

Ordinance No. 153
PET LICENSING AND REGULATION

The City Council of the City of Lamberton, Minnesota, ordains as follows:

Section 1. Definitions. As used in this ordinance, the terms defined in this section shall have the following meanings ascribed to them:

- A. Animal Control Officer means any employee of the City of Lamberton who holds that employment position and job classification within the City of Lamberton. The Animal Control Officer shall be primarily responsible for responding to domestic animal and non-domestic animal related problems and the enforcement of ordinances and statutes.
- B. Cat means both male and female of the felidae species.
- C. Dangerous Dog means any dog that has:
 - (1) without provocation, inflicted substantial bodily harm on a human being on public or private property; or
 - (2) killed a domestic dog without provocation while off the owner's property; or
 - (3) been found to be potentially dangerous, and after the owner has been sent notice that the dog is potentially dangerous, the dog aggressively bites, attacks, or endangers the safety of humans or other domestic dogs.
- D. Dog means both male and female of the canine species.
- E. "Domestic animals" shall mean those animals commonly accepted as domesticated household pets. Unless otherwise defined, such animals shall include dogs, cats, caged birds, gerbils, hamsters, guinea pigs, domesticated rabbits, fish, non-poisonous, non-venomous and non-constricting reptiles or amphibians, and other similar animals.
- F. "Non-domesticated animals" shall mean those animals commonly considered to be naturally wild and not naturally trained or domesticated, or which are commonly considered to be inherently dangerous to the health, safety, and welfare of people. Unless otherwise defined, such animals shall include:
 - 1. Any member of the large cat family (family Felidae) including lions, tigers, cougars, bobcats, leopards and jaguars, but excluding commonly

accepted domesticated house cats.

2. Any naturally wild member of the canine family (family Canidae) including wolves, foxes, coyotes, dingoes, and jackals, but excluding commonly accepted domesticated dogs.
 3. Any crossbreeds such as the crossbreed between a wolf and a dog, unless the crossbreed is commonly accepted as a domesticated house pet.
 4. Any member or relative of the rodent family including any skunk (whether or not de-scented), raccoon, squirrel, or ferret, but excluding those members otherwise defined or commonly accepted as domesticated pets.
 5. Any poisonous, venomous, constricting, or inherently dangerous member of the reptile or amphibian families including rattlesnakes, boa constrictors, pit vipers, crocodiles and alligators.
 6. Any other animal which is not explicitly listed above but which can be reasonable defined by the terms of this subpart, including but not limited to bears, deer, monkeys and game fish.
- G. Owner means any person owning, keeping, harboring or maintaining a domestic animal within the City. A domestic animal shall be deemed to be harbored if it is fed or sheltered for three days or more.
- H. Potentially dangerous dog means any dog that:
- (1) when unprovoked, inflicts bites on a human or domestic dog on public or private property; or
 - (2) when unprovoked, chases or approaches a person upon the streets, sidewalks or any public or private property, other than the dog owner's property, in an apparent attitude of attack; or
 - (3) has a known propensity, tendency or disposition to attack without provocation causing injury or otherwise threatening the safety of humans or other domestic dogs.

Section 2. Running at Large Prohibited.

- A. It is unlawful for the owner of any dog to permit such dog to run at large. Any dog shall be deemed to be running at large with the permission of the

owner unless it is on a durable leash secured to an object which it cannot move and on the premises of the owner, or on a leash and under the control of an accompanying person of suitable age and discretion, or effectively confined within a motor vehicle, building, or enclosure.

B. Penalty. A violation of this Section shall be deemed a petty misdemeanor.

Section 3. License Required.

A. It is unlawful for the owner of any dog or cat, three months of age or more, to fail to obtain a license therefore from the City.

B. Penalty. A violation of this Section shall be deemed a petty misdemeanor.

Section 4. License Issuance, Term and Renewal. All dog licenses shall be issued only upon presentation of a certificate issued by a veterinarian, licensed to practice veterinary medicine in the State of Minnesota, showing rabies and distemper vaccination as provided in 2.25. All licenses shall expire on April 30 of each year. Application for license renewal, accompanied by a veterinarian's certificate, shall be made at least thirty (30) days prior to expiration of the license. If the application is for an initial license for a neutered dog, a statement from a licensed veterinarian shall accompany the application stating that such dog has been neutered.

Section 5. Vaccination.

A. All dogs and cats kept, harbored, maintained, or transported within the City shall be vaccinated at least once every three years by a licensed veterinarian for rabies, with a live modified vaccine, and distemper.

B. A certificate of vaccination must be kept on which is stated the date of vaccination, owner's name and address, the animal's name (if applicable), sex, description and weight, the type of vaccine, and the veterinarian's signature. Upon demand made by the Clerk-Treasurer or a police officer, the owner shall present for examination the required certificate(s) of vaccination for the animal(s). In cases where certificates are not presented, the owner or keeper of the animal(s) shall have seven days in which to present the certificate(s) to the Clerk-Treasurer or police officer. Failure to do so shall be deemed a violation of this Section, and any license issued for said animal shall not be valid.

C. Penalty. A violation of this section shall be deemed a petty misdemeanor.

Section 6. Adoption of Fees. All fees for the licensing, impounding and maintenance of dogs or cats, including penalties for late application, may be fixed and determined by the Council, adopted by resolution, and uniformly enforced. Such fees may from time to time be amended by the Council by resolution. A copy of the resolution setting forth currently effective fees shall be kept on File in the office of the City Clerk and

open to inspection during regular business hours.

Section 7. Tag Required.

A. All licensed dogs and cats shall wear a collar and have a tag firmly affixed thereto evidencing a current license. A duplicate for a lost tag may be issued by the City upon presentation of the receipt showing the payment of the duplicate license fee. Tags shall not be transferable, and no refund shall be made on any license fee because of leaving the City or death of the dog or cat before the expiration of the license. It is unlawful for the owner of any dog or cat to fail to have the license tag issued by the City firmly attached to a collar worn at all times by the licensed dog or cat.

B. Penalty. A violation of this section shall be deemed a petty misdemeanor.

Section 8. Owner Obligation for Proper Care. No owner shall fail to provide any domestic 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 domestic animal or cause or permit any dog or cat fight. No owner shall abandon any domestic animal.

Section 9. Animal Pound. A City animal pound is established which shall be at such location either within or without the City as the City Council, by resolution, shall designate. The animal control officer shall attend to the maintenance of such pound and when requested shall file a report with the City Council relating to the operation of such pound. The pound shall be maintained in a clean and orderly manner.

Section 10. Impoundment. Any dog or cat found in the City without a license tag, or any dog running at large, or any dog or cat otherwise in violation of this Ordinance, shall be placed in the Animal Pound, and an accurate record of the time of such placement shall be kept on each dog and cat. Every dog or cat so placed in the Animal Pound shall be held for redemption by the owner for at least five business days. Impoundment records shall be preserved for at least six months and shall show (1) the description of the dog or cat by specie, breed, sex, approximate age, and other distinguishing traits; (2) the location at which the dog or cat was seized; (3) the date of seizure, (4) the name and address of the person from whom any dog or cat three months of age or over was received; and, (5) the name and address of the person to whom any dog or cat three months of age or over was transferred. If unclaimed, such dog or cat shall be humanely destroyed and the carcass disposed of, unless it is requested by a licensed educational or scientific institution under authority of Minnesota Statutes, Section 35.71. Provided, however, that if a tag affixed to the dog or cat, or a statement by the dog's or cat's owner after seizure specifies that the dog or cat should not be used for research, such dog or cat shall not be made available to any such institution but may be destroyed after the expiration of the five-day period.

Section 11. Notice of Impounding. Upon the impounding of any dog or cat, the owner shall be notified, or if the owner of the dog or cat is unknown, written notice shall be posted for five (5) days at the Police Station and the Municipal Office Building, which notice shall be in substantially the following form:

NOTICE OF IMPOUNDING DOG OR CAT

Date:

To Whom it May Concern:

I have this day taken up and impounded in the Animal Pound of the City of Lambertton a dog/cat described as follows:

Sex
Color
Breed
Approximate Age
Name of Owner

NOTICE IS HEREBY GIVEN that unless said dog or cat is claimed and redeemed on or before _____ o'clock __.m. on the _____ day of _____, _____ said dog or cat will be disposed of.

(City Clerk)

(Police Officer)

Section 12. Release From Animal Pound. Dogs or cats shall be released to their owners, as follows:

- A. If such dog or cat is owned by a resident of the City, after purchase of a license, if unlicensed, and payment of the impounding fee, maintenance, and any applicable immunization fee.
- B. If such dog or cat is owned by a person not a resident of the City, after immunization of any such dog or cat for rabies, and payment of the impounding fee, maintenance, and immunization fee.

Section 13. Adoption of Unredeemed Dogs and Cats. If any dog or cat impounded pursuant to this Ordinance is not redeemed by its owner, it may be made available for adoption as a pet by and at the discretion of the animal control officer.

Section 14. Spaying or Neutering Required. When a dog or cat not previously sterilized is sold or released for adoption by the animal control officer, the buyer or adopting party must:

- A. Sign a written agreement to have the dog or cat sterilized. If the dog or cat is less than six (6) months old, the buyer or adopting party shall agree to have the dog or cat sterilized by the age of six (6) months. If the dog or cat is more than six (6) months old, the buyer or adopting party shall agree to have the dog or cat sterilized within thirty (30) days of purchase or adoption; and
- B. Deposit with the animal pound a fee to help cover the cost of sterilization and administration. The fee shall be set by the City Council upon recommendation by the animal control officer.
- C. Upon receipt by the animal control officer of a signed statement from a veterinarian attesting that the dog or cat has been sterilized, the animal control officer shall remit the deposited fee, less any administrative fee, to the veterinarian.
- D. No person, having agreed in writing to have a dog or cat sterilized pursuant to this section, shall intentionally fail or refuse to have such sterilization performed within the time specified in the agreement. Violation of this subsection is a petty misdemeanor punishable by a fine not to exceed Two Hundred and no/100 (\$200.00) Dollars. Further, the animal control officer is authorized to seize any dog or cat which the owner has failed to sterilize in accordance with this section and to resell the dog or cat or destroy the dog or cat accordingly. In such a case, the fee deposited with the animal pound shall be forfeited.
- E. Upon written application by the buyer or adopting party, the animal control officer may waive the provisions of this section requiring sterilization, upon a showing that the dog or cat is a verifiable purebred breeding dog or cat.
- F. Nothing in this section shall be construed to authorize the animal control officer to sterilize a dog or cat which has been reclaimed by its owner, or for which the period to reclaim as owner has not expired.

Section 15. Immobilization of Dogs and Cats. For the purpose of enforcement of this Ordinance, any peace officer, or person whose duty is animal control, may use a so-called tranquilizer gun or other instrument for the purpose of immobilizing and catching a dog or cat.

Section 16. Barking Dogs.

- A. It shall constitute a nuisance and be unlawful if any dog barks, whines, howls, bays, cries, or makes other noise excessively so as to cause annoyance, disturbance or discomfort to any individual provided that such noise lasts for

a period of more than five minutes continuously or intermittent barking that continues for more than one hour and is plainly audible from a distance of 100 feet or more from the premises where the dog is kept. It shall not be a violation of this section if the dog was barking, crying, or making other noise due to harassment or injury to the dog or a trespass upon the premises where the dog is located.

- B. Seizure of Barking Dogs Noise Abatement. Any police officer or animal control officer may enter onto private property and seize any barking dog, provided that the following conditions exist:
- (1) There is an identified complainant other than the police or animal control officer making a contemporaneous complaint about the barking.
 - (2) The officer reasonably believes that the barking meets the criteria set forth in Section 16.A, above;
 - (3) The officer can demonstrate that there has been at least one previous complaint of a dog barking at this address on a prior date;
 - (4) The officer has made reasonable attempts to contact the owner of the dog(s) or the owner of the property and those attempts have either failed or have been ignored.
 - (5) The seizure will not involve forced entry into a private residence. Use of a passkey obtained from a property manager, landlord, innkeeper, or other person authorized to have such a key shall not be considered as a forced entry.
 - (6) No other less intrusive means to stop the barking is available; and,
 - (7) Written notice of the seizure is left in a conspicuous place if personal contact with the owner of the dog is not possible.
- C. Disposition of Seized Dogs. Any dog seized under the provisions of Subdivision B shall be taken to the animal pound and kept there to be reclaimed by the owner. No impound fee shall be charged unless the circumstances indicate that the owner failed to cooperate with or obstructed the animal control or police officer's attempts to abate the noise through other less intrusive means. The owner shall pay all other fees required under this Section. Any dog or cat seized under Subdivision B which is unclaimed may be disposed of according to the provisions of Section 13 and Section 14.
- D. Penalty. A violation of this Section shall be deemed a petty misdemeanor.

Section 17. Interfering With Animal Control Officer. No person shall in any manner molest, hinder or interfere with the animal control officer, his agents, any police officer, or any other individual employed directly or by contract with the city to capture dogs or cats and convey them to the animal pound while such person is engaged in such occupation.

Section 18. Dangerous Dogs. No person may own, possess, keep, harbor, maintain or otherwise have a dangerous dog in the City.

- A. Notice of Potentially Dangerous or Dangerous Dogs. If after an investigation conducted by the animal control officer or a Lambertson Police Officer, it is determined that a dog is potentially dangerous or dangerous according to the criteria described in Section 1, the animal control officer or Lambertson Police Department will serve a notice of intent to declare the dog potentially dangerous or dangerous dog on the owner of the dog in question. This notice shall inform the owner of this designation, the basis for the determination, the procedures for contesting the designation as described in Subdivision B below, and the result of the failure to contest the designation as described in Subdivision H. below.
- B. Contesting Declaration of Dangerous or Potentially Dangerous Dogs. If the owner of a dog has received a notice of intent to declare a dog as a potentially dangerous or dangerous dog, the owner may request that a hearing be conducted to determine whether or not such a designation is justified. This request must be made in writing and delivered to the animal control officer or Lambertson Police Department within fourteen (14) days of receipt of the notice of intent to declare a dog as potentially dangerous or dangerous.
- C. Initial Review. Upon receipt of such request, the animal control officer or Lambertson Police Department will forward the request along with all necessary supporting documentation to the City Attorney. The City Attorney will make an initial review of the evidence supporting the notice designation to convene a hearing of the Animal Control Review Panel. If there is insufficient evidence supporting the designation, the City Attorney shall withdraw the designation and none of the requirements of this ordinance applying to dangerous or potentially dangerous dogs shall apply to the dog in question. If there is sufficient evidence that the Review Panel could uphold the designation, the City Attorney will cause this notice to be brought to the attention of the Review Panel that will conduct the hearing.
- D. Hearing Procedure. This Review Panel will consist of two council members as appointed by the Mayor, and an elector who resides within the City. The panel will schedule a hearing and may call witnesses and review documents as needed to make a determination on the issue. Owners shall have the right to present evidence on their behalf and to cross-examine any witnesses. A simple majority of the members of the panel is necessary for a finding that the dog is either dangerous or potentially dangerous. The burden of proof is on

the animal control officer or Lamberton Police Department. A finding supporting a designation of dangerous or potentially dangerous dog must be proven by a preponderance of the evidence. The decision of the Panel shall be in writing and shall indicate the reasons for the findings. A copy of the findings shall be provided to the animal control officer, Lamberton Police Department, and the dog owner.

- E. Effect of Findings that Dog is Dangerous. If the panel finds there is sufficient basis to declare a dog as potentially dangerous or dangerous, that finding will serve as notice to the owner that the dog is in fact a potentially dangerous or dangerous dog. Within fourteen (14) days after the owner has received notice that the dog is dangerous, the owner or the owner must cause the dog to be humanely destroyed or removed from the City limits.

- F. Appeal. If the owner of the dog disputes the decision of the Review Panel, the owner shall have the right to appeal the decision to the Lamberton City Council. The appeal must be filed with the City Clerk within fourteen (14) days of the panel's ruling. If the owner of the dog disputes the findings of the City Council, the owner may appeal to the Minnesota Court of Appeals as provided by state law.

- G. Mayor to Appoint Veterinarian and Substitute Panel Members. The Mayor of the City of Lamberton may appoint a veterinarian to serve on the hearing panel on a voluntary basis in lieu of the elector. Such appointment shall continue in effect until the appointee resigns or is replaced by the Mayor. In the event the veterinarian is temporarily unavailable or has a personal interest in the outcome of the proceeding, the Mayor may appoint another veterinarian to replace the initial appointee on the Panel. In addition, in the event either of the city council members are temporarily unavailable or have a personal interest in the outcome of the proceeding, the Mayor may appoint other members of the city council or city staff to sit in their place.

- H. Failure to Contest Notice of Intent to Declare. If the owner of a dog receives a notice from the animal control officer or Lamberton Police Department of the intent to declare the dog as potentially dangerous or dangerous, and the owner fails to contest that notice within fourteen (14) days, the owner shall be considered as having forfeited the right to the hearing described in Subdivision D and as having consented to the designation of the dog as potentially dangerous or dangerous by default. The animal control officer or Lamberton Police Department will then issue a declaration of dangerous or potentially dangerous dog to the owner. Within fourteen (14) days after the owner has received notice that the dog is dangerous, the owner must cause the dog to be humanely destroyed or removed from the City limits.

- I. Seizure of Dangerous Dogs and Violations. The animal control officer shall or any police officer may immediately seize any dangerous dog and/or issue a citation to the owner of any dangerous dog if within fourteen (14) days after the owner has received notice that the dog is dangerous, the dog is not humanely destroyed or removed from the City limits.
- J. Exemptions. Dogs may not be declared dangerous if the threat, injury or damage was sustained by a person;
 - (1) who was at the time of injury committing or attempting to commit a willful trespass or other tort or crime upon the premises occupied by the dog; or
 - (2) who was provoking, tormenting, teasing, abusing, or assaulting the dog or who can be shown to have repeatedly, in the past, provoked, tormented, teased, abused, or assaulted the dog;
 - (3) who was committing or attempting to commit a crime.
- K. Law Enforcement Exemption. The provisions of this section do not apply to trained dogs used by law enforcement personnel officials for police work.

Section 19. Non-Domestic Animals. It shall be illegal for any person to own, possess, harbor, or offer for sale, any non-domestic animal within the City limits. Any owner of such an animal at the time of adoption of this Code shall have thirty days in which to remove the animal from the City after which time the City may impound the animal as provided for in this Ordinance. An exception shall be made to this prohibition for animals specifically trained for and actually providing assistance to the handicapped or disabled, and for those animals brought into the City as part of an operating zoo, veterinarian clinic, scientific research laboratory, or a licensed show or exhibition.

Section 20. Kennels.

- A. Definition of Kennel. The keeping of six or more dogs or six or more cats on the same premises, whether owned by the same person or not and for whatever purpose kept, shall constitute a "kennel;" except that a fresh litter of pups or kittens may be kept for a period of three months before such keeping shall be deemed to be a "kennel."
- B. Kennel as a Nuisance. Because the keeping of six or more dogs or six or more cats on the same premises is subject to great abuse, causing discomfort to persons in the area by way of smell, noise, hazard, and general aesthetic depreciation, the keeping of six or more dogs or six or more cats on the premises is hereby declared to be a nuisance and no person shall keep or maintain a kennel within the City. Those not in compliance on the date this

Ordinance becomes effective will have three months to comply with the new Ordinance or report the keeping of six or more dogs or six or more cats to the City Clerk, at which time the Clerk will document the exception. This exception will be allowed only until the death or removal from the premises of the dogs or cats kept at the property at the time of the passage of this Ordinance, and such exception will not be extended for any new dogs or cats. The owner must license all dogs and cats kept on their property.

- C. Enforcement. The animal control officer or police officer may enter upon private land where there is reasonable cause to believe this Section is being violated. Any person who brings a dog or cat into the City is subject to this Section.
- D. Penalty. A violation of this Section shall be deemed a petty misdemeanor.

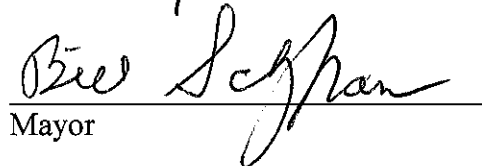
Section 21. Summary Destruction. Notwithstanding the provisions set forth in this ordinance establishing the procedure to declare a dog dangerous, whenever the animal control officer or a police officer has reasonable cause to believe that a particular dog or cat presents a clear and immediate danger to residents of the City because it is infected with rabies or because of a clearly demonstrated vicious nature, said officer, after making reasonable attempts to impound such dog or cat, may summarily destroy said dog or cat.

Section 22. Penalties. Unless otherwise specified, violations of this Ordinance are declared to be misdemeanor offenses and are punishable by a fine and/or jail in that amount which may be lawfully prescribed by a municipality for an Ordinance violation that is defined as a misdemeanor.

Section 23. Repealed. That Ordinance No. 131 is hereby repealed in its entirety.

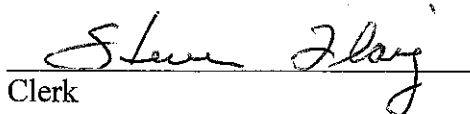
Section 24. Effective Date of Ordinance. This Ordinance shall become effective upon its passage and publication as provided by law.

Passed by the Lamberton City Council this 12th day of May, 2014.



Mayor

ATTEST:



Clerk