

ORDINANCE NO. 74
AN ORDINANCE LICENSING AND REGULATING THE KEEPING
OF DOGS AND CATS WITHIN THE CITY OF SHELLY

THE CITY COUNCIL OF THE CITY OF SHELLY DOES HEREBY ORDAIN:

SECTION 1. DEFINITIONS. As used in this Ordinance, the following terms shall have the respective meanings ascribed to them:

Subd. 1. "At Large" means the dog or cat is off the property of the person owning, harboring or keeping said animal, and is not under restraint.

Subd. 2. "Cat" means all cats over six (6) months of age.

Subd. 3. "Dog" means all dogs six (6) months of age.

Subd. 4. "License year" shall mean the period from July 1st until the following June 30th.

Subd. 5. "Owner" means any person owning, keeping, harboring or acting as custodian of a dog or cat.

Subd. 6. "Under Restraint" means that the dog or cat is on the premises of the person harboring or keeping the animal; if it is at heel beside a person having custody of it or obedient to that person's command; if it is within a private motor vehicle of a person owning, harboring or keeping the animal, or if it is controlled by a leash not exceeding six (6) feet in length.

SECTION 2. ANIMAL CONTROL OFFICER.

There is hereby established the position of Animal Control Officer who is appointed by the City Council. Nothing contained herein shall prevent the City Council from contracting with a person to provide such services. The Animal Control Officer is hereby authorized and empowered to issue citations for violations of this Ordinance.

SECTION 3. DUTIES OF ANIMAL CONTROL OFFICER.

The Animal Control Officer shall perform the following duties:

Subd. 1. Capture, seize and deliver to any designated pound any dog or cat running at large within the City.

Subd. 2. Investigate all reported incidents wherein a dog or cat has bitten a person and confirm that said animal is quarantined as required herein.

Subd. 3. Provide a written monthly report to the City Council as to the activities of the Animal Control Officer.

Subd. 4. Such other matters as may be prescribed by the City Council.

SECTION 4. ANIMALS RUNNING AT LARGE.

Subd. 1. No dog or cat shall be permitted to run at large within the limits of the City.

Subd. 2. Impounding of dogs or cats running at large. The designated Animal Control Officer may take up and impound any dog or cat found running at large within the City. If the animal is wearing a tag for the then current license year, the Animal Control Officer shall mail notice of impoundment to the owner, within twenty-four (24) hours of said impoundment, the notice to be sent to the owner at the address given to the City Clerk's office at the time the tag is obtained. A dog or cat so impounded shall be held by the pound master for a minimum of seven (7) days, and may be reclaimed by its owner within that time by payment to the City Clerk's office an impounding fee of \$25.00 plus an additional sum equal to the cost to the City for feeding and housing the animal in a kennel.

SECTION 5. LICENSING; PROCEDURE; FEES.

Subd. 5. License Required. No dog or cat, six (6) months of age or older, may be kept within the City unless a license therefor shall first be secured. Licenses shall be issued by the City Clerk, or designee, upon payment by applicant of the fees established below. An applicant for a license ~~for a neutered or spayed dog or cat shall present a statement from a qualified veterinarian to the effect that the operation for neutering or spaying was performed and giving the date thereof, and if this certificate is not furnished then the license fee shall be the same as for any unneutered/unspayed dog or cat.~~ Applicants must also furnish a certificate from a veterinarian that the applicant's dog or cat has been vaccinated for rabies as provided for in Section 10 of this Ordinance.

Subd. 2. Fees. The owner of a dog or cat shall pay the license fee of \$3.00 for each ~~neutered/spayed dog or cat and the sum of \$5.00 for each unneutered/unspayed dog or cat~~ on or before the ~~first day of July in each year,~~ or within thirty (30) days of acquiring ownership or possession of any unlicensed dog or cat. exp. date of prev. lic.

Subd. 3. Receipt and Tags. Upon the payment of the license fee, the City Clerk or designee, shall execute a receipt to the person who pays the fee, and retain a duplicate. The City Clerk or designee shall procure a sufficient number of suitable tags, the shape of which shall be different for each license year, and shall deliver one tag to the person paying the license fee.

Subd. 4. Affixing Tags. The owner shall cause the tag to be affixed by a permanent fastening to the collar of the dog or cat so licensed in such a manner that the tag may be easily seen by the officers of the City. Any dog or cat within the City not wearing a tag for the then current license year shall be deemed to be unlicensed.

Subd. 5. Impounding Unlicensed Dogs or Cats. The Animal Control Officer shall mail written notice to the owner of any unlicensed dog or cat, notice to be mailed to the location where the dog or cat is harbored or kept. The owner shall license any such unlicensed dog or cat within thirty (30) days after said notice is mailed.

Subd. 6. Duplicate Tags. In case any dog's or cat's tag is lost, a duplicate may be issued by the City Clerk or designee upon the presentation of a receipt showing the payment of the license fee for the then current license year and after payment by applicant of \$2.00 for issuance of a duplicate license.

SECTION 6. DISPOSITION OF UNCLAIMED ANIMALS.

Any dog or cat which is not claimed as provided in this Ordinance after seven (7) days of impounding may be sold to anyone desiring to purchase the animal, the amount of which shall be ascertained by the Animal Control Officer which shall reflect the breed of the dog or cat and the impoundment cost. Such funds shall be placed in the general fund of the City. Any animal which is not claimed by the owner or not sold, shall be euthanased and buried at the discretion of the pound master.

SECTION 7. POUND.

The City Council may designate as the pound or animal shelter a suitable kennel or other animal facility, either within or without the City limits.

SECTION 8. DESTRUCTION OF DANGEROUS ANIMALS.

Subd. 1. The Animal Control Officer or Chief of Police, or his designee, shall have the authority to order the euthanasia of a dangerous dog as hereinafter provided. A dog is considered dangerous after it has:

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

Subd. 2. Procedure. The Animal Control Officer or the Chief of Police or his designee after having been advised of the existence of a dangerous animal shall proceed as follows:

- a. Notify the owner, by registered mail, that the dog or cat appears to be dangerous. The notice shall specify the dates, times, places and parties or animals bitten. Said notice shall also apprise the owner of the dog or cat that he or she may request a hearing before the City Council by notifying City Clerk within ten (10) days after the receipt of the notice.
- b. If the owner does not request a hearing within ten (10) days of said notice, the Animal Control Officer shall immediately take possession of the dog or cat and euthanize the same.
- c. If the owner of the dog or cat requests a hearing as to the dangerous nature of his or her animal, the City Clerk shall place the matter before the City Council at its next regular meeting. The owner may present evidence in opposition to the designation of his or her dog or cat as dangerous. The Animal Control Officer shall present evidence to the City Council that supports the determination that the dog or cat is dangerous. Following the hearing, the Council shall make a determination of the fact and issue an order as to whether or not said dog or cat is properly characterized as dangerous. If the Council should determine that the dog or cat is dangerous, it would then order the owner to deliver said animal to the Animal Control Officer for the purpose of euthanizing said animal, unless the owner provided an alternate proposal, acceptable to the City Council which may include the permanent removal of the animal from the City limits.

SECTION 9. VARIOUS OFFENSES.

Subd. 1. Barking Dogs. No person shall keep or harbor a dog which habitually barks, yelps, howls, cries or whimpers so as to 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 a dog which can be heard by any person, including a law enforcement officer or Animal Control Officer, from a location at least 100 feet from the building or premises where the dog is being kept and such noise occurs repeatedly over at least a five (5) minute period of time with one (1) minute or less lapse of time between each dog noise during the said five (5) minute period. A dog shall not be deemed a barking dog if, at the time the dog is barking or making any other noise, a person is trespassing or threatening to trespass upon the private property upon which the dog is situated or when the dog is teased or provoked.

Subd. 2. Nuisance. The owner or custodian of any dog or cat shall prevent such dog or cat from committing in the City any act which constitutes a nuisance. It is a nuisance for any dog or cat to habitually or frequently bark or cry at night as defined above, to frequent school grounds or parks, to chase vehicles, to molest or annoy any person away from the property of the owner or custodian, or to damage, defile, or destroy public or private property. Failure of the owner or custodian of the dog or cat to prevent the animal from committing such a nuisance is a violation of this Ordinance.

Subd. 3. Removal of Dogs or Cats. It is unlawful for any unauthorized person to break open the pound or attempt to do so or to take or let out any dog or cat therefrom or to take or attempt to take from any officer any dog or cat taken up by the officer in compliance with this Ordinance or in any manner to interfere with or hinder such officer in the discharge of duties under this Ordinance.

Subd. 4. Tags; Counterfeit. It is unlawful to counterfeit or attempt to counterfeit the tags provided for herein, or to take from any dog or cat a tag legally placed upon it by its owner with the intention of placing it upon another dog or cat.

Subd. 5. Tags; Not Transferable. Dog or cat tags shall not be transferable. No refund shall be made on any dog or cat license either because of its leaving the City or its death before the expiration of the license.

Subd. 6. Animal Waste. Anyone walking their dog or cat will be responsible for the cleanup of the animal's excrement and for its proper disposal.

SECTION 10. VACCINATION; RABIES; PROCEDURE.

Subd. 1. Vaccination Required. Every dog or cat six (6) months of age and older at the expense of the owner shall be vaccinated against rabies and shall be re-vaccinated in twenty-four (24) months intervals thereafter or as directed by a proclamation of the City Council ordering more frequent vaccinations in the event of a rabies outbreak.

Subd. 2. Rabies Proclamation. Whenever the prevalence of rabies renders such action necessary to protect the public's health and safety, the City Council, upon advice of the Health Officer, shall issue a proclamation declaring such emergency. Any dog or cat running at large during the time fixed in the proclamation suspected of being rabid, may be euthanized by the Police Department with notice to the owner.

Subd. 3. Certification. Every owner of a dog or cat shall obtain from the veterinarian, at the time of vaccinating any dog or cat, a certificate of rabies vaccination which shall include the following information:

- a) Owner's name and address;
- b) Description of animal;
- c) Date of Vaccination;
- d) Rabies Vaccination tag number;
- e) Signature of the veterinarian.

A copy of the certification shall be delivered to the owner of the dog or cat and a copy retained by the issuing veterinarian. The veterinarian and the owner shall retain their copies for the interval between vaccinations specified in Subd. 1. Further, the owner shall obtain from the veterinarian a tag serially numbered as evidence that the dog has been vaccinated. Said tag must be attached to a collar worn by the dog or cat while off the premises of the owner.

Subd. 4. Unvaccinated Dog/Cat Bites Person. Any dog or cat suspected of being afflicted with rabies which has not been vaccinated in accordance with this section that has bitten a person or caused an abrasion of the skin of such person, shall be seized and impounded for a period of not less than ten (10) days. If, upon examination by a veterinarian, the dog or cat has no signs of rabies at the end of the impoundment, it may be released to the

owner. If the veterinarian determines that the dog or cat is rabid, said animal shall be euthanized.

Subd. 5. Vaccinated Dog/Cat Bites Person. Any dog or cat vaccinated in accordance with this section which has bitten a person shall be confined by the owner or at the city pound for a period of ten (10) days at which time the dog or cat shall be examined by a licensed veterinarian. If no signs of rabies are observed by the veterinarian, the dog or cat may be released from confinement to its owner. If the veterinarian determines that the dog or cat is rabid, said animal shall be euthanized.

Subd. 6. Dog or Cat Bitten by Rabid Animal. In the case of a dog or cat that has been bitten by a rabid animal, the following rules shall apply:

- 1) Unvaccinated Animals.
 - a. In the case of dogs or cats which have not been vaccinated in accordance with this ordinance which have been bitten by a known rabid animal, said bitten dog or cat shall be euthanized upon the written consent of the owner.
 - b. If the owner is unwilling to have the bitten dog or cat euthanized, strict isolation of the dog or cat in a kennel under veterinarian supervision for a minimum of six (6) months shall be required. The owner of the animal shall bear the expense for same.
- 2) Vaccinated Animals. If the bitten dog or cat is vaccinated in accordance with the provision of this section, the dog or cat shall be held as follows:
 - a. The dog or cat shall immediately be re-vaccinated and confined at the owner's home for a period of thirty (30) days following re-vaccination, or
 - b. If the dog or cat is not immediately re-vaccinated, the animal shall be confined in strict isolation in a kennel for six (6) months under the supervision of a veterinarian.
3. In either situation, that is 1) or 2) of Subd. 6, if the veterinarian determines that the bitten dog or cat is rabid, said animal shall be euthanized.

Subd. 7. Impoundment; No Tag. Any dog or cat found off the owner's premises and not wearing a valid rabies vaccination tag shall be impounded. Any unvaccinated dog or cat that is so impounded may be

reclaimed by its owner by payment of the prescribed pound fees and compliance with the rabies vaccination requirement of this ordinance, proof of which shall be furnished to the City Clerk's office within 72 hours of its release from the pound.

SECTION 11. PENALTY FOR VIOLATION.

Any owner who is found to be in violation of Sections 9 and 10 of this Ordinance shall be guilty of a misdemeanor and punished accordingly including the payment of all appropriate costs as prescribed in this Ordinance.

A second violation within 12 months of a prior violation, shall constitute a misdemeanor to be punishable by a fine not to exceed \$700.00 or a jail sentence not to exceed 90 days or both.

SECTION 12. CONFLICTS WITH OTHER ORDINANCES, SEPARABILITY OF PROVISIONS.

All Ordinances or portions of Ordinances in conflict herewith are repealed. Should any section of this Ordinance be held unconstitutional or void, the remaining provisions shall nevertheless remain in full force and effect.

SECTION 13. EFFECTIVE DATE.

This Ordinance shall take effect 30 days after its adoption and publication.

Upon being put to a vote, the above Ordinance was duly passed by the City Council of the City of Shelly, this 10th day of July, 2000, by the following vote:

Ayes: 4

Nayes: 0

Absent: 0

ATTEST:

City Clerk

Mayor

