

CHAPTER 5 DOGS AND OTHER ANIMALS

5.01. DOGS, LICENSING AND OTHER PROVISIONS.

Subdivision 1. **DEFINITIONS.**

- (1) “**OWNER**” means any person, firm or corporation owning, or harboring, or keeping a dog.
- (2) “**AT LARGE**” means off the premises of the owner and not under the control of the owner or custodian and restricted at all times by a suitable leash.

Subd. 2. **LICENSE REQUIRED.** No dog owner shall keep any dog over 6 months of age unless a license therefore has been first secured. Licenses shall be issued by the city clerk in which the fee for the license shall be set by resolution by the city council annually. In addition to other penalties imposed herein, for each day or fraction thereof which elapses after which a license must be secured as herein provided, the license fee herein specified will be increased \$.50 up to an accrued maximum of \$25.00. Every application for a license shall be accompanied by a certificate from a qualified veterinarian showing that the dog to be licensed has been given a vaccination against rabies in compliance with subdivision 15. An application for a license for a spayed female dog shall present a statement from a qualified veterinarian indicating that the dog has been spayed and giving the date of operation. Licenses shall expire on the 15th day of April next following their issuance.

Subd. 3. **DATE OF PAYMENT.** It shall be the duty of each owner of a dog over 6 months of age to pay the license fee imposed in Subdivision 2, to the City Clerk on or before the 15th day of April in each year, except as provided in Subdivision 2 for the year in which this ordinance becomes affective, or within 30 days of acquiring ownership or possession of any dog over 6 months of age or within 30 days of establishing residence in the City. In the case of a dog 6 months or younger, the license must be secured within 30 days after such dog attains the age of 6 months and one day. The clerk shall cause a notice of the necessity of paying such license fee to be displayed in a conspicuous public place one time before the 15th day of March in each year.

Subd. 4. **RUNNING AT LARGE PROHIBITED.** No dog shall be permitted to run at large within the limits of the City.

Subd. 5. Any dog found running at large in violation of any provision of this ordinance may be captured and impounded by a peace officer of the City or by a party designated by resolution of City Council. Such peace officer or designee is authorized to go on private property other than into dwelling house to effect such capture. If not claimed within five (5) calendar days after capture and impounding, the peace officer or designee is authorized to destroy the impounded dog in a humane manner. An impounded dog may be claimed by the owner within five days after the capture and

impounding by paying the boarding fee, animal control officer fee, license fee due under this ordinance, including a penalty for late issuance of license, and handling fee to the City of ten dollars (\$10.00). The impoundment fee shall be \$175.00. The foregoing fees are in addition to and not in lieu of the general liability of the dog owner under Subd. 16 of this ordinance as amended. No animal shall be retrieved from impound without proof of current rabies vaccination.

Subd. 6. **DOGS ON LEASH; SANITATION.** Persons shall be permitted to take dogs onto public streets, sidewalks, trails and parks (other than areas clearly marked by signs bearing the words (“Dogs not permitted in the area”) provided such dogs are under the control of the owner or custodian and restricted at all times by a suitable leash. Any person having the custody or control of a dog off the premises of the owner shall have the duty to immediately remove any feces left by such animal and to dispose of such feces in a sanitary manner. It shall furthermore be the duty of each such person having control of any dog off the premises of the owner to have in such person’s possession a device or means for the picking up and removal of animal feces.

Subd. 7. **RECEIPTS AND TAGS.** Upon the payment of the license fee, the clerk shall execute a receipt in duplicate. The clerk shall deliver the original receipt to the person who pays the fee, retaining the duplicate. The clerk shall also procure a sufficient number of suitable metallic tags, and shall deliver one appropriate tag to the owner when the fee is paid.

Subd. 8. **AFFIXING TAGS.** The owner shall cause said tag to be affixed by a permanent metal fastening to the collar of the dog so licensed in such a manner that the tag may be easily seen by the officers of the City. The owner shall see that the tag is constantly worn by such dog.

Subd. 9. **DUPLICATE TAGS.** In case any dog tag is lost, a duplicate may be issued by the clerk upon presentation of a receipt showing payment of the license fee for the current year. A charge of One Dollar (\$1.00) shall be made for each such duplicate tag.

Subd. 10. (A) **DISTURBING PEACE AND QUIET.** It is a nuisance for any animal to habitually or frequently bark, howl, bay, yelp, cry or make any noise causing a disturbance to any resident of the City. No person owning, operating, having charge of, or occupying any building or premises shall harbor, keep or allow to be kept any animal which shall, by any noise unreasonably disturb the peace and quiet of any person in the vicinity. The phrase “unreasonably disturb the peace and quiet” shall include, but is not limited to, the creation of any noise by any animal which can be heard by any person, including, without limitation, the law enforcement officer, from a location outside of the building or premises where the animal is being kept and which animal noise occurs repeatedly over at least a ten minute period of time with one minute or less lapse of time between each animal noise during the ten minute period or which animal noise repeatedly occurs at any time.

(B) **COMPLAINT.** Any person may call or deliver a complaint to any law enforcement

officer stating the facts and circumstances of an alleged violation of this subdivision. Such complaints shall be investigated by the County's law enforcement officer. If a violation occurs in the presence of a law enforcement officer, a summons may be immediately issued. If the violation does not occur in the presence of a law enforcement officer, all reports, witness statements and evidence may be submitted to the City Clerk or the Prosecuting Attorney for the City for a formal complaint.

(C) INVESTIGATION AND ENFORCEMENT. To investigate any complaint made under this subdivision or to enforce this subdivision, the law enforcement officer may enter upon private property where there is reasonable cause to believe that there is an animal on the premises in violation of this subdivision. Interference with, hindering or molesting an officer in the performance of his or her duty shall constitute an additional offense in violation of this chapter.

Subd. 11. **OFFENSES INVOLVING TAGS.** It is unlawful to counterfeit or attempt to counterfeit the tags provided for in Subd. 7 of this ordinance or take from any dog a tag legally placed on it by its owner with the intent to place it upon another dog, or to place such tag on another dog.

Subd. 12. **TAGS NOT TRANSFERABLE.** Dog tags are not transferable and no refunds shall be made on any dog license fee because of leaving the village or death of the dog before the expiration of the license period.

Subd. 13. **MUZZLING PROCLAMATION.** Whenever the prevalence of hydrophobia renders such action necessary, to protect the public health and safety, the council shall issue a proclamation ordering every person owning or keeping a dog to confine it securely on their premises unless it is muzzled so that it cannot bite. No person shall violate such proclamation, and any un-muzzled dog running at large during the time fixed in the proclamation shall be killed by the police or constable without notice to the owner.

Subd. 14. **KENNELS.** The keeping or harboring of more than three dogs over the age of three months is prohibited unless the person, firm, corporation or other entity keeping or harboring the dogs has been issued a license to operate a kennel. The license fee for the operation of a kennel shall be as determined by the City Council from time to time and as on record in the City offices. A kennel license shall be issued only if a Conditional Use Permit allowing the operation of a kennel on the property has been granted to the requesting property owner. The City Council shall take into consideration the kind and number of animals to be kept on the property, the size of the property, the facilities to be constructed and maintained for the care and keeping of the animals, the effect of the animals and the operation of the kennel on the neighboring properties and their residents, and the general public health and welfare in determining whether to grant a Conditional Use Permit for the operation of a kennel to any applicant. All persons or entities issued a kennel license under this subdivision shall comply with the conditions of Subdivision 10 of this chapter regarding the prohibition against nuisance and unreasonable disturbance of peace and quiet.

Subd. 15. **VACCINATION.** No license shall be granted for a dog which has not been vaccinated against rabies as provided in this subdivision during the 90-day period preceding the making of an application for such license except that when a dog is first licensed for an entire year hereafter, the license may be issued if the dog has been vaccinated within a period of six months preceding the application for a license. Vaccination shall be performed only by a doctor qualified to practice veterinary medicine in the state in which the dog is vaccinated. A veterinarian who vaccinates a dog to be licensed in the City shall complete in triplicate a certificate of vaccination. One copy shall be issued to the dog owner for affixing to the license application, one shall be sent to the Minnesota State Live Stock Stationary Board, and one copy shall be retained in the veterinarian's files.

Subd. 16. **PENALTY.** Any person, firm or corporation violating any provision of this ordinances is guilty of a misdemeanor.