

Ordinance #88

AN ORDINANCE PERTAINING TO THE ADMINISTRATION AND ENFORCEMENT OF ANIMAL CONTROL IN THE CITY OF VERNON CENTER

The City Council of the City of Vernon Center, MN hereby ordains:

Sect. 1. Definitions

1. **Animal.** Any mammal, reptile, amphibian, fish, bird (including all fowl and and poultry) or other member commonly accepted as a part of the animal kingdom. Animals shall be classified as follows:
 - a. **Dangerous Animals.** An animal which has caused bodily injury or disfigurement to any person on public or private property; or engaged in any attack on any person under circumstances which would indicate danger to personal safety; or exhibited unusually aggressive behavior, such as an attack on another animal; or bitten (1) or more persons on (2) or more occasions; or been found to be potentially dangerous and/or the owner has personal knowledge of the same, the animal aggressively bites, attacks, or endangers the safety of humans or domestic animals.
 - b. **Domestic Animals.** Those animals commonly accepted as domesticated household pets. Unless otherwise defined, domestic animals shall include dogs, cats, caged birds, gerbils, hamsters, guinea pigs, domesticated rabbits, fish, nonpoisonous, non-venomous and non-constricting reptiles or amphibians, and other similar animals.
 - c. **Farm Animals.** Those animals commonly associated with a farm or performing work in an agricultural setting. Unless otherwise defined, farm animals shall include members of the equestrian family (horses, mules), bovine family (cows, bulls), sheep poultry (chickens, turkeys), fowl (ducks, geese), swine (including Vietnamese pot-bellied pigs), goats, bees, and other animals associated with a farm, ranch, or stable.
 - d. **Non-Domestic Animals.** 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, non-domestic 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 descended), 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 reasonably defined by the terms of this section, including but not limited to bears, deer, monkeys, and game fish.
- e. **Potentially Dangerous Animal.** An animal which has bitten a human or a domestic animal on public or private property; or when unprovoked has chased or approached a person upon the streets, sidewalks, or any public property in an apparent attitude of attack; or has engaged in unprovoked attacks causing injury or otherwise threatening the safety of humans or domestic animals.
2. **At Large.** Off the premises of the owner's property and not under the custody and control of the owner or other person, either by leash, cord, chain, fence, kennel or otherwise restrained or confined.
 3. **Cat.** Both the male and female of the feline species commonly accepted as domesticated household pets.
 4. **Dog.** Both the male and female of the canine species commonly accepted as domesticated household pets, and other domesticated animals of a dog kind.
 5. **Owner.** Any person or persons, firm, associations or corporations owning, keeping, or harboring an animal. The harborer of an animal is any person who has custody of any animal or permits the same to be kept or to stay on or about his or her premises.
 6. **Proper Enclosure.** To be securely confined indoors or in a securely locked pen or structure suitable to prevent the animal from escaping and to provide protection for the animal from the elements. A proper enclosure does not include a porch, patio, or any part of a house, garage, or other structure in which windows are open or in which door or window screens are the only barriers which prevent the animal from exiting.
 7. **Restraint.** A dog is on the premises of the dog's owner, within a private motor vehicle, or controlled by a leash. A dog on the property of another without the consent of the property owner is at large and not under restraint.

Sect. 2. Running at Large

It shall be unlawful for the dog or cat of any person who owns, harbors, or keeps a dog or cat, or for the parents or guardians of any such person under 18 years of age, to run at large. For the purpose of this section, every such animal at large shall be deemed at large with the permission and at the sufferance of its owner. In the event of a violation of the

provisions of this section, it shall be no defense that the offending animal escaped or is otherwise at large without the permission or sufferance of its owner.

Sect. 3. Licenses

No person shall keep any dog or cat over 6 months of age within the city without securing an annual license from the City Clerk-Treas. who shall keep a record of all licenses issued and shall issue a metal pet tag for each license. The license fee shall be set by council resolution and shall expire on the 31st day of December each year. A license shall be secured within 10 days of obtaining a dog or cat over 6 months of age, or within 10 days of the date when the dog or cat becomes 6 months of age. An application for license shall be accompanied by a certificate from a qualified veterinarian showing that the dog or cat to be licensed has been vaccinated within 2 years prior to the expiration of the license applied for. Pet tags shall not be transferable and no refunds shall be made on any dog or cat license fee because of leaving the city or death of the dog or cat before expiration of the license period.

Sect. 4. 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. Any owner of a non-domestic animal at the time of adoption of this ordinance shall have 30 days in which to remove the animal from the city after which time the city may impound the animal as provided for in this section. 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.

Sect. 5. Farm Animals

Farm animals shall only be kept pursuant to the city zoning ordinance. An exception to this is for those animals brought into the city as part of an operating zoo, veterinarian clinic, scientific research laboratory, or licensed show or exhibition.

Sect. 6. Nuisances

The owner of any dog or cat shall prevent the animal from committing in the city any act that constitutes a nuisance. It is a nuisance:

1. For a dog to habitually bark, howl, or cry. Habitual barking shall be defined as barking for repeated intervals of at least 5 minutes with less than 1 minute of interruption. The barking must be audible off of the owners or caretakers premises.
2. For a dog to chase vehicles
3. For a dog or cat to attack, molest, or annoy any person or other animal
4. For a dog or cat to damage, defile, or destroy public or private property
5. For a dog or cat to run at large

Sect. 7. Complaints

Failure of the owner of a dog or cat to prevent the animal from committing a nuisance is a violation of this ordinance. Upon receipt of at least (2) citizen complaints or (2) reports

made by a police officer, a dog or cat shall be presumed to have engaged in prohibited activity.

Sect. 8. Diseased Animals

No person shall keep or allow to be kept on his or her premises (or on the premises occupied by them) nor permit to run at large in the city, any animal which is diseased so as to be a danger to the health and safety of the public, even though such animal is properly licensed. Any animal reasonably suspected of being diseased and presenting a threat to the health and safety of the public may be apprehended and confined to the pound by a police officer. The police officer shall have a qualified veterinarian examine the animal and if the animal is found to be diseased to be a danger to the health and safety of the public, the officer shall have the animal painlessly killed and remains disposed of. The owner of the animal killed in this section shall be liable to the city for the cost of maintaining and disposing of the animal and any cost of the veterinarian examinations. If upon examination, the animal is not found to be diseased, the animal shall be released to the owner free of charge.

Sect. 9. Dangerous Animals

Any police officer, after having determined that an animal is dangerous, shall proceed in the following matter:

1. The police officer shall notify the owner of the animal in writing or in person that the animal is dangerous and may order the animal seized. The owner shall be notified of dates, times, places, and parties bitten, and shall be given 14 days to appeal this order by requesting a hearing before the City Council.
2. If no appeal is filed, the police officer shall obtain a court order or warrant authorizing the seizure and the destruction of the animal, unless the animal is already in custody or the owner consents to the seizure and destruction of the animal.
3. If an owner requests a hearing for determination as to the dangerous nature of the animal, a hearing date shall be set not more than 3 weeks after demand of hearing. At the hearing, the City Council may order the police officer take the animal into custody for destruction, if the animal is not currently in custody. If the animal is ordered into custody for destruction, the owner shall immediately make the animal available to the police officer. If the owner does not comply with this, the police officer shall obtain a court order or warrant authorizing the seizure and destruction of the animal.
4. If any police officer is witness to an attack by a dangerous animal upon a person or another animal, the police officer may take whatever means the officers deems appropriate to bring the attack to an end and prevent further injury to the victim.
5. If the City Council does not order the destruction of a dangerous animal, they may order any or all of the following:
 - a. The owner provide and maintain a proper enclosure for the dangerous animal.
 - b. Post the front and rear of the premises with clearly visible warning signs, including a warning symbol to inform children there is a dangerous animal on the property.

- c. Provide and show proof annually of public liability insurance in a minimum amount of \$300,000.
- d. If the animal is a dog and is outside the proper enclosure, the dog must be muzzled and restrained by a substantial chain or leash not to exceed 6 feet in length and under the physical restraint of a person 16 years of age or older. The muzzle must be of such design as to prevent the dog from biting any person or animal, but will not cause injury to the dog or interfere with its vision or respiration.
- d. If the animal is a dog, it must have an easily identifiable, standardized tag affixed to its collar at all times identifying the dog as dangerous.
- e. If the animal is a dog or cat, the animal must be licensed and up to date on rabies vaccination.

Sect. 10. Potentially Dangerous Animal

Any police officer shall designate any animal as potentially dangerous upon receiving the evidence to support this. When an animal is declared potentially dangerous, the police officer shall notify the owner of the animal in writing or in person that the animal is potentially dangerous.

Sect. 11. Attack by an Animal

It shall be unlawful for any person's animal to inflict or attempt to inflict bodily injury to any person or other animal whether or not the owner is present. This section shall not apply to an attack by a dog under the control of an on-duty police officer or to an attack upon an uninvited intruder who has entered the owner's home with criminal intent.

Sect. 12. Impounding

Any police officer may impound any unlicensed dog or cat running at large. Notice shall be given of impounding to the owner of the dog or cat if known. If the owner is not known, the police officer shall post notice at the City Hall office that if the dog or cat is not claimed within the time specified, it will be disposed of. All animals conveyed to a pound shall be kept with humane treatment and sufficient water and food.

Sect. 12. Basic Care

All animals shall receive from their owners or harbors kind treatment, housing in the winter, and sufficient food and water for their comfort. Snow or ice is not an adequate water supply.

Sect. 12. Enforcement Officer

The City Council hereby appoints any police officer to enforce the provisions of this ordinance.

Sect. 13. Interference with Officers

No person shall in any manner molest, hinder, or interfere with any police officer who is authorized to capture dogs, cats, or other animals and convey them to the pound or to attempt to take from any police officer any animal taken up by them in the discharge of his or her duties.

Sect. 14. Violations and Penalties

Each day a violation of this ordinance is committed or permitted to continue shall constitute a separate offense and shall be punishable as stated. Unless otherwise provided, a violation of this ordinance shall constitute a misdemeanor and shall be punished by a fine as dictated by Minnesota State Code. Violations of Sect. 2 (Running at Large), Sect. 3 (Licenses), Sect.6 (Nuisances), and Sect. 12 (Basic Care) are a petty misdemeanor and shall be punished by a fine as dictated by Minnesota State Code.

Sect. 15. Recessions and Effective Date

Ordinance #50, and ordinance relating to dogs, cats, and other domestic animals, and any amendments to that ordinance are hereby repealed upon this ordinance taking effect from and after its passage and publication according to law.

Passed by the Vernon Center City Council this 8th day of July, 2009.



Robert Peterson, Mayor


Patricia Krosch, City Clerk-Treas.