



ORDINANCE NO. 20

v1.0

AN ORDINANCE RELATING TO ANIMAL CONTROL

SECTION 20. Animals

SECTION 20.01. Definitions.

For the purpose of this chapter, certain words and terms are defined as follows:

- 1) "Owner" means any person owning, harboring or keeping an animal of any kind, domestic, or non-domestic.
- 2) "Animal" means an animal of any kind, domestic, or non-domestic.
- 3) "Domestic Animals" means all dogs and cats, male and female, spayed or unspayed, of any age.
- 4) "At large" means any licensed or unlicensed domestic animal within the City, except:
 - a) any licensed domestic animal on a leash when under the physical control of any person;
 - b) any licensed domestic animal within any motor vehicle; and
 - c) any licensed domestic animal upon the premises of the owner or harborer thereof.
- 5) "Dog" means all male and female, spayed or unspayed of any age.
- 6) "Animal Control Officer" means any person or persons appointed by the City Council as Animal Control Officer or Deputy to enforce the provisions of Ordinance 20 - Animals.
- 7) "Kennel" means any place where 4 or more of any single type of domestic pets, over 4 months of age, are owned, boarded, bred or offered for sale.
- 8) "Wild Animal" means any mammal, amphibian, reptile or bird that is of a species not usually domesticated, and which, due to size, wild nature or other characteristic, is or may be dangerous to humans. The term includes animals and birds, the keeping of which is licensed or prohibited by the State or Federal government, including, but not limited to wolves, raptors, and pheasants. By way of example and not of limitation, the term "wild animal" includes snakes, eagles, ocelots, jaguars, cougars, weasels, ferrets, badgers, monkeys, chimpanzees, deer, bison, skunks, and raccoons. The term also includes crossbreeds, such as a cross between a dog and a coyote, a cross between a dog and a wolf, and a cross between a cat and any member of the family Felidae.

SECTION 20.02. Keeping of Certain Animals Absolutely Prohibited.

1. Prohibitions.

A person must not own, stable, keep, harbor, hold or maintain within the City any of the following:

- A. Any wild animal; or
- B. Any hoofed animal; or
- C. Any hive or other facility for the housing of bees on less than a 3 acre site.
- D. Any chicken.

2. Exceptions.

Section 20.02 does not apply to the following:

- A. Animals which are brought into the City solely for participating in any circus or show; or
- B. Any public zoo; or

C. Any bona-fide research institution or veterinary hospital, provided that such institution or hospital employs protective devices adequate to prevent such animal(s) from escaping or injuring the public; or

D. Pot bellied pigs kept by an owner as a pet.

E. Any animals prohibited in section 20.02 (1) that are owned, stabled, kept, harbored, held or maintained within the City as of the date the City Council adopts this Chapter, and that are reported to the City in writing by the Owner on or before May 1, 2000. The purpose of this exception is to allow the City to collect information about prohibited animals within the City so that the City can properly determine how such animals should be treated under the provisions of this Chapter.

SECTION 20.03. Domestic Animals Running At Large.

The running at large of any domestic animal in the City is hereby declared to be a nuisance and is hereby prohibited. No person owning or harboring a domestic animal shall permit the same to run at large in the City licensed or taxed in accordance with this chapter, or not.

SECTION 20.04. License and Registration Required.

All domestic animals over 4 months of age kept, harbored or maintained by their owners in the City shall be licensed and registered. Domestic animal licenses shall be issued by the Administrator upon payment of a license tax to be established by Council resolution for each domestic animal. The owner shall state at the time application is made for such license and upon printed forms provided for such purpose the name, address, and signature of the owner declaring the owner to be 18 years of age or older; and the name, breed, color, and sex of each domestic animal owned or kept and shall provide evidence of compliance with the requirements of vaccination in Section 20.07. The provisions of this section shall not be intended to apply to domestic animals whose owners are visitors temporarily within the City for a period of less than 60 days, nor to domestic animals brought into the City for the purpose of participating in any domestic animal show, nor to "seeing eye" dogs properly trained to assist blind persons when such dogs are actually being used by blind persons for the purpose of aiding them in going from place to place.

All licenses shall be valid for one year from each June 1 to the following May 31. License applications may be made from May 1 through May 31 each year without penalty. When application is made after May 31 for any animal subject to licensing prior to that date, an additional fee shall be charged for the license. The additional fee herein prescribed is assessed to cover the additional costs of administration and not as a penalty and the payment of such a fee shall not exempt any owner for any penalties imposed for any violation of this ordinance.

SECTION 20.05. Tag.

Upon payment of the license fee, the Administrator shall issue to the owner a license certificate and a metallic tag for each domestic animal so licensed. The tag shall have stamped thereon the number corresponding with the number on the certificate. Every owner shall see that the tag is constantly worn by the domestic animal. In case a tag is lost or destroyed, a duplicate will be issued by the Administrator upon presentation of a receipt showing the payment of the license fee for the current year, and the payment of a fee for such duplication. Tags shall not be transferable from one domestic animal to another and no refunds shall be made on any license fee because of death of the animal or the owners' leaving the City before expiration of the license period.

SECTION 20.06. Impounding.

The Animal Control Officer may, when necessary, apprehend any domestic animal found running at large and impound, or cause a notice of violation of this order to be issued to the owner. The pound master, upon receiving any domestic animal, shall make a complete registry, entering the breed, color, and sex of such and whether licensed. If licensed, the pound master shall enter the name and address of the owner and number of the license tag.

Notice to Owner and Redemption

Forthwith upon the impounding of any licensed domestic animal, the owner shall be notified. The owner of any domestic animal so impounded may reclaim such upon payment of any unpaid license fee, any fine, and all costs and charges incurred for impounding, maintenance, or treatment of such domestic animal. If, at the

expiration of seven days from the date of notice, or of impoundment, if ownership cannot be ascertained or such domestic animal shall not have been redeemed, it may be disposed of according to law.

SECTION 20.07. Vaccination.

It shall be unlawful for the owner of any domestic animal to keep or maintain such unless it shall have been vaccinated by a licensed veterinary surgeon with anti-rabies vaccine, currently valid for the license period for which such is kept or maintained. No license provided for herein shall be issued except upon compliance with this section.

SECTION 20.08. Animal Control Officer and Deputies.

The City Council is hereby empowered to contract for Animal Control Officer and impounding service to enforce Sections 20.01 through 20.23. The City Council shall designate the Animal Control Officer and deputies and they shall have police powers to cite owners of animals for violations of this Code, in addition to their power of impounding.

SECTION 20.09. Nuisance.

Every owner of a domestic animal shall exercise proper care and control of the animal to prevent the animal from becoming a public nuisance. Excessive or untimely barking, molesting passersby, chasing persons, vehicles, bicycles, skateboarders, roller skaters, etc., attacking persons or other domestic animals, damaging property, running at large, or similar acts performed by animals, shall be deemed a nuisance.

SECTION 20.10. Cleaning Litter.

Every person who takes a domestic animal off the property where it is boarded shall have on his/her person materials to remove excretory matter that the domestic animal may deposit, and that person is also responsible to see that such matter is picked up and properly disposed of and a failure to have such material on his/her person or to pick up excretory matter so deposited shall be deemed a nuisance.

SECTION 20.11. Officers May Kill Animals.

Police Officers are hereby authorized and empowered to kill any animal found in violation of this chapter whenever such animal cannot be safely taken up and impounded. No impounding or killing of any animal shall exempt the owner or harborer of such animal from the penalties provided in this Code.

SECTION 20.12. Biting Animals/Quarantine.

It is unlawful for an owner to fail to restrain an animal from biting any person, whether or not the owner is present at the time of the bite. Whenever any person owning an animal within the City shall learn that such animal has bitten any human being, such person shall immediately impound said animal in a place of confinement where it cannot escape or have access to any human being or other animal and shall also immediately notify the Animal Control Officer.

The Animal Control Officer when informed that an animal has bitten any human being shall ascertain the identity of such animal and the person owning or harboring and shall immediately direct such person to immediately impound such animal as herein required. The Animal Control Officer shall also immediately notify the Administrator of the place where the animal is impounded.

Any animal which has bitten a human being shall be impounded continuously for 10 days. The Animal Control Officer or designee shall inspect said animal from time to time during its period of confinement and determine whether such animal is infected with rabies. If, on or before the tenth day the animal shows signs suggestive of rabies, the Animal Control Officer may destroy the animal and submit the carcass to an appropriate person for rabies examination. During the ten day quarantine period the Animal Control Officer shall have access to the premises where such animal is kept at all reasonable hours and may take possession of the animal and confine it in the City pound or other suitable place at the expense of the owner. The owner or person in possession or harboring such animal shall immediately notify the Animal Control Officer or designee of any evidence of sickness or disease in the animal during its period of confinement and shall promptly deliver its carcass to the Animal Control Officer or designee in case of its death during such period.

SECTION 20.13. Potentially Dangerous Animals.

Subdivision 1. Definitions.

"Potentially dangerous animal" means any animal that:

- a) when unprovoked inflicts bites on a human or domestic animal on public or private property;
or
- b) when unprovoked, chases or approaches a person, including a person on a bicycle, skateboard, roller skates, or the like, upon the streets, sidewalks, or any public or private property, other than the dog owners' property, in an apparent attitude of attack; or
- c) has a known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.

Subdivision 2. Attack by Animal.

It shall be unlawful for an owner to fail to restrain an animal from biting, chasing, or attacking any person or domestic animal on public or private property, whether or not the owner is present at the time of the incident.

Subdivision 3. Requirements.

The owner of a potentially dangerous animal shall:

- a) keep the animal, while on the owner's property, in a proper enclosure or kennel. If the animal is outside the enclosure, it must be muzzled and restrained by a substantial chain or leash and under the physical control of a responsible person. The muzzle must be made in a manner that will prevent the animal from biting any person or animal but will not cause injury to the animal or interfere with its vision or respiration; and
- b) post clearly visible warning sign to inform that there is a potentially dangerous animal on the property. The sign must include a warning symbol to warn children of the presence of a potentially dangerous animal on the property.

Subdivision 4. Non-compliance.

The owner of an animal which has been declared as potentially dangerous by the animal control authority shall comply with the above requirements within fourteen (14) days after receipt of notice that the animal is potentially dangerous. The animal control authority shall immediately seize any potentially dangerous animal whose owner has failed to comply with this section. An animal may be reclaimed by its owner upon a showing of compliance and payment of impounding, boarding fees, and fines. An animal not claimed within seven (7) days may be destroyed, and the owner is liable to the animal control authority for costs incurred in confining and disposing of the animal.

Subdivision 5. Exemption.

Animals may not be declared potentially dangerous if the threat, injury, or damage was sustained by a person:

- (1) who was committing, at the time, a willful trespass or other tort upon the premises occupied by the owner of the animal;
- (2) who was provoking, tormenting, abusing, or assaulting the animal or who can be shown to have repeatedly, in the past, provoked, tormented, abused, or assaulted the animal; or
- (3) who was committing or attempting to commit a crime.

20.14. Dangerous Animals

Subdivision 1. Attack by an Animal.

It shall be unlawful for an owner to fail to restrain an animal from inflicting or attempting to inflict bodily injury to any person or other animal whether or not the owner is present. The Court upon a finding of the defendant's guilt hereunder, is authorized to order, as part of the disposition of the case, that the animal be destroyed based on a written order containing one or more of the following findings of fact:

- 1) The animal is dangerous as demonstrated by a vicious attack, an unprovoked attack, an attack without warning, or multiple attacks, or
- 2) The owner of the animal has demonstrated an inability or unwillingness to control the animal in order to prevent injury to persons or other animals.

If the Court does not order the destruction of the animal, the Court shall, as an alternative, order the defendant to provide, and show proof to the Court of public liability insurance in the minimum amount of \$300,000.

Subdivision 2. Destruction of Dangerous Animals.

The Animal Control Officer, or designee, shall have the authority to order the destruction of a dangerous animal.

- 1) Definition.

A Dangerous Animal is an animal which has:

- a. Caused serious bodily injury or disfigurement to any person, or
- b. Engaged in any attack on any person under circumstances which indicate danger to personal safety, or,
- c. Exhibited unusually aggressive behavior, such as an attack on another animal, or
- d. Bitten one or more persons on two or more occasions.

- 2) Procedure.

The Animal Control Officer or designee, after having been advised of existence of a dangerous animal may proceed in the following manner:

- a. The Administrator or designee shall cause the owner of the animal to be notified in writing or in person that the animal appears to be dangerous. This owner shall be notified as to dates, times, places, and parties bitten, and shall be given ten days to request a hearing before the City Council for determination as to the dangerous nature of the animal.
 - i. If no owner requests a hearing within ten days of said notice, the City Council shall may such order as he/she deems proper. The City Council may order the Animal Control Officer to take the animal into custody for destruction. If the animal is ordered into custody for destruction, the owner shall immediately make the animal available to the Animal Control Officer, and failure to do so shall be a misdemeanor.
 - ii. If an owner requests a hearing for determination as to the dangerous nature of the animal, the hearing shall be held before the City Council, who shall set a date for hearing not more than four weeks after demand is received. The records of the City shall be admissible for consideration without further foundation. After the hearing, the City Council shall make such orders as the evidence directs. The order may require that the Animal Control Officer take the animal into custody for destruction.
- b. Nothing in this section shall prevent the Animal Control Officer or designee from ordering the immediate destruction of a rabies suspect animal pursuant to Section 20.12.
- c. Any person who harbors an animal after it has been found by the Animal Control Officer or designee to be dangerous and ordered into custody for destruction shall be guilty of a misdemeanor.

Subdivision 3. Stopping an Attack.

If any police officer or Animal Control Officer is witness to an attack by an animal upon a person or another animal, the officer may take whatever means the officer deems appropriate to bring the attack to an end and prevent further injury to the victim.

Subdivision 4. Exemption.

Animals may not be declared dangerous if the threat, injury, or damage was sustained by a person:

- 1) who was committing, at the time, a willful trespass or other tort upon the premises occupied by the owner of the animal;
- 2) who was provoking, tormenting, abusing, or assaulting the animal or who can be shown to have repeatedly, in the past, provoked, tormented, abused, or assaulted the animal; or
- 3) who was committing or attempting to commit a crime.

SECTION 20.15. Interference with Officers and Animal Control Officers.

No person shall take or attempt to take from any officer or Animal Control Officer any animal taken up in compliance with this Chapter, or in any manner, interfere with or hinder such officer or Animal Control Officer in the discharge of duties under this Chapter.

SECTION 20.16. Gifts of Certain Animals Prohibited.

No person not duly licensed to operate a pet shop by the Council shall give away baby chickens, baby ducks, other unmaturred small fowl or baby rabbits as prizes or pets.

SECTION 20.17. Other Animals Running At Large.

No person who owns or has custody of any horse, mule, goat, swine, poultry, cattle, monkey, domesticated snake, or other animal that creates a public nuisance shall permit the same to run at large in the City.

Any such animals or fowl found running at large shall be impounded, and a notice of impounding posted as provided in Section 20.06.

Animals may be redeemed prior to their sale or disposition by the owner upon payment to the Administrator of a fee to be determined by Council Resolution.

SECTION 20.18. Humane Care.

All owners shall provide their animal with sufficient food and water, proper shelter, veterinary care when needed to prevent suffering, and with humane care and treatment. No person shall poison, ill treat, or abandon any animal. Unwanted animals may be given to the Animal Control Officer at no cost to the owner.

SECTION 20.19. Whenever the Animal Control Officer encounters a stray animal suffering pain, he/she shall act promptly to notify the owner. If unable to ascertain or locate the owner, he/she may take the animal to a veterinarian for treatment or to the pound for disposition. The cost of any care or treatment shall be borne by the owner.

SECTION 20.20. Animal Control Officer Authorized to Contract for Pounding Services.

The Animal Control Officer, upon approval of the City Council, is authorized to contract for necessary pounding services on behalf of the City. Such services shall only be used by the City where necessary for proper enforcement of the law or where a safety hazard exists.

SECTION 20.21. Lien for Pounding and Transportation Costs and Notice.

The City may impound any animal where necessary for the proper enforcement of the law or where a safety hazard exists. No animal which has been impounded shall be released to the owner or custodian until all fines, reasonable pounding and transportation costs have been paid and the authorized person having charge of the impounded animal shall have a lien for such costs.

In all cases where an animal is impounded the owner, if known, or the custodian, if the owner is unknown, shall be immediately notified. If the owner or custodian be unknown, and cannot by reasonable effort be ascertained, or shall not, within five (5) days after Notice, redeem such animal by paying the expenses incurred as aforesaid, it may be treated as a stray, and be dealt with as such.

SECTION 20.22. Kennels, License Required.

No person shall maintain a kennel where animals are kept without a license. Application for a license shall be made to the Administrator. The Council shall, after due consideration, grant or deny each application.

License Fee.

The license fee for a kennel license shall be set by Council resolution. Such license fee shall be in addition to the fees payable for individual licenses for animals kept in the kennel.

All licenses shall be valid for one year from each June 1 to the following May 31.

SECTION 20.23. Violation/Penalty.

Any person who violates any provision of this Chapter is guilty of a misdemeanor.

SECTION 20.24. Effective Date.

This ordinance shall be and is hereby declared to be in full force and effect from and after its passage and publication according to law.

Passed by the Pine Springs City Council, Washington County, Minnesota, this 2nd day of November, 1999

Frank Bastyr (by signature)
Mayor

Karen Pirozzoli (by signature)
City Administrator

Revision History

Ver.	Changes	Date Changed
1.0	Adopted by the City Council	Nov 2, 1999