

ORDINANCE NO. 102

AN ORDINANCE REGULATING THE KEEPING OF ANIMALS, PROVIDING FOR IMPOUNDING ANIMALS, AND PRESCRIBING A PENALTY FOR VIOLATION.

The City Council of the City of New Germany ordains:

New Germany city Ordinance 31 is hereby repealed.

DEFINITIONS. For the purpose of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

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, non-poisonous, non-venomous and non-constricting reptiles or amphibians, and other similar animals.

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.

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:

- (a) Any member of the large cat family (family felidae) including lions, tigers, cougars, bobcats, leopards and jaguars, but excluding commonly accepted domesticated house cats.
- (b) Any naturally wild member of the canine family (family canidae) including wolves, foxes, coyotes, dingoes, and jackals, but excluding commonly accepted domesticated dogs.
- (c) Any crossbreeds such as the crossbreed between a wolf and a dog, unless the crossbreed is commonly accepted as a domesticated house pet.
- (d) 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.

- (e) Any poisonous, venomous, constricting, or inherently dangerous member of the reptile or amphibian families including rattlesnakes, boa constrictors, pit vipers, crocodiles and alligators.
- (f) Any other animal which is not explicitly listed above but which can be reasonably defined by the terms of the sections, including but not limited to bears, deer, monkeys and game fish.

AT LARGE. 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.

CAT. Both the male and female of the felidae species commonly accepted as domesticated household pets.

DOG. Both the male and female of the canine species, commonly accepted as domesticated household pets, and other domesticated animals of a dog kind.

OWNER. Any person or persons, firm, association or corporation owning, keeping, or harboring an animal.

DOGS AND CATS:

(A) *Running at Large Prohibited.* It shall be unlawful for the dog or cat of any person who owns, harbors, or keeps a dog or cat to run at large (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). A person who owns, harbors, or keeps a dog or cat that runs at large shall be guilty of a misdemeanor. Dogs or cats on a leash and accompanied by a responsible person or accompanied by and under the control and direction of 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".

(B) *Vaccination.*

(1) 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:

- (a) Rabies – with a live modified vaccine; and
- (b) Distemper.

(2) 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 City Clerk or the Animal Control Authority, 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 City Clerk or Animal Control Authority. Failure to do so shall be deemed a violation of this section.

IMPOUNDING:

- (A) *Running at Large.* Any animal running at large is hereby declared a public nuisance. Any Animal Control Authority may impound any animal found running at large and shall give notice of the impounding to the owner of the animal, if known. In case the owner is unknown, the Animal Control Authority shall post notice at the city office that if the animal is not claimed within the time specified in division (C) of this section, it will be sold or otherwise disposed of.
- (B) *Biting Animal.* Any animal that has not been inoculated by a live modified rabies vaccine and which has bitten any person, wherein the skin has been punctured or the services of a doctor are required, shall be confined to a pound for a period of not less than ten days, at the expense of the owner. The animal may be released at the end of the time if healthy and free from symptoms of rabies, and by payment of all costs by the owner. If, however, the animal has been inoculated with a live modified rabies vaccine and the owner has proof of the vaccination by a certificate from a licensed veterinarian, the owner may confine the animal to the owner's property.
- (C) *Reclaiming.* All animals conveyed to the pound shall be kept, with humane treatment and sufficient food and water for their comfort, at least seven (7) regular business days, including if the animal is dangerous in which case it shall also be kept for seven regular business days, and except if the animal is a cruelly-treated animal in which case it shall be kept for ten regular business days, unless sooner reclaimed by their owners or keepers as provided by this section. 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 maintenance costs, as provided at the pound, per day or any part of day while animal is in the pound; and
 - (b) With the required valid certificate of vaccination for rabies and distemper shots.
- (D) *Unclaimed Animals.* At the expiration of the times established in division (C) of this section, if the animal has not been reclaimed in accordance with the provisions of this section, the Animal Control Authority appointed to enforce this section may let any person claim the animal by complying with all provisions in this section, or the Animal Control

Authority may sell the animal to the University of Minnesota, or cause the animal to be destroyed in a proper and humane manner and shall properly dispose of the remains thereof. Any money collected under this section shall be payable to the City Clerk.

KENNELS:

- (1) *Definition of Kennel.* The keeping of four or more dogs 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 may be kept for a period of three months before that keeping shall be deemed to be a “kennel”.
- (2) *Kennel as a Nuisance.* Because the keeping of four 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 four 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.

NUISANCES:

- (1) *Habitual Barking.* It shall be unlawful for any person to keep or harbor a dog which habitually barks or cries. HABITUAL BARKING, YELPING OR CRYING shall be defined as barking for repeated intervals of at least three minutes with less than one minute of interruption, or repeated intervals of barking for a period of 30 minutes or more with no more than five minutes of interruption between barking intervals. The barking must also be audible off of the owner’s or caretaker’s premises.
- (2) *Damage to Property.* It shall be unlawful for any person’s animal to damage any lawn, garden, or other property, whether or not the owner has knowledge of the damage.
- (3) *Cleaning up Litter.* The owner of any animal or person having custody or control of any animal shall be responsible for cleaning up any feces of the animal and disposing of the feces in a sanitary manner whether on their own property, on the property of others, or on public property.
- (4) *Other.* Any animal kept contrary to this section are subject to impoundment.

SEIZURE OF ANIMALS:

Any Animal Control Authority may enter upon private property and seize any animal provided that the following exist:

- (1) There is an identified complainant other than the Animal Control Authority making a contemporaneous complaint about the animal;
- (2) The Animal Control Authority reasonably believes that the animal meets either the barking dog criteria; the criteria for cruelty; or the criteria for an at large animal;
- (3) The Animal Control Authority 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;
- (4) The Animal Control Authority has made a reasonable attempt to contact the owner of the animal and the property to be entered and those attempts have either failed or have been ignored.
- (5) The seizure will not involve the forced entry into a private residence.
- (6) Written notice of the seizure is left in a conspicuous place if personal contact with the animal's owner or keeper is not possible.

ANIMALS PRESENTING A DANGER TO HEALTH AND SAFETY OF CITY:

If, in the reasonable belief of any person or Animal Control Authority, an animal presents an immediate danger to the health and safety of any person, or the animal is threatening imminent harm to any person, or the animal is in the process of attacking any person, the person or Animal Control Authority may destroy the animal in a proper and humane manner. Otherwise, the person or Animal Control Authority may apprehend the animal and deliver it to the pound for confinement. If the animal is destroyed, the owner or keeper of the animal destroyed shall be liable to the city for the cost of maintaining and disposing of the animal, plus the costs of any veterinarian examination. If the animal is found not to be a danger to the health and safety of the city, it may be released to the owner or keeper.

DISEASED ANIMALS:

- (1) *Running at Large.* No person shall keep or allow to be kept on his or her premises, or on premises occupied by them, nor permit to run at large in the city, any animal that is diseased so as to be a danger to the health and safety of the city, and a warrant to search for and seize the animal is not required.
- (2) *Confinement.* Any animal reasonably suspected of being diseased and presenting a threat to the health and safety of the public may be apprehended and confined in the pound by any

person or Animal Control Authority. The Animal Control Authority shall have a qualified veterinarian examine the animal. If the animal is found to be diseased in a manner so as to be a danger to the health and safety of the city, the Animal Control Authority shall cause the animal to be painlessly killed and shall properly dispose of the remains. The owner or keeper of the animal killed under this section shall be liable to the city for the cost of maintaining and disposing of the animal, plus the costs of any veterinarian examinations.

- (3) *Release.* If the animal, upon examination, is not found to be diseased the animal shall be released to the owner or keeper free of charge.

DANGEROUS ANIMALS

This section hereby adopts Carver County Ordinance #69-2010; Adopting Chapter 92, Dangerous and Potentially Dangerous Dog Ordinance; and Amending the County Fee Schedule in its entirety.

BASIC CARE:

All animals shall receive from their owners or keepers kind treatment, housing in the winter, and sufficient food and water for their comfort. Any person not treating their pet in a humane manner will be subject to penalties.

POUND

Every year the Council shall designate an official pound to which animals found in violation of this chapter shall be taken for safe treatment, and if necessary, for destruction.

INTERFERENCE WITH ANIMAL CONTROL AUTHORITYS

No person shall in any manner molest, hinder, or interfere with any person authorized by the City Council to capture dogs, cats or other animals and convey them to the pound while engaged in that operation. Nor shall any unauthorized person break open the pound, or attempt to do so, or take or attempt to take from any agent any animal taken up by him or her in compliance with this chapter, or in any other manner to interfere with or hinder the Animal Control Authority in the discharge of his or her duties under this chapter.

PENALTIES:

- (1) *Separate Offenses.* Each day a violation of this chapter is committed or permitted to continue shall constitute a separate offense and shall be punishable by law.
- (2) *Misdemeanor.* Unless otherwise provided, violation of this chapter shall constitute a misdemeanor punishable by law, with a fine not to exceed \$250.00 for each violation.

(3) *Petty Misdemeanor.* Violations of Dogs and Cats Chapter, sections (A) and (B); Nuisances Chapter, sections (1), (2), (3), and (4); and the Basic Care Chapter are petty misdemeanors punishable by law, with a fine of \$100.00 for each violation.

EFFECTIVE DATE:

This ordinance becomes effective from and after its publication in the official newspaper of the City of New Germany.

Adopted this 3rd day of January, 2012

Attest:

Joan Guthmiller, City Clerk

Jason Kamerud, Mayor