

ORDINANCE NO. 66

AN ORDINANCE LICENSING AND REGULATING THE KEEPING OF DOGS

The City Council of the City of New Munich, Minnesota, does ordain as follows:

SECTION 1. Definitions.

- A. "Animal". For the purpose of this Ordinance, animal shall include any male or female of any species of domestic dog.
- B. "Animal Shelter". Any premises designated by the City Council for the purpose of impounding and caring for dogs held under authority of this Ordinance.
- C. "Kennel". Any person, partnership or corporation engaged in the business of breeding, buying, selling or boarding dogs, provided that such person, partnership or corporation customarily owns or boards more than three dogs over six (6) months of age.
- D. "Officer". Any law enforcement officer of the City, animal warden, and persons designated by the city to assist in the enforcement of this Ordinance.
- E. "Owner". Shall mean any person keeping, harboring, or having charge or control of , or permitting any dog to habitually be or remain on, or be lodged or fed within such person's house, yard or premises. If this person is a minor, the parent or guardian of said minor shall be deemed the owner.
- F. "Restraint". A dog shall be deemed to be under restraint if it is on the premises of its owner and under the control or supervision of a responsible person or is within a private motor vehicle of a person, owning, harboring or keeping the dog. While on public property, the dog must be under effective control.
- G. "Effective Control". Effective-control shall mean effectively restrained by chain or leash not exceeding six feet in length.

SECTION 2. Running at large Prohibited. It shall be unlawful for any person who is the owner of an animal to permit such animal to run at large. This restriction does not prohibit the appearance of any dog upon streets or public property when the dog is kept under effective control.

SECTION 3. License Required. No person shall own, keep, harbor or have custody of a dog over six (6) months of age without first obtaining a license from the city. Applications for license shall be made on a form prescribed by the City. Each application shall be accompanied by a certificate of a veterinarian duly licensed to practice veterinary medicine in the State of Minnesota, which shall state that the animal has been vaccinated against rabies within two (2) years and in compliance

with Minnesota state law. No license shall be issued to any person other than an owner, except upon written request of the owner. Each license shall be renewed annually.

SECTION 4. License Fee and Date of Payment. The amount of the license fee shall be determined by Resolution of the City Council and shall be included in the schedule of City fees. No refund shall be made for any license fee. The license fee shall be due and payable on, or before, the first day of June of each year or upon acquiring ownership or possession of an unlicensed animal or upon establishing residence in the City.

SECTION 5. License Tags. Annually, upon payment of the license fee and issuance of the licence, the City shall issue a tag on which the City of New Munich and current year shall appear together with the license number. The owner shall cause said tag to be affixed to a permanent metal fastening to the collar of the animal in such a manner that the tag may be easily seen by an officer. The owner shall see that the tag is constantly worn by the animal. The tag is not transferable to any other dog or to a new owner of the dog. If a tag is lost or stolen the owner may obtain a new tag by surrendering the receipt for the first tag and by paying an additional fee as duly set forth by the council from time to time.

SECTION 6. Nuisances. It shall be the obligation and responsibility of the owner or custodian of any animal in the City, whether permanently or temporary therein, to prevent such animal from committing any such act which constitutes a nuisance. It shall be considered a nuisance for any dog to:

- a. be found running at large.
- b. habitually bark or cry.
- c. chase vehicles.
- d. molest any person not on the property of the owner or custodian.
- e. molest, defile or destroy any property, public or private.

SECTION 7. Removal of Dog Excrement. It shall be unlawful for any person to cause or permit a dog to be on property, public or private, not owned or possessed by such person, unless such person has in his or her immediate possession a device for the removal of the excrement and a depository for the transmission of excrement to a proper receptacle located upon property owned or possessed by such person.

It shall be unlawful for any person in control of, causing or permitting any dog to be on any property, public or private, not owned or possessed by such person, to fail to remove excrement left by such dog to a proper receptacle located on property owned or possessed by such person.

It shall be unlawful for any person owning or harboring a dog to allow unreasonable accumulation of dog excrement on property owned or possessed by such person, and "unreasonable accumulation" is defined as an accumulation which emits an offensive odor which can be detected from adjacent property, which is unsightly or offensive to the site or which creates a public health risk.

SECTION 8. Impoundment. Any dog found in the city without a license or running at large shall be taken by any officer, as hereinbefore defined, and impounded in an animal shelter and there confined in a humane manner. Impounded dogs shall be kept for not less than five (5) regular business days, unless reclaimed prior to that time by the owner as herein provided.

SECTION 9. Notice of impounding. Upon the impounding of any dog, the owner shall be notified by phone or mail, or if the owner is unknown, written notice shall be posted for five (5) business days at the City Hall describing the dog and the place and time of taking.

SECTION 10. Redemption. Any dog may be reclaimed from the animal shelter by its owner within the time specified in the notice and upon payment of the license fee (if the dog is unlicensed), an impounding fee, costs of boarding and a certificate of vaccination (if animal is not vaccinated). Notwithstanding this section, the owner shall remain subject to all other penalties contained in this ordinance.

SECTION 11. Disposition of Unclaimed Dogs. Any dog which is not claimed as provided in section 9 within five (5) regular business days after impounding, may be sold for not less than the redemption fees incurred as stated in section 9, to anyone desiring to purchase the dog. All sums received in excess of the costs and tax shall be held by the City for the benefit of the owner and if not claimed within one (1) year, such funds shall be placed in the general funds of the City. Any dog which is not claimed by the owner or sold shall be humanely destroyed and disposed of by a licensed veterinarian.

SECTION 12. Owner Obligations. No owner shall fail to provide any dog with sufficient good and wholesome food and water, proper shelter and protection from weather, veterinarian care when needed to prevent suffering, and with humane care and treatment. No person shall beat, treat cruelly, torment or otherwise abuse any dog or cause or permit any dog to fight. No owner of a dog shall abandon such dog.

SECTION 13. Immobilization of Dogs. For purposes of enforcement of this Ordinance, any officer or other person assisting an officer may use a so-called tranquilizer gun or other instrument for the purpose of immobilizing and catching a dog.

SECTION 14. Confinement of Dogs. Every fierce, dangerous or vicious dog, including dogs that have a history of biting a human shall be confined by the owner within a building or secure covered enclosure. Such dog shall not be taken out of such building or secure enclosure unless securely muzzled and on a leash.

SECTION 15. Summary Destruction of Certain Dogs. Whenever an officer has reasonable cause to believe that a particular dog 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, may destroy said dog if it cannot be

taken safely.

SECTION 16. Kennels. No person, firm or corporation shall operate a kennel within the City. The number of dogs in any one residence over three (3) months of age, shall be limited to three (3).

SECTION 17. Non-residents. The sections of this ordinance requiring a license shall not apply to non-residents of the City, provided that dogs of such owners shall not be kept in the City longer than thirty (30) days without a license and shall be kept under restraint and effective control as described in this Ordinance.

SECTION 18. Rabies Vaccination Required. Every dog three (3) months of age and older shall be vaccinated against rabies. All dogs not so vaccinated and acquired or moved into the City must be vaccinated within thirty (30) days after purchase or arrival unless said animal is under three (3) months of age. Every animal shall be vaccinated periodically so as to maintain a continuous vaccine protection.

SECTION 19. Veterinarian Certificate. It shall be the duty of each veterinarian, when vaccinating a dog as defined herein, to complete a certificate of rabies vaccination (in triplicate) which shall set forth the effective date of the vaccine. The certificate shall also include, but not be limited to, the following:

- a. Owners name, address and phone number.
- b. Description of dog. (sex, breed, markings, etc.)
- c. Date of vaccination.
- d. Rabies vaccination tag number.
- e. Type of rabies vaccine administered.
- f. Manufacturers serial or lot number of vaccine.

The owner shall file a copy of the certificate with the City and retain one copy with the remaining copy to be retained by the veterinarian. Revaccination certificates shall also be filed with the City and if not so filed, the license may be revoked.

SECTION 20. Vaccination Cost. The cost of all vaccinations shall be borne by the owner of the dog.

SECTION 21. Impoundment of Rabies Suspects. Any dog suspected of being infected with rabies or any dog not vaccinated in accordance with this ordinance or any other dog which has bitten any person and / or caused an abrasion to the skin of such person shall be seized and impounded under the supervision of a veterinarian for a period of not less than ten (10) days. If upon examination by a veterinarian the dog has no sign of rabies, at the end of said impoundment, it may be released to the owner, or in the case of a stray, it shall be disposed of in accordance with this Ordinance. Any dog vaccinated in accordance with this Ordinance which has bitten any person shall be confined by the owner or other responsible person as required by this Ordinance for a period of ten (10) days at which time the animal shall be examined by a licensed veterinarian. If no signs of

rabies are observed by the veterinarian, the dog may be released from confinement.

SECTION 22. Penalty. Any person, firm or corporation found guilty of violating any provision of this Ordinance shall be deemed guilty of a misdemeanor.

If anyone violates the terms of this Ordinance three (3) times in one permit year, their permit to own, keep, harbor or have custody of dogs shall be deemed automatically revoked and no permit may be issued for a period of one (1) year from the date permit is revoked. Any person whose permit is revoked shall within fifteen (15) days thereafter, remove such dog permanently from the City of New Munich. No part of the permit fee shall be refunded.

SECTION 23. Interference with Officers or Other Persons. It shall be unlawful for any person to molest or in any way interfere with any peace officer, animal control officer, or any of their duly authorized assistants, or with any duly authorized agent or any person authorized by the help officer, while engaged in the performance of work under the provisions of this Ordinance.

SECTION 24. Repeal. Ordinance NO. 38 Passed 3/1/1962 ,and any other Ordinances in conflict herewith are hereby repealed.

SECTION 25. Effective Date. This Ordinance shall be in full force and effect from and after its passage and publication according to law.

Adopted by the City Council this 6th day of May, 1996.

Harold Klaphake  
Harold Klaphake-Mayor

Attest: Charlotte Thelen  
Charlotte Thelen-City Clerk