

CITY OF UNDERWOOD, MINNESOTA

ORDINANCE #73

ANIMAL REGULATIONS ORDINANCE

SECTION 1. DEFINITIONS

As used in this Ordinance, the following words shall have the following meanings:

A. Animals – Domestic

1. Animals commonly kept for house pets including, but not limited to dogs, cats, pot bellied pigs, ferrets, birds and other similar animals.

B. Animals – Exotic

1. Any skunk;
2. Any large cat of the family Felidae, such as lions, tigers, jaguars, leopards, cougars and ocelots, except commonly accepted domesticated house cats;
3. Any member of the family Canidea, such as wolves, foxes, coyotes, dingoes and jackals, except commonly accepted domestic dogs;
4. Any crossbreed, such as the crossbreeds between dogs and coyotes and coyotes or dogs and wolves, not including crossbred domesticated animals;
5. Any poisonous pit viper, such as a rattlesnake, coral snake, water moccasin or cobra;
6. Any raccoon;
7. Any other animal not listed above, but which is not naturally tame or gentle, but is of a wild nature or disposition and which, because of its size, vicious nature or other characteristics would constitute a danger to human life or property.
8. Any animal kept in captivity that is strictly prohibited by law.

C. Animal Kennel

1. A place, caged or boxed, where a domestic animal is kept from roaming freely.

D. Animal Shelter

1. Any premises designated by licensing from the State of Minnesota for the purpose of impounding and caring for animals held.

E. Animal Control Officer for the City of Underwood

1. Any designated city official appointed by the Mayor and/or City Council of the City of Underwood, such as the Maintenance Supervisor, etc.

F. At Large

1. A domestic animal that is off the premises of the owner and is:
 - a. Not on a leash held by a responsible person, or
 - b. Not accompanied by and under the direct control of a responsible person so as to be effectively restrained by command.

2. A domestic animal shall not be determined to be at large if:
 - a. Engaged in wild game, or animal hunting and is under the control of its owner or a responsible person, or
 - b. When engage in obedience training and under the control of its owner or a responsible person, or
 - c. Running loose on the owner's property, or property under the owner's control and under the control of a responsible party. If the animal is running loose on the owner's property and runs onto adjacent public or private property and does not respond to a person, then the animal is considered "at large".

G. Dangerous Animal

1. Any animal with a known propensity, tendency or disposition to attack unprovoked, to cause injury, or to otherwise endanger the safety of human beings or other animals, or any dog owned or harbored primarily or in part for the purpose of dog fighting or any trained for dog fighting.
2. Any animal that attacks. "Attack" shall mean the deliberate action of an animal, whether or not in response to a command by a person, to bite, to seize with its teeth or to pursue any human, other animal or inanimate object, with the intent to destroy, kill, wound, injure or otherwise harm the object of its action.

H. Dog

1. Any animal of the canine species.

I. Owner, Custodian

1. Any person, persons, firm or corporation owning, harboring or keeping animals.

SECTION 2. DOMESTIC ANIMALS REGULATIONS

A. Licensing. Except as hereinafter provided;

1. All domestic animals over six months of age are required to have a valid license. New residents to the City must license their animals within thirty (30) days after moving to the City. Licenses shall be issued upon payment of the license fee, which is set by the City Council from time to time, and upon receipt of a certification from a licensed veterinarian showing that the animal to be licensed has been given a vaccination against rabies. Licenses shall be for the whole or unexpired portion of the year for which same is issued and shall expire May 31st of each year.

B. Tag and Collar.

1. Upon receipt of required certificates and payment of the license fee, the City shall provided the owner of the new licensed animal, a tag upon which there shall be stamped or engraved the registered number of the animal.
2. Every owner shall be required to provide each animal with a collar to which the license tag must be affixed and shall see that the collar and tag are constantly worn. In the event a tag is lost or destroyed, a duplicate or new tag will be issued by the City, upon proof that such animal was licensed and upon payment of the appropriate fee for such duplicate, which is established by the City Council from time to time.
3. No tags shall be transferable from one animal to another.
4. No refunds shall be made on any animal license fee under any circumstances.

5. No person, except the owner, authorized agent, or animal control officer is to remove a collar from an animal in the city, except under such circumstances where it is necessary to free an animal from an entanglement which threatens its health or life or by a licensed veterinarian to whom the animal has been brought for care and/or treatment.

C. Running at Large

1. It is unlawful for any person who is the owner, or other person in possession of a domestic animal (dog, cat, pot bellied pig, etc.), to permit such animal to run at large; provided, that such animal shall not be deemed to be running at large if it is on a leash and under control of an accompanying person.

D. Number of Domestic Animals Allowed Per Household.

1. No more than a total combination of 6 domesticated animals over six months of age allowed per household.
2. Part 2. Exception. The City will allow for the care of one (1) foster animal at a time per household, only through the Otter Tail County Humane Society fostering program.

E. Certain Animals Declared Nuisances. It shall be the obligation and responsibility of the owner or custodian of any domestic animal in the City, whether permanently or temporarily therein, to prevent such animal from committing any act which constitutes a nuisance. Failure on the part of the owner or custodian to prevent its animal from committing an act of nuisance shall be subject to the penalty hereinafter provided. The following animals are hereby declared to be nuisances:

1. Any animal that snarls at persons, bites persons or other animals, or habitually exhibits vicious tendencies.
2. Any animal that chases vehicles or interferes with persons walking, persons horseback riding, or the driving of automobiles, bicycles, motorcycles, motorbikes, snowmobiles, or other vehicles on public grounds, streets or highways.
3. Any animal that barks, bays, cries, howls or makes any other noise continuously for a period of ten minutes.
4. Any animal running at large.

F. Female Animals

1. Every female animal in heat shall be confined within a building or secure enclosure and allowed to be out of such confinement only when the owner of the animal remains in the area and assures that no nuisance is created by the animal's presence out of confinement.
2. No breeding of animals shall take place unless said animal is inside a building.

G. Impounding

1. A sheriff, city employee or any firm designated by the City Council shall impound any animal found in violation of this Ordinance in an animal shelter. An accurate record of the time of such placement shall be kept on each animal. All fees incurred are the responsibility of the owner upon reclamation of said animal.
2. The City may file citations and other legal complaints against the violators of this Ordinance.

3. If the owner of said animal be known, written notice of impounding shall be given the owner thereof; either by mail or personal service. The owner shall remain subject to all penalties contained in this Ordinance.
4. Every dog, cat, pot bellied pig, etc., placed in the Animal Shelter shall be held for redemption by the owner for a period of not less than five (5) regular business days. A "regular business day" is one during which the Pound is open for business to the public for at least four hours between 8:00 a.m. and 7:00 p.m. Impounding records shall be preserved for a minimum of six (6) months and shall show the description of the animal by species, breed, sex, approximate age, and other distinguishing traits; the location where the animal was seized; the date of seizure; the name and address of the person from whom any animal three months of age or over was received; and the name and address of the person to whom any animal three months of age or over was transferred.
5. If the owner of the captured animal is unknown, the City must post a notice, containing a description of the dog, for ten (10) days as well as the date of the hearing on which the disposition of the animal will be considered.
6. If the animal is unclaimed, such animal shall be humanely destroyed and the carcass disposed of, unless it is requested by a licensed education or scientific institution under authority of Minnesota Statutes, Section 35.71, or, such animal may be given to the local humane society or may be sold by the City to any person for reimbursement of the expenses incurred by the City; provided, however, that if a tag affixed to the animal, or a statement by the animal's owner after seizure specifies that the animal should not be used for research, such animal shall not be made available to any such institution but may be destroyed in any other manner provided herein after the expiration of the five-day period.

H. Permissible Return of Unrestrained Animals.

1. If an animal is found unrestrained and its owner can be identified and located, such animal need not be impounded but may, instead, be taken to the owner. In such cases, however, proceedings may be taken against the owner for violation of this Ordinance.

SECTION 3. EXOTIC & DANGEROUS

- A. Exotic and dangerous animals are expressly not permitted within the limits of the City.

SECTION 4. ANIMAL WELFARE

- A. ANIMAL BITE. Whenever any animal owner in the City learns that his animal has bitten any human being, that owner shall immediately notify the City and Sheriff's Department and such animal shall immediately be quarantined. The quarantine period shall be for a minimum period of ten (10) days.

1. The owner may keep said animal provided he/she:
 - a. Has shown proof that said animal is currently vaccinated against rabies;
 - b. Agrees to keep said animal separate from other animals; and
 - c. Said animal will be kept indoors at all times during the quarantine period.

After the termination of such time, examination shall be made by a designated veterinarian and a report filed with the Board of Health.

2. If the incident occurs at a location other than owner's premises, the animal shall be impounded at an Animal Shelter or Veterinary Clinic.

3. The animal is not currently vaccinated against rabies; such animal shall be quarantined in a Veterinary Hospital or at an Animal Shelter for a minimum period of ten (10) days.
4. If the owner cannot be advised of the animal bite within two (2) hours after the bite, or the owner fails to quarantine the animal as required by this section, an animal control officer or sheriff shall impound said animal.
5. If the animal cannot be impounded it may be killed immediately.
6. If the animal is found to be rabid, it shall be destroyed.
7. If the animal is not found to be rabid, it shall be returned to its owner after the payment of the impoundment fee.
8. If the owner fails to pay such fee within five (5) days of notification to claim or retrieve the animal, said animal may be disposed of.
9. Any animal with a history of two or more bite cases is hereby declared to be a public nuisance and the Board of Health shall make its determination and findings as to whether or not such animal shall be disposed of, and the time and manner of disposal.

B. Abuse of Animals

1. No person shall beat, treat cruelly, torment or otherwise abuse any animal, or cause or permit any dog fight.
2. Abandonment of any animal is prohibited.

C. Care of Animals

1. No owner shall fail to provide any animal with sufficient wholesome food and water, proper shelter and protection from the weather, veterinary care when needed and humane care and treatment.

D. Disposition of Certain Animals

1. If any animal in the City is diseased, rabid or exposed to rabies, is vicious or dangerous or believed to be mortally wounded and if such animal cannot be impounded without serious risk to the person attempting to impound such animal, it may immediately be killed by a City Officer or a Sheriff, without notice to the owner.

E. Dog Enclosures

1. As used in this section, the term “dog enclosure” shall mean any enclosure constructed for shutting in or enclosing dogs and having an area less than five-hundred (500) square feet.
2. Enclosures shall be screened from view of adjacent property.
3. No enclosure shall be placed closer than ten (10) feet from any lot line.
4. No enclosure shall be placed in a front yard, and in no event shall it be placed closer than thirty (30) feet of any dwelling unit other than the owners, on which property the enclosure is built.
5. No person shall permit feces, urine or food to remain in an enclosure for a period that is longer than reasonable and consistent with health and sanitation and the prevention of odors.

F. Animal Waste

1. It is unlawful for any person who owns, harbors, or has custody of a domestic animal to cause or permit such animal to defecate on any public property or, without the

consent of the owner, to defecate on any private property unless such person immediately removes the excrement and properly disposes of it.

2. It is unlawful for such person to cause or permit their domestic animal to urinate on private property without the consent of the property owner.

SECTION 5. VIOLATIONS AND PENALTIES

If any such owner of a domesticated animal is found in violation of any part of the City of Underwoods' Animal Ordinance a penalty will be executed. The penalty will be as follows as determined by the City Council and may be subject to change.

A. Violation a Misdemeanor

1. Every person who violates any portion of this Ordinance when he or she performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished for a misdemeanor except as otherwise stated in specific provisions hereof.
2. First time violators of this Ordinance shall receive a letter from the City Clerk, along with a copy of the Ordinance. The City Clerk's letter will outline the process to follow should they be in violation. Two verbal complaints in a two month period will be considered a first complaint. Verbal complaints will be documented at the clerk's office. Any written complaint will be considered a first complaint. If it is discovered that a first time violators' animal is not licensed, the owner will have ten days to license at the regular fee. If the animal is not licensed within 10 days of violation notice, the fee will be \$100.00.
3. Second time violators of this Ordinance will be issued a citation from the City Clerk's office. Any complaint after the first complaint within a 2 month period to the same animal owner, whether verbal or written will be considered a second complaint. The citation will inform the animal owner(s) that their animal's license has been revoked. The owner can have a hearing on the matter before the City Council if you contact the Clerk's office within ten (10) days after receiving the citation. You will be fined a \$50.00 re-issue fee for licensing the animal. Should the Clerk's office discover that the animal is not currently licensed; the Clerk's office will issue a \$100.00 fee for issuance of the license. The animal's owner will have 30 days to comply with the licensing requirements. Should the owner not comply with the licensing requirements prosecution could occur.
4. Third time violators will have their violation handed over to the City Attorney's office for prosecution. Any complaint received within one (1) year after the first violation, will be considered a third violation.

G. Prior Ordinances Superseded

1. This Ordinance, as written, shall supersede all previous City Ordinances concerning the licensing and regulation of the keeping of animals.

Passed by the Underwood City Council this _____ day of _____, 2008.

Bert Kinzler, Mayor

Anna Kiser, City Clerk-Treasurer

Amended Resolution #112-1; January 3, 2012