily destroy such animal.

Section 9. The City Council may appoint qualified persons to act as police officer or call upon authorized County officers in the enforcement of this ordinance. Such officers are empowered and instructed to enter any public or private premises where there is reasonable cause to believe there is an unlicensed or dangerous animal, and no person shall interfere with, hinder or molest them in the exercise of duties.

Section 10. Under terms of this ordinance more than three dogs will be considered a kennel operation. Any persons desiring to keep more than three dogs shall discuss the feasibility thereof with the City Council at a regular meeting. Applicant and council may then come to an agreement scheduling fees and terms of operation(s).

Section 11.

a) No person, firm, partnership or corporation shall be permitted to own or keep a horse, mule, jackass, goat, cattle, or sheep within the city except on a parcel of land exceeding one-half (1/2) acre. The ratio of animals shall not exceed three animals per each two (2) acres (excluding dogs, cats).

b) No horse, mule, jackass, goat, cattle, or sheep nor any domestic fowl shall be allowed to run at large within the city and any owner or person having custody of any such animal or fowl who shall permit the same to run at large shall be guilty of a misdemeanor.

c) No person shall keep any swine in the city except in the process of transportation and then not to exceed twenty-four (24) hours.

Section 12.

a) An enclosure constructed of materials capable of confining any domestic animal(s) must be erected around area designated for confinement and no closer than twenty-five (25) feet to any property lines.

b) A shelter(s)table shall be constructed having an area of at least 100 square feet for one animal and not less than 200 square feet for a limit of any three animals and must be capable of

keeping said animals comfortably sheltered in any weather and meeting the requirements of area humane society.

c) Such shelter(s)table shall not be closer than seventy-five (75) feet to any other structure, excluding the owner's buildings.

Section 13.

a) All manure and liquid discharges, discarded bedding and fodder must be removed from premises at least every two weeks and disposed of outside of city limits, except when used as fertilizer, in which case it must be spread evenly on the ground and turned under within twenty-four (24) hours. Or if spread on frozen ground, as soon as the frost leaves the ground.

b) A shelter(s)table must be kept clean and rodent and insect free. Any offensive odor or rodent or insect infestation shall be considered a private or public nuisance, depending on its severity and number of person(s) offended, in which event corrective action can be taken by person(s) offended.

c) Animals with diseases of any kind must be securely confined on the premises of owner and away from healthy animals and veterinary services provided. Should animals succumb to any cause whatever, carcass(s) must immediately be removed from premises and city limits.

Section 14. Any person, firm, partnership or corporation desiring to own, keep, or harbor any domestic animal(s) within the city (except dogs, cats, Section 2 of this ordinance) must make a written application for a permit to do so, stating kind, type and number of animals to be kept. If acceptable, council shall by resolution grant said permit and set a fee deemed necessary to supervise the provisions of this ordinance. Council reserves the right to revoke such permit if terms of ordinance are not complied with.

Section 15. Penalty. Any person, firm, partnership or corporation violating the provisions of this ordinance shall be guilty of a misdemeanor and punished by a fine of not more than one hundred dollars (\$100) or other penalty considered suitable by court.

Section 16. All ordinances and amendments inconsistent with these provisions are hereby repealed.

Section 17. This ordinance shall take effect and be in force from and after its publication according to law.

Passed by the Council of the City of Minnesota City this 7th day of October 1980.

James J. King, Mayor

Attest: J. A. Kaslo, City Clerk