

ORDINANCE NO. 131

ORDINANCE LICENSING AND REGULATING DOGS AND CATS PROVIDING FOR DESTRUCTION OR SALE OF DOGS AND CATS AND PRESCRIBING A PENALTY FOR VIOLATION

The City Council of Lamberton, Minnesota, ordains:

Section 1: DEFINITIONS

As used in this ordinance, "animal" means any dog or cat.

Section 2: TAX

No person shall own or keep an animal over the age of three months without obtaining a license therefor.

Section 3: LICENSES, APPLICATION AND FEE

- a) Applications for such licenses shall be made to the City Clerk and the fees therefor shall be determined by the City Council.
- b) Upon payment of such fee, the Clerk shall issue a license for such animal and shall deliver to the person applying for such license a metal tag on which is stamped the words "dog license" or "cat license" and the registration number thereof. Upon the payment of the license fee, the Clerk shall execute a receipt in duplicate and shall deliver the original receipt to the person who pays the fee and retain the duplicate. Such tag shall be thereafter affixed to the collar of the animal and shall not be transferable. In case any tag is lost, a duplicate may be issued by the Clerk upon presentation of a receipt showing the payment of tax for the current year.
- c) The Clerk shall procure a suitable number of metal tags, the shape of which will differ for each year.
- d) An applicant for a license for a spayed female animal shall present acceptable proof that the animal has been spayed. A statement of a qualified veterinarian shall be considered acceptable proof.
- e) Every application for a license shall be accompanied by a certificate from a qualified veterinarian showing that the animal to be licensed has been given a vaccination against rabies on such a date that not more than two years have elapsed from such vaccination to the time of the expiration of the license to be issued.

Section 4: TIME OF PAYMENT

It shall be the duty of the owner of every animal to pay the license fee imposed in Section 3 to the City Clerk on or before the first day of May in each year, or upon acquiring ownership or possession of any licensed animal, or upon establishing residence in the City.

Section 5: CONFINEMENT OF CERTAIN ANIMALS

All female animals not spayed shall be kenneled by owners or any person harboring same.

Section 6: NUISANCE

For the purpose of this chapter a dog or cat shall be deemed to constitute a nuisance when:

1. The dog is not chained to a secure fastening, kept within an enclosed area, or on a leash, or under the direct control of the owner, a member of his family, or agent.
2. The animal commits damage to the person or property of anyone other than the owner, or creates a nuisance upon the property of

one other than the owner, except in the defense of the owner, his family or property.

3. The owner or custodian keeps an animal which barks, howls, cries or yelps so as to unnecessarily disturb or annoy any person or persons in the vicinity thereof.

4. Owner or custodian fails to have the animal vaccinated against rabies at least once every two years.

Failure of the owner or custodian of the animal to prevent the animal from committing any of the nuisances defined herein is a violation of this Ordinance.

#### Section 7: ENFORCEMENT

a) The City police officers shall be charged with the enforcement of the provisions of this Ordinance and be authorized to perform any duty necessary for such purpose. Police officers can also be deputized City employees. It shall be unlawful for any unauthorized person to take or attempt to take from any officer any animal taken up by him in the enforcement of this Ordinance or in any manner to interfere with or hinder such officer in the discharge of his duties under this Ordinance.

b) Upon sworn complaint to the County Court that any one of the following facts exist:

1. That any animal at any time has destroyed property or habitually trespasses in a damaging manner on the property of persons other than the owner or custodian;

2. That any animal at any time has attacked or bitten a person outside the owner's or custodian's premises;

3. That any animal is vicious or shows vicious habits or molests pedestrians; or

4. That any animal is a public nuisance as heretofore defined; the Judge shall issue a summons directed to the owner or custodian of the animal commanding him to appear before the Court to show cause why the animal should not be seized by any police officer or otherwise disposed of in the manner authorized in this part.

Upon finding the facts true as complained of the Court may either order the animal killed or order the owner or custodian to remove it from the City, or may order the owner or custodian to keep it confined in a designated place. The provisions of this Section are in addition to and supplemental to other provisions of this Ordinance.

#### Section 8: POUND

A pound is hereby established for the purpose of carrying out the provisions of this Ordinance. The poundmaster shall be appointed by the City Council for such duty.

#### Section 9: IMPOUNDING

All animals found running at large contrary to the provisions of this Ordinance may be captured and conveyed to the pound and kept therein at least five (5) days, unless sooner reclaimed as herein provided. Any animal may be redeemed from the pound by the payment of the impounding and boarding fees in the amount set by the Council from time to time, and if the animal is not licensed, the license fee.

#### Section 10: NOTICE

Within twenty-four (24) hours after impounding any animal, the poundmaster shall serve a notice thereof upon the owner or keeper of such animal. If the owner cannot be found, notice describing

the animal shall be posted in three conspicuous places within the City, stating the description of the animal, that the same is impounded, and that the animal will be sold or otherwise disposed of if not redeemed within five (5) days from the date of posting. If, at the end of the impounding period the animal is not reclaimed by the owner, such animal shall be deemed to have been abandoned and may be sold to any person who is willing to pay the costs of impounding. If the animal is to be kept in the municipality, a license shall be obtained by such person before possession of the animal is given to the purchaser. If such animal is not claimed within the time specified and all fees and charges paid, the poundmaster may kill such animal and dispose of its carcass unless it is requested by a licensed educational or scientific institution under Minnesota Statutes Section 35.71.

#### Section 11: INOCULATION

No person shall own or keep an animal over the age of one month without having such animal inoculated for rabies, which inoculation is to be made within ten (10) days after obtaining possession of said animal. Certificate of inoculation must be shown the Chief of Police upon request.

#### Section 12: VICIOUS AND DISEASED ANIMALS

- a) Any animal which habitually threatens or attacks people or animals elsewhere than on the premises of the owner, or which is afflicted with hydrophobia, shall be destroyed in a summary manner and buried by the poundmaster without, however, relieving the owner from liability for the violation of this Ordinance.
- b) Whenever any animal shall have bitten any person or other animal, it shall be conveyed to the City pound and kept for such time as the Board of Health may direct for the purpose of determining whether said animal is diseased; and if found to be diseased to such extent as to endanger the public health or safety, the animal shall be killed. Costs arising from impounding diseased animals shall be paid by the owner or custodian of such animal.

#### Section 13: RUNNING AT LARGE

- a) No dog shall be permitted to run at large.
- b) A dog shall be considered to be running at large when it is not chained to a secure fastening, kept within an enclosed area, or on a leash, or under the direct control of the owner, a member of his family, or agent.

#### Section 14: REVOCATION

- a) The city may revoke any permit if the person holding this permit refuses to or fails to comply with this Ordinance, the regulations promulgated by the City, or any state or local law governing cruelty to animals or the keeping of animals.
- b) An animal permit and tag may be revoked if any owner fails to provide animals 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. Also, if an owner shall beat cruelly, ill treat, torment, or otherwise abuse any animal, or cause or permit any dog fight or other combat between animals.
- c) If any person violates the terms of this Ordinance three (3) times in one permit year, his permit to own, keep, harbor or have custody of animals for which the offense was cited shall be deemed automatically revoked and no new permit may be issued for a period of one year from date permit is revoked.

d) Any person whose permit is revoked shall, within 15 days thereafter remove such animals permanently from the City or humanely dispose of animals cited in the violation being owned, kept or harbored by such person and no part of the permit fee shall be refunded.

Section 15: PENALTY

Any person violating this Ordinance is guilty of a petty misdemeanor.


Section 16: REPEAL

Ordinance No. 100 passed April 1, 1974, and Ordinance No. 122 passed September 8, 1981, are hereby repealed in its entirety.

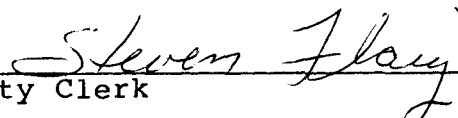
Section 17: EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its passage and publication according to law.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF LAMBERTON THIS 8<sup>th</sup> DAY OF June, 1987.

  
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Mayor

ATTEST:

  
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City Clerk

AMENDMENT TO ORDINANCE NO. 131

The City of Lambertton ordains the Ordinance No. 131 entitled "AN ORDINANCE LICENSING AND REGULATING DOGS AND CATS AND PRESCRIBING A PENALTY FOR VIOLATION" shall be amended as follows:

Section 6, subdivision 1, shall be amended to read:

The animal is not chained to a secure fastening, kept within an enclosed area, or on a leash.

Section 13 shall be amended to read:

- a) No animal shall be permitted to run at large.
- b) An animal shall be considered to be running at large when it is not chained to a secure fastening, kept within an enclosed area, or on a leash.

This amendment becomes effective upon its adoption and publication according to law.

Passed by the Lambertton City Council this 14<sup>th</sup> day of November, 2005 .

  
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Mayor

Attest:

  
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City Clerk/Administrator