

PROCTOR CITY CODE

500. General Regulations

501. Animals

501.01. Definitions.

Subdivision 1. Person. "Person" means any natural person, partnership, corporation, or association.

Subd. 2. Owner. "Owner" means any person owning, keeping, harboring, or having custody of any animal.

Subd. 3. Dog and Cat. "Dog" shall include both male and female dogs. "Cat" shall include both male and female cats.

Subd. 4. Farm Animal. "Farm Animal" includes any horse, mule, cattle, swine, sheep, goat or other beast, and any chicken, turkey, goose, or other fowl or poultry.

Subd. 5. Animal. "Animal" means any dog, cat, or farm animal.

Subd. 6. Running at Large - Dogs and Cats. A dog or cat is deemed to be running at large unless it:

- (1) On the premises of its owner; or
- (2) On a leash not exceeding six feet in length and accompanied by and under the control of its owner or other responsible person; or
- (3) Confined in a shipping receptacle or a closed vehicle; or
- (4) Is actually participating in a bona fide field trial, dog or cat show or exhibition, training school, obedience school, or similar activity.

A dog or cat is also deemed to be running at large if it commits damage to the person or property of anyone other than the owner, or creates a nuisance upon the property of anyone other than the owner, except in defense of the owner, his family or his property. A female dog or cat in heat is also deemed to be running at large if it is off the premises of its owner, unless such dog or cat is confined and being transported to or from the premises of the owner.

Subd. 7. Running at Large - Farm Animals. A farm animal is deemed to be running at large if:

- (1) It is off the premises of the owner, unless accompanied by its owner or an agent or employee of its owner; or
- (2) It is allowed to trespass upon or run over any lawn, garden, improved lot or fenced private grounds other than those of its owner.

501.02. Running at Large Prohibited. No owner shall permit any animal to run at large.

501.03. Interference with Persons. No owner shall harbor or keep on a chain or otherwise any dog or cat which shall cause annoyance to or interfere with people

passing upon any streets, sidewalks, or other public place by physical interference with such people.

501.04. Muzzling. Whenever the prevalence of rabies or any other contagious disease affecting dogs or cats renders such action necessary to protect the public health and safety, the Council shall issue an order requiring every dog or cat to be confined or muzzled securely so it cannot bite. Such order shall remain in effect for such time as the Council deems necessary for the protection of the public. The owner of every dog or cat shall comply with such order for such period of time as it remains in effect. Any dog or cat not muzzled or confined in compliance with such order shall be impounded pursuant to § 501.07.

501.05. Dog and Cat Licenses.

Subdivision 1. License Required. No person shall own, harbor or have custody of any dog or cat over the age of six months without obtaining a license for such dog or cat.

Subd. 2. Application. Every application for a dog or cat license shall be made to the City Clerk and shall state the name and address of the owner, and the sex, breed, age, color, and marking of the dog or cat, and, if female, whether the dog or cat is spayed. Each application shall be accompanied by payment in full of the license fee. No application for a license shall be accepted without proof of current rabies vaccination for each such dog or cat to be licensed. Further, the failure of any dog or cat owner, whether the animal is licensed or unlicensed, to keep any such animal vaccinated against rabies shall be a petty misdemeanor. In addition to any court fines, owners may post a \$25.00 deposit for said animals which shall be refunded upon proof of vaccination.

Subd. 3. Term and Fee. The annual fee for a dog or cat license shall be subject to the City Schedule of Charges and Fees. Each license shall expire on January 1 of each year. The fee shall not be prorated for a partial year.

Subd. 4. License Tag. The Clerk shall issue a numbered license bearing the description of the dog or cat and the owner's name and address, and a metal or plastic tag bearing the license number. The tag shall be fastened to the dog or cat's collar, and shall be worn by the dog or cat at all times. The Clerk shall maintain a record showing the owner's name and address, description of the dog or cat, and the license number for each license issued. No person except the owner or his agent shall remove a license tag from a dog or cat collar or remove from a dog or cat any collar with a license tag attached. No person shall keep, harbor, or have custody of a dog or cat bearing a fictitious, altered, or invalid license tag, or a license tag not issued for the dog or cat wearing it. No person shall transfer a tag from one dog or cat to another.

Subd. 5. Owner Responsibility. The owner of any licensed dog or cat, as recorded by the City Clerk, shall be responsible for all fees and charges accruing by reason of owning, harboring, or having custody of any dog or cat in the City. If the ownership of a dog or cat changes, it is the responsibility of the recorded licensee to

notify the City Clerk of the change.

501.06. Pound and Animal Control Officer.

Subdivision 1. Pound Established. There is hereby established a City pound at such location as the Council may designate for the keeping of any animal impounded under this Ordinance. The Council shall provide suitable facilities for the well-being and humane care of impounded animals.

Subd. 2. Animal Control Officer. There is hereby created the office of Animal Control Officer. The Animal Control Officer and/or other designated employees of the Proctor Police Department shall enforce the provisions of this Ordinance and shall have charge of the pound. The Animal Control Officer shall be paid a salary or fee established by the Council. The Animal Control Officer shall render a monthly statement to the Council of all fees, charges and monies received by him. Upon the Council's approval, said bills will be paid. Council, as an alternative, may contract with any other government for Animal Control Officer services.

Subd. 3. Interference. No unauthorized person shall break open the pound, or attempt to do so, or assist in doing so. No unauthorized person shall take or let out any animal from the pound or take or attempt to take from the Animal Control Officer and/or other designated employees of the Proctor Police Department any animal taken up by him as provided by this Ordinance. No person shall hinder, obstruct or interfere with the Animal Control Officer and/or other designated employees of the Proctor Police Department in the performance of their duties.

501.07. Impounding.

Subdivision 1. Authorization. The Animal Control Officer and/or other designated employees of the Proctor Police Department shall seize and impound any unlicensed dog or cat, any animal running at large, and any animal otherwise in violation of this Ordinance. The fact that a dog or cat is without a license tag attached to its collar shall be presumptive evidence that the dog or cat is unlicensed. Any police officer seizing a dog or cat shall immediately deliver the dog or cat to the Animal Control Officer. The Animal Control Officer and/or other designated employees of the Proctor Police Department shall thereupon give notice of the impounding to the owner, or if the owner is unknown or cannot be found, he shall post notice at the City Hall and at the pound. The notice shall describe the impounded animal and the time and place of its taking.

Subd. 2. Redemption. Any impounded animal may be redeemed by the owner within five (5) days from the date of impounding by payment of the impounding fee. No unlicensed dog or cat shall be released by the Animal Control Officer and/or other designated employees of the Proctor Police Department unless a license is first obtained for the dog or cat. Any impounded animal found to be rabid or hopelessly crippled, and any dog or cat known to be treacherous or vicious, shall be destroyed immediately by the Animal Control Officer and/or

other designated employees of the Proctor Police Department.

Subd. 3. Disposal - Research. When any hospital or reputable institution of learning shall apply to the Clerk for permission to use for research purposes on the study of prevention or cure of disease for the betterment of mankind any impounded animal remaining unclaimed after five (5) days, the Animal Control Officer and/or other designated employees of the Proctor Police Department upon direction of the Council shall surrender to the institution or hospital such unclaimed animals as are requested.

Subd. 4. Disposal Generally. Any unclaimed impounded animal may be sold by the Animal Control Officer and/or other designated employees of the Proctor Police Department and the proceeds remitted to the City treasury after deduction for the cost of care of the animal. Any impounded animal not redeemed, surrendered to a hospital or institution, or sold shall be humanely disposed of by the Animal Control Officer and/or other designated employees of the Proctor Police Department at the direction of the Council. Costs of disposal shall be the responsibility of and be billed to the owner of said animal, if known.

Subd. 5. Fees. For every animal impounded, the owner shall pay, before release, an amount equal to the actual costs of the care, feeding, and impounding of any such animal. Provided, that the owner of any animal found to be running at large or impounded for any reason under the terms of the Ordinance on more than one occasion shall be guilty of a petty misdemeanor punishable by a maximum fine subject to City Administrative Fine Schedule. This fine shall be in addition to the costs of impoundment as set forth above.

501.08. Voluntary Pickup. Upon request of the owner, the Animal Control Officer and/or other designated employees of the Proctor Police Department shall pick up and dispose of any animal, alive or dead. The owner or other person requesting such service shall, at the discretion of the Animal Control Officer and as recommended to the Chief of Police, pay all costs thereof.

501.09. Dangerous Animals. Notwithstanding any other provisions of this Ordinance, any animal which is diseased, vicious, dangerous, rabid, exposed to rabies, or which has been bitten by another animal, including wild animals, and which cannot be impounded without serious risk to the persons attempting it, may be immediately destroyed by or under the direction of the Animal Control Officer and/or other designated employees of the Proctor Police Department.

501.10. Adoption by Reference. M.S. " 35.67, 35.68 and 35.71 are adopted by reference.

501.11. Habitual Barking, Yelping, Etc. No person shall harbor or keep any dog or cat which, by loud and frequent or habitual barking, yelping, meowing, howling, etc., shall cause annoyance to the neighborhood or to people passing upon the streets, sidewalks or other public places in the City.

501.12. This Ordinance shall apply to any and all animals kept within the City of Proctor and to all animals found within the City of Proctor. The City Council shall post the major roadways entering the City of Proctor with signage indicating that the City of Proctor has a leash law and that said law will be enforced. The selection of the roadways to posted shall be at the Council's discretion.

501.13 Public Nuisance Animals.

Subd. 1. Definition. A public nuisance animal shall mean and include any animals that:

- a). Is repeatedly found at large as defined by this chapter.
- b). Damages the property of anyone other than the owner.
- c). Attacks without provocation.
- d). Excessively makes disturbing noises including, but not limited to, continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance or discomfort to neighbors or others in close proximity.
- e). Creates unsanitary conditions or offensive and objectionable odor in enclosures or surroundings and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept.

Subd. 2. Impoundment of Public Nuisance Animals. Any public nuisance animal may be impounded and the owner or possessor thereof charged as provided in this Chapter for a violation thereof.

501.14 Dangerous Animal Requirements.

Subd. 1. Requirements. If city police personnel do not order the destruction of an animal that is dangerous, city police personnel may, as an alternative, order any or all of the following:

- a). That the owner provide and maintain a proper enclosure for the dangerous animal as defined in this Chapter;
- b). Post the front and the rear of the premises with clearly visible warning signs, including a warning symbol to inform children, that there is a dangerous animal on the property, which warning symbol shall be the same or similar to those specified in Minnesota Statute 347.51;
- c). Provide and show proof annually of public liability insurance in the minimum amount of three hundred thousand dollars (\$300,000.00);
- 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 six (6) feet in length) and under the physical restraint of a person sixteen (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;

e). If the animal is a dog, it must have an easily identifiable, standardized tag identifying the dog as dangerous affixed to its collar at all times as specified in Minnesota Statute 347.51;

f). All animals deemed dangerous by city police personnel shall be registered with the County in which this city is located within fourteen (14) days after the date the animal was so deemed and provide satisfactory proof thereof to city police personnel.

g). If the animal is a dog, the dog must be licensed and up to date on rabies vaccination. If the animal is a cat or ferret, it must be up to date with rabies vaccination.

h). If there is more than one (1) animal in a given household, the owner or possessor thereof may be required to reduce the number of animals for a period of time deemed appropriate by the City or its designee depending upon the severity of the offense or situation.

Subd. 2. Seizure. City police personnel shall immediately seize any dangerous animal if the owner does not meet each of the above requirements within fourteen (14) days after the date notice is sent to the owner that the animal is dangerous. Seizure may be appealed to district court by serving a summons and petition upon the city and filing it with the district court.

Subd. 3. Reclaiming Animals. A dangerous animal seized under this Chapter, may be reclaimed by the owner of the animal upon payment of impounding and boarding fees, and presenting proof to city police personnel that each of the requirements under this Chapter is fulfilled. An animal not reclaimed under this section within fourteen (14) days may be disposed of as provided under this Chapter and the owner is liable to the city for costs incurred in confining the animal.

Subd. 4. Subsequent Offenses. If an owner of an animal has subsequently violated the provisions under this Chapter with the same animal, the animal must be seized by city police personnel. If the owner is found to have violated the provisions for which the animal was seized, city police personnel shall order the animal destroyed in a proper and humane manner and the owner shall pay the costs of confining the animal. If the person is found not to have violated the provisions for which the animal was seized, the owner may reclaim the animal under the provisions of this Chapter. If the animal is not yet reclaimed by the owner within fourteen (14) days after the date the owner is notified that the animal may be reclaimed, the animal may be disposed of as provided under this Chapter and the owner is liable to the city for the costs incurred in confining, impounding and disposing of the animal.