

AN ORDINANCE LICENSING AND REGULATING THE KEEPING OF
CATS AND DOGS, PROVIDING FOR IMPOUNDMENT OF CERTAIN
CATS AND DOGS, PROVIDING A PENALTY FOR THE VIOLATION THEREOF,
AND REVOKING INCONSISTENT ORDINANCES

THE CITY OF MOOSE LAKE DOES ORDAIN:

Section 1. Definitions.

(a) **Owner:** Any person, firm, partnership or corporation owning, harboring or keeping a dog(s) or cat(s).

(b) **Kennel:** Any person, partnership or corporation engaged in the breeding, buying, selling or boarding dogs or cats; provided that such person, partnership or corporation customarily owns or boards more than three dogs or three cats over six months of age.

(c) **Animal Shelter:** Any premises designated by the City Council for the purpose of impounding and caring for dogs and cats held under authority of this ordinance.

(d) **Officer:** Any law enforcement officer of the City, animal control officer and any persons designated by the City to assist in the enforcement of this ordinance.

(e) **Restraint:** A dog shall be deemed to be under restraint if it is on the premises of its owner or if accompanied by a responsible person and under that person's effective control. "Under that person's effective control" shall mean effectively restrained by a chain or a leash not exceeding six feet in length or accompanied by and under the control and direction of the owner or other responsible person so as to be as effectively restrained by command as by a leash.

Section 2. License Required.

No person shall own, keep, harbor or have custody of any dog or cat over six months of age without first obtaining a license therefor from the City Clerk. Applications for license shall be made on forms prescribed by the City Clerk, which forms shall set forth: (1) the name and address of the owner; (2) the name and address of the persons making application, if other than the owner; (3) the breed, sex and age of the dog or cat for which license is sought, and whether or not neutered. No license shall be issued to any person other than the owner except upon the written request of the owner.

Section 3. Requirements for License.

a. Licenses shall be valid for a period of two years, commencing January 1 of an even-numbered year and expiring December 31 of the following odd-numbered year, and except as hereinafter provided, shall be issued only upon payment of fees established by resolution of the City Council.

b. A license issued during a calendar year shall require full payment of such license shall be valid for more than one calendar year; a license issued which will be valid less than one calendar year shall require payment of one-half such fee as stated above (plus penalty, if any).

c. No license shall be issued for a neutered dog or cat for such reduced license fee unless there shall be filed with the application for a license a written statement of a licensed veterinarian to the effect that such dog or cat has been neutered.

d. Every application for a license shall be accompanied by a written statement or certificate from a qualified veterinarian showing that the cat or dog to be licensed has been given a vaccination against rabies within the time hereinafter specified. No license shall be granted for any dog or cat which has not been vaccinated against rabies within two years prior to such application. In addition, all dogs and cats shall be vaccinated against rabies at least every two years, and the owner must file written proof thereof in the City Clerk's office, or such license shall automatically be invalidated. Vaccinations shall be performed only by a doctor qualified to practice veterinary medicine in the State in which the dog or cat is vaccinated. If a qualified veterinarian certifies that a rabies shot will be dangerous to the health of the dog or cat, as a result of that animal's advanced age or health, such requirement of vaccination shall be waived upon filing such written certificate.

e. Each dog and cat shall be licensed within one month after a valid license is required by this ordinance. To specify:

(1) Upon expiration of a prior license, on or before February 1 of an even-numbered year;

(2) When a dog or cat is first purchased by, transferred to, or possessed by, an owner, within thirty days after such purchase, transfer or possession; and

(3) When a dog or cat attains the age of six months, within thirty days thereafter.

f. Valid license tags shall be securely affixed to the animals as required herein at all times. In the event such a tag is lost or destroyed, it shall be the responsibility of the owner to obtain a duplicate immediately (no one moth delay). Duplicate tags shall be issued by the City at cost. In the event a valid

license is not obtained within the thirty day requirement stated herein, a penalty of \$1.00 shall be assessed to such owner, with this penalty to be in addition to all other license fees, impoundment fees or fines. Valid licenses are not transferable except when the specific dog or cat in question is transferred to a different resident within the City of Moose Lake. License fees, and late penalty fees, may be amended by resolution of the City Council at any time.

Section 4. Dogs Under Restraint.

All dogs shall be kept under restraint.

Section 5. Obligation to Prevent Nuisances.

It shall be the obligation and responsibility of the owner or custodian of any animal in the City, whether permanently or temporarily therein, to prevent such animal from committing any act which constitutes a nuisance. It shall be considered a nuisance for any animal to habitually or frequently bark or cry at night, to frequent school grounds, parks, public beaches or other public places unaccompanied by a responsible person, to chase vehicles, to molest or annoy any person if such person is not on the property of custodian of such animal, or to molest, defile or destroy any property, public or private. Failure on the part of the owner or custodian to prevent his animals from committing an act of nuisance is hereby declared to be unlawful.

Section 6. Impoundment.

Unrestrained dogs and cats may be taken by an officer as hereinbefore defined and impounded in an animal shelter and there confined in a humane manner. Impounded cats and dogs shall be kept for not less than five regular business days unless reclaimed prior to that by their owner as provided hereafter.

Section 7. Notice of Impoundment.

Upon taking up and impounding any dog or cat, the animal control officer or his designee shall give notice of the impounding to the owner of such dog if known. If the owner is unknown, the officer shall post notice at the pound and at the City Hall that if the dog or cat is not claimed within five business days of the posting of the notice, the dog or cat will be sold or killed as provided by the ordinance.

Section 8. Redemption.

Any dog or cat may be reclaimed from the animal shelter by its owner within the time specified in the notice by the payment to the Clerk of the license fee (if not paid for the current year plus penalty, if any) with an impounding fee as hereinafter

described. The impoundment fee shall be as follows:

(1) 15.00 for the first impoundment of any such dog or cat;

(2) 30.00 for the second impoundment of any such dog or cat within a twelve month period;

(3) 50.00 for the third impoundment or any further impoundments of any such dog or cat within a twelve month period,

Such impoundment fee may be amended by resolution of the City Council. Notwithstanding this section, the owner shall remain subject to all penalties contained in this ordinance.

Section 9. Disposition of Unclaimed Dogs or Cats.

Any dog or cat which is not claimed as provided in Section 7., within five regular business days after impounding and notice, may be sold for not less than the amount so provided in Section 8., or at the discretion of the Animal Control Officer if not prohibited under Minnesota State Law. All sums received in excess of the costs and tax shall be held by the City Clerk for the benefit of the owner and if not claimed within one year, such funds shall be placed in the general funds of the City. Any dog or cat which is not claimed by the owner or sold shall be given away to a suitable home. In the event such dog or cat is not claimed by the owner, sold, or given away to a suitable home, such dog or cat shall be painlessly disposed of and buried by the animal control officer or his designee.

Section 10. Records.

The Animal Control Officer shall keep suitable records, available for review by the public, of all complaints concerning dogs or cats, the impoundment, if any, the notice provided, and the ultimate disposition of such dog or cat.

Section 11. Permissible Return of Unrestrained Dog or Cat.

Notwithstanding the provisions of Section 6, if an animal is found unrestrained and its owner can be identified and located, such animal need not be impounded but may, instead be taken to the owner. In such case, however, proceedings may be taken against the owner for violation of this ordinance.

Section 12. Confinement of Certain Cats or Dogs.

Every female animal in heat shall be confined in a building or other secure enclosure in such manner that such female

animal cannot come into contact with another animal, except for planned breeding.

Section 13. Owner Obligation for Proper Care.

No owner shall fail to provide any animal with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering and with humane care and treatment. No person shall beat, treat cruelly, torment or otherwise abuse any animal, or cause or permit any dog fight. No owner of a dog or cat shall abandon such animal.

Section 14. Quarantine of Certain Dogs or Cats.

Any dog or cat which bites a person shall be quarantined for such time as may be directed by the animal control officer. During quarantine, the animal shall be securely confined, and kept from contact with any other animal. At the discretion of the animal control officer, the quarantine may be on the premises of the owner; however, if the animal control officer requires other confinement, the owner shall surrender the animal for the quarantine, to an animal shelter or shall at his own expense, place it in a veterinary hospital.

Section 15. Removal of Excrement.

(a) It is unlawful for any owner, or any other person in control of, any dog and cat on public property or private property not owned by such owner or person in control, to fail to immediately remove excrement left by such dog or cat to a proper receptacle. The provisions of this section shall not apply to the ownership or use of seeing eye dogs by blind persons, or dogs when used in police activities by the City.

(b) It shall be the responsibility of the owner to remove excrement left by such dog or cat on the private property of such owner or person in control at reasonable intervals so as not to constitute a nuisance. For purposes of this paragraph, a nuisance shall be defined as causing a health hazard to such animal, causing a health hazard to any persons in the vicinity of any animals, causing an unsightly appearance or smell, or causing flies or other insects to frequent such area. If such an area constitutes a nuisance in the opinion of an officer or any other person, and such officer or person notifies such owner of such nuisance, such owner shall remove the excrement within twenty-four hours of receiving such notice. It shall be unlawful for any owner or other person to allow a nuisance or to fail to remove such nuisance as provided herein.

Section 16. Proceedings for Destruction of Certain Dogs or Cats.

Upon sworn complaint to a court of proper jurisdiction that any one of the following facts exist:

(a) That any dog or cat at any time has destroyed property or habitually trespasses in a damaging manner on the property of person other than the owner;

(b) That any dog or cat at any time has attacked or bitten a person outside the owner's or custodian's premises;

(c) That any dog or cat is vicious or shows vicious habits or molests pedestrians or interferes with vehicles on the public streets or highways;

(d) That any dog or cat is a public nuisance as heretofore defined; or that

(e) Any cat or dog is running at large in violation of this ordinance.

The presiding officer of said court shall issue a summons directed to the owner of said dog commanding his to appear before said court to show cause why said dog or cat should not be seized by an officer, or otherwise disposed of in the manner authorized in this ordinance. Such summons shall be returnable not less than two nor more than six days from the date thereof and shall be served at least two days before the time of appearance mentioned therein. Upon such hearing and finding of facts true as complained of, the court may either order the dog or cat killed or order the owner or custodian to remove it from the City, or may order the owner or custodian to keep it confined to a designated place. If the owner or custodian violates such order, an officer may impound any dog or cat described in such order. The provisions of this section are in addition to and supplemental to other provisions of this ordinance and Minnesota Statutes.

Costs of the proceedings specified by this section shall be assessed against the owner or custodian of the dog or cat, if the facts in the complaint are found to be true, or to the complainant, if the facts are found to be untrue.

Section 17. Summary Destruction of Certain Dogs and Cats.

Whenever an officer has reasonable cause to believe that a particular dog or cat presents a clear and immediate danger to residents of the City because it is infected with rabies (hydrophobia) or because of a clearly demonstrated vicious nature, the officer, after making reasonable attempts to impound such dog or cat, may summarily destroy said-dog or cat. In the event of such destruction of said dog or cat, said officer shall use all precautions necessary to preserve the brain of such animal for examination of rabies.

Section 18. Kennels

No person, firm or corporation shall maintain in this City a kennel without securing a license therefore from the City Council. Such license fee shall be as established by City Council resolution. This requirement is in addition to any and all zoning regulations, other ordinances, and Minnesota Statutes.

Section 19. Appointment of Officers.

The City Council may from time to time appoint such persons as may be necessary to assist the police officers of the City and the Animal Control Officer in the enforcement of this Ordinance. Such person shall have police powers in so far as necessary to enforce this ordinance, and no person shall interfere with, hinder or molest them in the exercise of such powers.

Section 20. Non-residents.

The sections of this ordinance requiring a license shall not apply to non-residents of the City, provided that dogs or cats of such owners shall not be kept in the City longer than 30 days without a license and shall be kept under restraint.

Section 21. Vaccination.

All dogs and cats found to be within the City of Moose Lake shall be vaccinated against rabies and distemper at least every two years. In addition, the owner or custodian of any animal in the City must, within two days of request by an officer, provide such officer with a written statement or certificate of a licensed veterinarian to the effect that such dog or cat has been properly vaccinated according to the regulation contained herein prior to such request. It shall be unlawful for any owner, custodian of a dog or cat to fail to vaccinate such dog or cat as provided herein, or to fail to provide proof thereof as provided herein.

Section 22. Penalty.

Any person, firm or corporation found guilty of violating any provision of this ordinance shall be guilty of a petty misdemeanor and be punishable by a fine not to exceed \$100.00. All penalties provided for herein shall be in addition to any license fees, late penalties, impoundment fees and the costs of any proceedings.

Section 23. Validity and Severability.

This ordinance shall be in addition to all lawful requirements contained in Minnesota Statutes, and in addition to all other ordinances of the City of Moose Lake, except as stated in the next section. If any section, subsection, sentence, clause phrase or word contained in this ordinance is for any reason held to be

invalid, such invalidity shall not affect the validity of the remaining portion of this ordinance.

Section 24. Repeal.

Ordinance No. 97, adopted by the City Council on April 10, 1979 is hereby repealed.

Section 25. Effective Date.

This ordinance shall be in full force and effect from and after it's passage and publication according to law.

Adopted by the City of Moose Lake, this 15th day of December, 1993.


Clayton Hartman, Mayor

ATTEST:


Donald L. Clausen, City Clerk

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