

CITY OF ROSE CREEK **ORDINANCE #100-2003**

ANIMAL ORDINANCE **ORDINANCE AMENDING ORDINANCE #60-1979.**

THE CITY COUNCIL OF ROSE CREEK, MINNESOTA, ORDAINS:

100. DEFINITIONS.

SECTION I. Animal: "Animal" shall mean any mammal, reptile, amphibian, fish, bird, (including all fowl and poultry) or other members commonly accepted as apart of the animal kingdom. Animals shall be classified as follows:

A. Domestic. "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-constricting reptiles or amphibians, and other similar animals.

B. Non-Domestic. "Non-Domestic 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 included:

(1) Any member of the large cat family including, lions, tigers, cougars, bobcats, leopards and jaguars, but excluding commonly accepted domesticated house cats.

(2) Any naturally wild member of the canine family including wolves, foxes, coyotes, dingoes, and jackals, but excluding commonly accepted domesticated dogs.

(3) Any crossbreeds such as the crossbred 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 descented), 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.

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(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.

C. Farm. "Farm Animals" shall mean those animals commonly associated with a farm or performing work in an agricultural setting. Unless otherwise defined, such animals shall include members of the equestrian family (horse, mules), bovine family (cows, bulls), sheep, poultry (chickens, turkeys), fowl (ducks, geese), swine (including Vietnamese potbellied pigs), goats, bees, and other animals associated with a farm, ranch or stable.

SECTION II. Cat. "Cat" shall be intended to mean both the male and female of the canine species commonly accepted as domesticated household pets.

SECTION III. Dog. "Dog" shall be intended to mean both the male and female of the canine species, commonly accepted as domesticated household pets, and other domesticated animals of a dog kind.

SECTION IV. Owner. "Owner" shall be intended to mean any person or persons, firm, association or corporation owning, keeping, or harboring an animal.

SECTION V. Animals at Large. "At Large" shall be intended to mean off the premises of the owner and not under the custody and control of the owner or other person, either by leash, cord, chain, or otherwise restrained or confined.

101. DOGS AND CATS

SECTION I. Animals 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 the parents or the guardians of any such person under 18 years of age), to run at large. Dogs or cats on a leash and accompanied by a responsible person so as to be effectively restrained by command as by leash, shall be permitted in streets or on public land unless the City has posted an area with signs reading "Dogs or Cats Prohibited."

SECTION II. License Required.

A. All dogs over the age of six months kept, harbored, or maintained by their owners in the City, shall be licensed and registered with the City. Dog licenses shall be issued by the Clerk-Treasurer upon payment of the license fee. No license shall be granted for a dog which has not been vaccinated against distemper and rabies.

B. The permanent license fee for a regular dog license shall be three dollars (\$3.00) for a female and two dollars (\$2.00) for a male.

C. Upon payment of the license fee, the Clerk-Treasurer shall issue to the owner a license certificate and metallic tag for each dog licensed. Every owner shall be required to provide each dog with a collar to which the license tag must be affixed, and shall see that the collar and tag are constantly worn. In case a dog tag is lost or destroyed, a duplicate shall be issued by the Clerk-Treasurer. A charge of two dollars (\$2.00) shall be made for each duplicate tag. Dog tags shall not be transferable from one dog to another and no refunds shall be made on any dog license fee or tag because of death of a dog.

SECTION III. Cats.

Cats shall be included as controlled by this sub-section insofar as running-at-large, pickup, impounding, & boarding.

103. IMPOUNDING

SECTION I. Running At Large. Any unlicensed animal running at large is hereby declared a public nuisance. Any police officer or any animal control officer, (mayor, council member, or employee of the city), may impound any dog or other animal found unlicensed or any animal found running at large and shall give notice of the impounding to the owner of such dog or other animal, if known. In case the owner is unknown, the officer (or other) shall post notice at the City office that if the dog or other animal is not claimed within the time specified in SECTION III, it will be sold or otherwise disposed of.

SECTION II. Reclaiming. All animals conveyed to the pound shall be kept, with humane treatment and sufficient food and water for their comfort, at least five regular business days, unless the animal is a dangerous animal, defined under CITY ORDINANCE #71-1986. In case the owner or keeper shall desire to reclaim the animal from the pound, the following shall be required, unless otherwise provided for in this code or established from time to time by resolution of the city council:

A. Payment of a twenty-five dollar (\$25.00) release fee the first time the animal is impounded, fifty dollars (\$50.00) the second time it is impounded, and seventy-five dollars (\$75.00) for the third and subsequent time the same animal is impounded.

B. If a dog is unlicensed, payment of a regular license fee and valid certificate of vaccination for rabies and distemper shots is required.

104. KENNELS

SECTION I. Definition of a Kennel. The keeping of two or more dogs on the same premise, whether owned by the same person or not and for whatever purpose kept, shall constitute a "kennel;" except that a fresh litter of pups may be kept for a period of three months before such keeping shall be deemed to be a "kennel".

SECTION II. Kennel as a Nuisance. Because the keeping of two or more dogs 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 two or more dogs on the premises is hereby declared to be a nuisance and no person shall keep or maintain a kennel within the City.

105. NUISANCES

SECTION I. It shall be unlawful for any person to keep or harbor a dog which habitually barks or cries. Habitual barking shall be defined as barking for repeated intervals of at least three minutes with less than one minute of interruption. Such barking must also be audible off of the owner's or caretaker's premises.

SECTION II. Damage to Property. It shall be unlawful for any person's dog or other animal to damage any lawn, garden, or other property, whether or not the owner has knowledge of the damage. Any animal covered by this subdivision may be impounded as provided in this Section or a complaint may be issued by anyone aggrieved by an animal under this Section, against the owner of the animal for prosecution under this Section.

SECTION III. Cleaning up Litter. The owner of any animal or person having the custody or control of any animal shall be responsible for cleaning up any feces of the animal and disposing of such feces in a sanitary manner whether on their own property, on the property of others or on public property. Any person violating this section shall be punishable by a fine of ten dollars (\$10.00) or five (5) hours of public lands fecal clean-up. Any person who is found guilty of subsequent violations of this section shall be punished by a fine of at least twenty-five dollars (\$25.00) but not more than fifty dollars (\$50.00).

SECTION IV. Other. Any animal kept contrary to this Section are subject to impoundment as provided in & 103.

106. SEIZURE OF ANIMAL. Any police officer or animal control officer may enter upon private property and seize any animal provided that the following exist:

- A. There is an identified complainant other than the police officer or animal control officer making a contemporaneous complaint about the animal;
- B. The officer reasonably believes that the animal meets either the barking dog criteria set out in 105., SECTION I; or the criteria for an at large animal set out in 101;
- C. The officer can demonstrate that there has been at least one previous complaint of a barking dog; inhumane treatment of the animal; or that the animal was at large at this address on a prior date;
- D. The officer has made a reasonable attempt to contact the owner of the property and those attempts have either failed or have been ignored;
- E. The seizure will not involve the forced entry into a private residence. Use of a pass key obtained from a property manager, landlord, innkeeper, or other authorized person to have such key shall not be considered unauthorized entry; and
- F. Written notice of the seizure is left in a conspicuous place if personal contact with the owner of the dog is not possible.

106. All provisions of pre-existing ordinances, that are in-consistent with the provisions of this ordinance are hereby repealed.

107. Any person, firm or corporation violating any provision of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than three hundred dollars (\$300.00), or imprisonment for up to 90 days.

108. This ordinance shall take effect and be in force from and after the date of it's publication.

ADOPTED THIS 17TH DAY OF JUNE, 2003.

(SEAL)


PETER KUHLMANN, MAYOR


JANET NELSEN, CITY CLERK