

ORDINANCE NO 7-08

**AN ORDINANCE REGULATING ANIMALS IN THE CITY OF CLINTON,
MINNESOTA**

The City Council of the City of Clinton, Minnesota, does hereby ordain as follows:

SECTION I. DEFINITIONS

For the purpose of this Ordinance, the following definitions shall apply:

Subd. 1 Animal: "Animal" shall mean any mammal, reptile, amphibian, fish, bird (including all fowl and poultry) or other member commonly accepted as a part 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, non-poisonous, non-venomous and 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 include:

- (1) Any member of the large cat family (family felidae) including lions, tigers, cougars, bobcats, leopards, and jaguars, but excluding commonly accepted domesticated house cats.
- (2) Any naturally wild member of the canine family (family canidae) including wolves, foxes, coyotes, dingoes, and jackals, but excluding commonly accepted domesticated dogs.
- (3) Any crossbreeds such as the crossbreed 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 the skunk (whether or not descended), 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.
- (6) Any other animal which is not explicitly listed above, but which can be reasonably 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 (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.

Subd. 2. Animal Control Officer. Animal control officer shall be any licensed law enforcement officer or the City Clerk or the Clerk's designee providing such service.

Subd. 3. Cat. "Cat" shall be intended to mean both the male and female of the felidae species commonly accepted as domesticated household pets.

Subd. 4. 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.

Subd. 5. Owner. "Owner" shall be intended to mean any person or persons, firm, association or corporation owning, keeping, or harboring an animal.

Subd. 6. 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.

SECTION 2: ANIMALS RUNNING AT LARGE

Subd. 1. Running at Large Prohibited. It shall be unlawful for 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 permit such dog or cat to run at large. 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".

Subd. 2. Maximum Dogs/Cats. The maximum number of dogs/cats on a residential property shall be two (2) animals.

SECTION 3: CATS

Subd. 1. Cats. Cats shall be included as controlled by this Ordinance, insofar as

running-at-large, pickup, impounding, boarding, licensing and proof of anti-rabies vaccine is concerned. All other provisions of this Ordinance shall also apply to cats unless otherwise provided.

SECTION 4: VACCINATION

Subd. 1. Vaccinations

A. All dogs and cats kept harbored, maintained, or transported within the City of Clinton shall be vaccinated at least once every three years by a licensed veterinarian for:

1. Rabies-with a live modified vaccine; and
2. Distemper

B. 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 a police officer, 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 (7) days in which to present the certificate(s) to the City Clerk or police officer. Failure to do so shall be deemed a violation of this Ordinance.

SECTION 5: NON-DOMESTIC ANIMALS

Subd. 1. Non-Domestic Animals. It shall be illegal for any person to own, possess, harbor, or offer for sale, any non-domestic animal within the City limits of the City of Clinton, Minnesota. Any owner of such an animal at the time of adoption of this Ordinance shall have thirty (30) days in which to remove the animal from the City of Clinton, after which time the City may impound the animal as provided for under this Ordinance. An exception shall be made to this prohibition for animals specifically trained for and actually providing assistance to the handicapped or disabled, and for those animals brought into the City of Clinton as part of an operating zoo, veterinarian clinic, scientific research laboratory, or a licensed show or exhibition.

SECTION 6: FARM ANIMALS

Subd. 1. Farm Animals. Farm animals shall only be kept in an agricultural district of the City of Clinton, or on a residential lot of at least ten (10) acres in size provided that no animal shelter shall be within three hundred (300) feet of an adjoining piece of property. An exception shall be made to this section for those animals brought into the City of Clinton as part of an operating zoo, veterinarian clinic, scientific research laboratory, or a licensed show or exhibition.

SECTION 7: IMPOUNDING

Subd. 1. Running At Large. Any unlicensed animal running at large is hereby declared a public nuisance. Any police officer 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 the case the owner is unknown, the officer shall post notice at the City of Clinton offices that if the dog or other animal is not claimed within five (5) regular business days of the posting of the notice, it will be sold or otherwise disposed of. Except as otherwise provided in this Section, it shall be unlawful to kill, destroy, or otherwise cause injury to any animal, including dogs and cats running at large.

Subd. 2. Biting Animals. 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 in the City Pound for a period of not less than ten (10) days, at the expense of the owner. The animal may be released at the end of such time if healthy and free from symptoms of rabies, and by the payment of all costs by the owner. However, if the owner of the animal shall elect immediately upon receipt of notice of need for such confinement by the officer to voluntarily and immediately confine the animal for the required period of time in a veterinary hospital of the owner's choosing, within a 50 mile radius of the City of Clinton, and provide immediate proof of such confinement in such manner as may be required, the owner may do so. 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 dog or other animal to the owner's property.

Subd. 3. Reclaiming. All animals conveyed to the pound shall be kept, with humane treatment and sufficient food and water for their comfort, at least ten (10) regular business days, unless sooner reclaimed by their owners or keepers as provided by this Ordinance. 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:

A. Payment of a twenty-five dollar (\$25.00) release fee and receipt of a release permit from the police;

B. Payment of maintenance costs, as provided by the pound, per day or any part of day while the animal is in said pound.

Subd. 4. Unclaimed Animals. At the expiration of ten (10) regular business days from the time any animal is impounded, if the animal has not been reclaimed in accordance with the provisions of this Section, the officer appointed to enforce this Section may let any person claim the animal by complying with all provisions in this Section, or the officer may sell the animal to the University of Minnesota, or cause the animal to be painlessly killed and shall properly dispose of the remains thereof. Any monies collected under this Section shall be payable to the City Clerk of the City of Clinton.

SECTION 8: KENNELS

Subd. 1. Definition of Kennel. The keeping of three (3) 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 (3) months before such keeping shall be deemed to be a "kennel".

Subd. 2. Kennel as a Nuisance. Because the keeping of three (3) or more dogs on the same premises is subject to a great abuse, causing discomfort to persons in the area by way of smell, noise, hazard, and general aesthetic depreciation, the keeping of three (3) 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 of Clinton.

SECTION 9: NUISANCES

Subd. 1. Habitual Barking. 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 five (5) minutes with less than one minutes of interruption. Such barking must also be audible off of the owner's or caretaker's premises.

Subd. 2. Damage to Property. It shall be unlawful for any owner to permit his/her dog or other animal to damage any lawn, garden, or other property. Any animal covered by this subdivision may be impounded as provided in this Ordinance 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.

Subd. 3. 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 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 cleanup. 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).

Subd. 4. Other. Any animals kept contrary to this Section are hereby declared a public nuisance and may be abated according to the law.

SECTION 10: SEIZURE OF ANIMALS

Subd. 1. Seizure. Any 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 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 forth in Section 11; or has been subject to animal cruelty or the criteria for an at large animal set out in Section 1.
- (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;
- (f) No other less intrusive means is available to stop either the barking dog, the inhumane treatment of the animal; or the at large animal; and
- (g) Written notice of the seizure is left in a conspicuous place if personal contract with the owner of the dog is not possible.

SECTION 11: ANIMALS PRESENTING A DANGER TO HEALTH AND SAFETY OF CITY.

Subd. 1. Danger. If, in the reasonable belief of any person or animal control officer, an animal presents an immediate danger to the health and safety of any person, the officer may painlessly kill the animal. Otherwise, the person or officer may apprehend the animal and deliver it to the pound for confinement. In such a case, the owner or keeper of the animal shall be liable for the cost of maintenance provided, and if the animal is destroyed, a charge of seventy five dollars (\$75.00) to dispose of the animal. If the animal is found not to be a danger to the health and safety of the City of Clinton, it may be released to the owner or keeper in accordance with this Ordinance. The animal may be released to other persons in accordance with this Section.

SECTION 12: DISEASED ANIMALS

Subd. 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 of Clinton, any animal which is diseased so as to be a danger to the health and safety of the City of Clinton, even though the animal be property licensed under this Ordinance.

Subd. 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 police officer. The police officer shall have a qualified veterinarian examine the animal. If the animal is found to be diseased in such a manner so as to be a danger to the health and safety of the City, the officer shall cause such animal to be painlessly killed and shall properly dispose of the remains. The owner or keep of the animal killed under this Section shall be liable for a fine of seventy five dollars (\$75.00) to cover the cost of maintaining and disposing of the animal, plus the costs of any veterinarian examinations.

Subd. 3. Release. If the animal, upon examination, is not found to be diseased within the meaning of this Section, the animal shall be released to the owner or keeper free of charge.

SECTION 13: DANGEROUS ANIMALS

(a) Attack by an animal. It shall be unlawful for an owner to fail to restrain an animal from inflicting or attempting to inflict bodily injury to any person or other animal whether or not the owner is present. Violation of this Section shall be a misdemeanor punishable by a fine not to exceed One Thousand Dollars (\$1,000.00) or imprisonment for not to exceed ninety (90) days, or both. This Section shall not apply to an attack by a dog under the control of an on-duty law enforcement officer or to an attack upon an uninvited intruder who has entered the owner's home with criminal intent.

(b) Destruction of dangerous animal. The animal control officer shall have the authority to order the destruction of dangerous animals in accordance with the terms established by this Ordinance.

(c) Definitions:

(1) A dangerous animal is an animal which has:

- a. Caused bodily injury or disfigurement to any person on public or private property; or
- b. Engaged in any attack on any person under circumstances which would indicate danger to personal safety; or
- c. Exhibited unusually aggressive behavior, such as an attack on another animal; or
- d. Bitten one (1) or more persons on two (2) or more occasions; or
- e. Been found to be potentially dangerous and/or the owner has personal knowledge of the same, the animal aggressively bites, attacks, or endangers the safety of humans or domestic animals.

- (2) A potentially dangerous animal is an animal which has:
- a. Bitten a human or a domestic animal on public or private property;
- or
- b. When unprovoked, chased or approached a person upon the streets, sidewalks, or any public property in an apparent attitude of attack, or
 - c. Has the known history of propensity, tendency or disposition to attack while unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.
- (3) Proper enclosure. Proper enclosure means securely confined indoors or in a securely locked pen or structure suitable to prevent the animal from escaping and to provide protection for the animal from the elements. A proper enclosure does not include a porch, patio, or any part of a house, garage, or other structure that would allow the animal to exit of its own volition, or any house or structure in which windows are open or in which door or window screens are the only barriers which prevent the animal from exiting. Such enclosure shall not allow the egress of the animal in any manner without human assistance. A pen or kennel shall meet the following minimum specifications:
- a. Have a minimum overall floor size of thirty-two (32) square feet.
 - b. Sidewalls shall have a minimum height of five (5) feet and be constructed of 11-gauge or heavier wire. Openings in the wire shall not exceed two (2) inches, support posts shall be one-and-one-quarter-inch or larger steel pipe buried in the ground eighteen (18) inches or more. When a concrete floor is not provided, the sidewalls shall be buried a minimum of eighteen (18) inches in the ground.
 - c. A cover over the entire pen or kennel shall be provided. The cover shall be constructed of the same gauge wire or heavier as the sidewalls and shall also have no openings in the wire greater than two (2) inches.
 - d. An entrance/exit gate shall be provided and be constructed of the same material as the sidewalls and shall also have no openings in the wire greater than two (2) inches. The gate shall be equipped with a device capable of being locked and shall be locked at all times when the animal is in the pen or kennel.
- (4) Unprovoked. Unprovoked shall mean the condition in which the animal is purposely excited, stimulated, agitated or disturbed.
- (d) Designation as potentially dangerous animal. The court or environmental health officer shall designate any animal as a potentially dangerous animal upon

receiving such evidence that such potentially dangerous animal has, when unprovoked, then bitten, attacked, or threatened the safety of a person or a domestic animal as stated above. When an animal is declared potentially dangerous, the environmental health officer shall cause one (1) owner of the potentially dangerous animal to be notified in writing that such animal is potentially dangerous.

- (e) Evidence justifying designation. The court or environmental health officer shall have the authority to designate any animal as a dangerous animal upon receiving evidence of the following:

(1) That such animal has, when unprovoked, bitten, attacked, or threatened the safety of a person or domestic animal as stated above.

(2) That such animal has been declared potentially dangerous and such animal as then bitten, attacked, or threatened the safety of a person or domestic animal as stated above.

- (f) Authority to order destruction. The court or animal control officer, upon finding that an animal is dangerous hereunder, is authorized to order, as part of the disposition of the case, that the animal be destroyed based on a written order containing one (1) or more of the following findings of fact.

(1) The animal is dangerous as demonstrated by a vicious attack, an unprovoked attack, an attack without warning or multiple attacks; or

(2) The owner of the animal has demonstrated an inability or unwillingness to control the animal in order to prevent injury to persons or other animals.

- (g) Procedure. The court or animal control officer, after having determined that an animal is dangerous, may proceed in the following manner:

(1) The animal control officer shall cause one (1) owner of the animal to be notified in writing or in person that the animal is dangerous and may order the animal seized or make such orders as deemed proper. This owner shall be notified as to dates, times, places and parties bitten, and shall be given fourteen (14) days to appeal this order by requesting a hearing before the animal control officer for a review of this determination.

a. If no appeal is filed, the orders issued will stand or the animal control officer may order the animal destroyed.

b. If an owner requests a hearing for determination as to the dangerous nature of the animal, the hearing shall be held before the animal control officer, who shall set a date for hearing not more than three (3) weeks after demand for said hearing. The records of the animal control or City Clerk's office shall be admissible for consideration by the animal

control officer without further foundation. After considering all evidence pertaining to the temperament of the animal, the animal control officer shall make such order as he/she deems proper. The animal control officer may order that the animal be taken into custody for destruction, if such animal is not currently in custody. If the animal is ordered into custody for destruction, the owner shall immediately make the animal available to the animal control officer and failure to do so shall be a misdemeanor.

c. Any person who harbors an animal after it has been found by the animal control officer to be dangerous and ordered into custody for destruction shall be guilty of a misdemeanor.

- (h) Stopping an attack. If any police officer or animal control officer is witness to an attack by an animal upon a person or another animal, the officer may take whatever means the officer deems appropriate to bring the attack to an end and prevent further injury to the victim.
- (I) Notification of new address. The owner of an animal which has been identified as dangerous or potentially dangerous must notify the animal control officer in writing if the animal is to be relocated from its current address or given or sold to another person. The notification must be given in writing at least fourteen (14) days prior to the relocation or transfer of ownership. The notification must include the current owner's name and address, the relocation address, and the name of the new owner, if any.

SECTION 14: DANGEROUS ANIMAL REQUIREMENTS

(a) Requirements. If the court or environmental health officer does not order the destruction of an animal that has been declared dangerous, the court or animal control officer shall, as an alternative, order any or all of the following:

- (1) That the owner provide and maintain a proper enclosure for the dangerous animal as specified in Section 15.
- (2) Post the front and 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 as specified in Minnesota Statutes 347.51;
- (3) Provide and show proof annually of public liability insurance in the minimum amount of three hundred thousand dollars (\$300,000.00);
- (4) If the animal is a dog and is outside the property 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;

(5) 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 Statutes 347.51;

(6) All animals deemed dangerous by the animal control officer shall be registered with Big Stone County within fourteen (14) days after the date the animal was so deemed and provide satisfactory proof thereof to the animal control officer.

(7) 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.

(b) Seizure. Animal control 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.

(c) Reclaiming Animals. A dangerous animal seized under this Section may be reclaimed by the owner of the animal upon payment of impounding and boarding fees, and presenting proof to animal control that each of the requirements under this Section is fulfilled. An animal not reclaimed under this Section within fourteen (14) days may be disposed of as provided under Section 15 and the owner is liable to animal control for costs incurred in confining the animal.

(d) Subsequent offenses. If an owner of an animal has subsequently violated the provisions under Section 15 with the same animal, the animal must be seized by animal control. The owner may request a hearing as defined in Section 15. If the owner is found to have violated the provisions for which the animal was seized, the animal control officer 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 Section 16. 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 Section 15 and the owner is liable to the animal control for the costs incurred in confining, impounding and disposing of the animal.

SECTION 15. BASIC CARE

Subd. 1. 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 such a humane manner will be subject to the penalties provided in this Section.

SECTION 16. ENFORCING OFFICER

Subd. 1. Enforcement Officer. Any law enforcement officer is hereby authorized to enforce the provisions of this Ordinance. In addition, the City Clerk or any designee of the City Clerk may enforce the provisions of this Ordinance.

SECTION 17. POUND

Subd. 1. Pound. Every year the City 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.

SECTION 18. INTERFERENCE WITH OFFICERS

Subd. 1. Interference with Officers. 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 such 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 Section, or in any manner to interfere with or hinder such officer in the discharge of his or her duties under this Section.

SECTION 19. VIOLATIONS AND PENALTIES

Subd. 1. Separate Offenses. Each day a violation of this Ordinance is committed or permitted to continue shall constitute a separate offense and shall be punishable as such under this Section.

Subd. 2. Misdemeanor. Violation of this Section shall constitute a misdemeanor.

Subd. 3. Fines/Fees. All fines and license fees established in this Ordinance may be modified by resolution of the City Council.

SECTION 20. REPEAL OF PRIOR ORDINANCES

Subd. 1. Repeal of Prior Ordinances. Upon adoption of this Ordinance, all other prior ordinances in conflict hereof shall hereby be revoked.

SECTION 21. FULL FORCE AND EFFECT

Subd. 1. Full Force and Effect. This Ordinance shall take effect and be in full force from and after its passage, approval and publication.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF CLINTON, MINNESOTA,
THIS 10th DAY OF July, 2008.

Shirley D. Finberg
Mayor

ATTEST:

David Stotesbery
City Clerk