

ORDINANCE NO. 29

AN ORDINANCE TO REGULATE KEEPING OF DOGS WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF SHELLY, MINNESOTA, AND TO REQUIRE LICENSES FOR KEEPING THE SAME THEREIN AND AUTHORIZING THE SALE OR DESTRUCTION IN A SUMMARY MANNER OF ALL DOGS KEPT CONTRARY TO THE PROVISIONS HEREOF.

THE VILLAGE COUNCIL OF SHELLY ORDAINS:

Section I. It shall hereafter be unlawful for the owner or keeper of any dog to allow such dog to run at large within the corporate limits of the Village of Shelly, Minnesota, between the first day of May and the first day of September; and every owner or keeper of any dog shall, between the first day of May and the first day of September, keep such dog upon the premises of such owner or keeper or under the command and control of such owner or keeper.

Section II. That the owner or keeper of every dog within the Village of Shelly shall cause such dog to be registered by and with the Village Clerk of the Village of Shelly, by giving to such clerk the age, name and description of such dog, and place of residence of the owner or keeper thereof, and by paying to such Clerk, for the use of such Village, the sum of \$3.00 Dollars for each male dog and the sum of \$ 5.00 Dollars for each female dog, provided that such owner or keeper shall be required to pay only the sum of \$ 3.00 Dollars for such female dog if the same be spud, whereupon the Village Clerk shall issue to such owner or keeper a certificate of registration, under his hand and official seal, properly numbered, together with a metallic tag or check bearing upon it the number of such receipt and the year for which the same is issued, and otherwise bearing thereon the words "Shelly Dog License"; and it shall thereupon become and be the duty of such owner or keeper of the dog so registered to have a collar placed upon such dog with such tag or check securely attached thereto and kept thereon.

Section III. It shall be the duty of the Village Clerk, at the expense of such Village, to obtain a suitable supply of such dog tags or checks annually, and keep a record of all licenses issued, showing the names of the persons to whom issued, the number of each license, and a general description of the dog so licensed.

Section IV. Licenses for dogs as hereinbefore mentioned shall extend to and expire on the third Monday of January next following the issuance thereof.

Section V. The Mayor shall have authority and is hereby empowered to appoint an additional police officer whose special duty it shall be to capture and impound any dog unregistered or unlicensed contrary to the provisions of this ordinance, and the Council is hereby authorized to allow such compensation to the police officer of said Village as it shall deem proper for his services in carrying out and enforcing the provisions of this ordinance.

Section VI. A suitable pound shall be designated by the Mayor for the care and custody of dogs impounded under the provisions of this ordinance.

Section VII. When any dog is impounded as hereinbefore provided, the chief of police shall, as soon as may be thereafter, give notice to the owner or keeper of such dog, if such owner or keeper can be readily ascertained, and cause to be posted in three of the most public places of the city notice of the time and place of the proposed sale of such dog, with a general description of the same; and, after the expiration of three days from the day of giving and posting of said notice, shall sell the said dog at public auction to the highest bidder, and pay into the city treasury the amount received therefor. At any time before such sale any owner or keeper of a dog so impounded may secure release thereof by paying to

the City Clerk the amount of the license fee, and in addition thereto \$ 5.00 Dollar and the fees for the posting of said notice. Upon presentation to the chief of police of a receipt to the Village Clerk for the money so paid, it shall be the duty of the chief of police to release the custody of such dog to such owner or keeper. Any owner or keeper of a dog sold under the provisions of this ordinance may redeem the same at any time within three days after the sale thereof, by payment to the purchaser of the amount paid by said purchaser at said sale and the reasonable charges of keeping said dog thereafter. In the event of such redemption within said time, and upon satisfactory proof thereof being made to the Village Council at its first general meeting after such redemption shall have been made and of proof of such matters in relation to the ownership of the dog so redeemed and of the circumstances by reason of which the same was impounded, and any excuses for the failure to redeem such dog before the sale thereof, the Village Council may refund to such owner or keeper the amount for which such dog was so sold, less any sum required for the license fees, and less the sum of \$ 5.00 Dollars and the legal fees for the posting of the notice of the sale. Before the expiration of said three day period, the said purchaser, shall have no other or greater title to said dog than a lien thereon for said purchase price and expense of keeping. After the expiration of said three day period, the title of said purchaser shall become absolute. The chief of police is hereby authorized to destroy any dog impounded under the provisions of this ordinance and for which there is no purchaser at the sale hereunder.

Section VIII. No dog of a vicious or dangerous nature shall be allowed or kept within said city, nor shall the same be registered or any license issued therefore, nor shall any dog be registered or any license issued therefore unless such dog be vaccinated against rabies.

Section IX. Any dog that habitually worries, chases, or molests persons traveling peaceably on the public road or sidewalk, is a public nuisance. Upon complaint in writing made to the Criminal Division of the Probate Court of Norman County, containing a description of such dog, and giving his name and that of his owner, if known, and, if not, so stating, and that such dog is a public nuisance, the Probate Court shall issue a summons, if such owner is known, commanding him to appear before said Probate Court at a time therein stated, not less than six nor more than ten days from the date thereof, to answer such complaint. Such summons shall be served not less than six days before the day of hearing thereon, in the same manner as other Probate Court Summonses.

Section X. If it appears from the complaint that such owner is not known ten days' posted notice, containing a description of such dog as given in the complaint, and stating that such complaint has been made, and the time and place of hearing thereon, shall be given in the Village of Shelly.

Section XI. On the day of hearing the Probate Court shall hear the evidence in the case, and, if it shall find therefrom that such dog is a public nuisance, he shall enter judgment accordingly, and thereupon shall order the police officer of the Village of Shelly to kill and bury such dog, which order such police officer shall forthwith execute.

Section XII. Costs in the first instance shall be paid by the complainant but if the dog is adjudged a nuisance, and the owner is known, judgment shall be entered against him therefore.

Section XIII. Every owner or keeper of any dog, as aforesaid, who shall violate any of the provisions of this ordinance, shall be punished by a fine not to exceed \$ 25.00 Dollars and costs of prosecution or by imprisonment not to exceed ten (10) days.

Section XIV. It is hereby made the duty of all police officers of said

Village to enforce the provisions of this ordinance, and failure in this respect shall be sufficient ground for removal from office.

Section XV. All moneys, fines and costs collected under the provisions of this ordinance shall be credited to the general revenues of said Village.

Section XVI. All ordinances of said Village in conflict with any of the provisions of this ordinance are hereby repealed.

Section XVII. This ordinance shall take effect and be in force from and after its passage, approval, publication and record.

Adopted May 2nd, 1960.

Attest:

J. J. O'Brien  
City Clerk

Lester Larson  
Mayor