

SEC. 10.11. ANIMAL LICENSING AND REGULATION.

Subd. 1. Definitions. As used in this chapter, the terms defined in this section shall have the following meanings ascribed to them:

A. "Animal" means either a cat or dog unless indicated otherwise.

B. "Animal Control Officer" means any employee of the City of Redwood Falls who holds that employment position and job classification within the City of Redwood Falls. The Animal Control Officer shall be primarily responsible for responding to animal related problems and the enforcement of Chapter 10 and related ordinances and statutes.

C. "Dangerous Dog" means any dog that has:

(1) without provocation, inflicted substantial bodily harm on a human being on public or private property; or

(2) killed a domestic animal without provocation while off the owner's property; or

(3) been found to be potentially dangerous, and after the owner has been sent notice that the dog is potentially dangerous, the dog aggressively bites, attacks, or endangers the safety of humans or other domestic animals.

D. "Dog" means both male and female and includes any animal of the dog kind.

E. "Owner" means any person owning, keeping, harboring or maintaining an animal within the City or permitting such animal to be at large within the City. An animal shall be deemed to be harbored if it is fed or sheltered for three days or more.

F. "Potentially dangerous dog" means any dog that:

(1) when unprovoked, inflicts bites on a human or domestic animal on public or private property; or

(2) when unprovoked, chases or approaches a person upon the streets, sidewalks or any public or private property, other than the dog owner's property, in an apparent attitude of attack; or

(3) has a known propensity, tendency or disposition to attack without provocation causing injury or otherwise threatening the safety of humans or other domestic animals.

Subd. 2. Running at Large Prohibited. It is unlawful for the owner of any animal to permit such animal to run at large. Any dog shall be deemed to be running at large with the permission of the owner unless it is on a durable leash secured to an object which it cannot move and on the premises of the owner, or on a leash and under the control of an accompanying person of suitable age and discretion, or effectively confined within a motor vehicle, building, or enclosure.

Subd. 3. License Required. It is unlawful for the owner of any animal, three months of age or more, to fail to obtain a license therefor from the City.

Subd. 4. License Issuance, Term and Renewal. All animal licenses shall be issued only upon presentation of a certificate issued by a veterinarian, licensed to practice veterinary medicine in the State of Minnesota, showing rabies immunization of the animal for at least the term of the license. All animal licenses shall expire on December 31. Application for license renewal, accompanied by a veterinarian's certificate, shall be made at least thirty (30) days prior to expiration of the license. If the application is for an initial license for a neutered dog, a statement from a licensed veterinarian shall accompany the application stating that such dog has been neutered.

Subd. 5. Adoption of Fees. All fees for the licensing, impounding and maintenance of animals, including penalties for late application, may be fixed and determined by the Council, adopted by resolution, and uniformly enforced. Such fees may from time to time be amended by the Council by resolution. A copy of the resolution setting forth currently effective fees shall be kept on file in the office of the City Administrator and open to inspection during regular business hours.

Subd. 6. Tag Required. All licensed animals shall wear a collar and have a tag firmly affixed thereto evidencing a current license. A duplicate for a lost tag may be issued by the City upon presentation of the receipt showing the payment of the duplicate license fee. Tags shall not be transferable, and no refund shall be made on any license fee because of leaving the City or death of the animal before the expiration of the license. It is unlawful for the owner of any animal to fail to have the license tag issued by the City firmly attached to a collar worn at all times by the licensed animal.

Subd. 7. Owner Obligation for Proper Care. No owner shall fail to provide any animal with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering and with humane care and treatment. No person shall beat, treat cruelly, torment or otherwise abuse any animal or cause or permit any animal fight. No owner shall abandon any animal.

Subd. 8. Animal Pound. A City animal pound is established which shall be at such location either within or without the City as the City Council, by resolution, shall designate. The animal control officer shall attend to the maintenance of such pound and when requested shall file a report with the City Council relating to the operation of such pound. The pound shall be maintained in a clean and orderly manner.

Subd. 9. Impoundment. Any animal found in the City without a license tag, running at large, or otherwise in violation of this Section, shall be placed in the Animal Pound, and an accurate record of the time of such placement shall be kept on each animal. Every animal so placed in the Animal Pound shall be held for redemption by the owner for at least five 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 o'clock A. M. and 7:00 o'clock P.M. Impoundment records shall be preserved for at least six months and shall show (1) the description of the animal by specie, breed, sex, approximate age, and other distinguishing traits; (2) the location at which the animal was seized; (3) the date of seizure; (4) the name and address of the person from whom any animal three months of age or over was received; and,

(5) the name and address of the person to whom any animal three months of age or over was transferred. If unclaimed, such animal shall be humanely destroyed and the carcass disposed of, unless it is requested by a licensed educational or scientific institution under authority of Minnesota Statutes, Section 35.71. 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 after the expiration of the five-day period.

Subd. 10. Notice of Impounding. Upon the impounding of any animal, the owner shall be notified, or if the owner of the dog is unknown, written notice shall be posted for five (5) days at the Police Station and the Municipal Office Building, which notice shall be in substantially the following form:

NOTICE OF IMPOUNDING ANIMAL

Date _____

To Whom it May Concern:

I have this day taken up and impounded in the Animal Pound of the City of Redwood Falls an animal described as follows:

Sex _____
Color _____
Breed _____
Approximate Age _____
Name of Owner _____

NOTICE IS HEREBY GIVEN that unless said animal is claimed and redeemed on or before _____ O'clock ____ M. on the _____ day of _____, _____, said animal will be disposed of.

(Pound Master) (Police Officer)

Subd. 11. Release From Animal Pound. Animals shall be released to their owners, as follows:

A. If such animal is owned by a resident of the City, after purchase of a license, if unlicensed, and payment of the impounding fee, maintenance, and immunization fee.

B. If such animal is owned by a person not a resident of the City, after immunization of any such animal for rabies, and payment of the impounding fee and maintenance.

Subd. 12. Adoption of Unredeemed Animals. If any animal impounded pursuant to this section is not redeemed by its owner, it may be made available for adoption as a pet by and at the discretion of the animal control officer.

Subd. 13. Spaying or Neutering Required. When a dog or cat not previously sterilized is sold or released for adoption by the animal officer, the buyer or adopting party must:

A. Sign a written agreement to have the dog or cat sterilized. If the dog or cat is less than six (6) months old, the buyer or adopting party shall agree to have the animal sterilized by the age of six (6) months. If the dog or cat is more than six (6) months old, the buyer or adopting party shall agree to have the animal sterilized within thirty (30) days of purchase or adoption; and

B. Deposit with the animal pound a fee to help cover the cost of sterilization and administration. The fee shall be set by the City Council upon recommendation by the animal control officer.

C. Upon receipt by the animal control officer of a signed statement from a veterinarian attesting that the animal has been sterilized, the animal control officer shall remit the deposited fee, less any administrative fee, to the veterinarian.

D. No person, having agreed in writing to have an animal sterilized pursuant to this section, shall intentionally fail or refuse to have such sterilization performed within the time specified in the agreement. Violation of this subsection is a petty misdemeanor punishable by a fine not to exceed two hundred dollars (\$200.00). Further, the animal control officer is authorized to seize any animal which the owner has failed to sterilize in accordance with this section and to resell the animal or destroy the animal accordingly. In such a case, the fee deposited with the animal pound shall be forfeited.

E. Upon written application by the buyer or adopting party, the animal control officer may waive the provisions of this section requiring sterilization, upon a showing that the animal is a verifiable purebred breeding animal.

F. Nothing in this section shall be construed to authorize the animal control officer to sterilize a dog or cat which has been reclaimed by its owner, or for which the period to reclaim as owner has not expired.

Subd. 14. Immobilization of Animals. For the purpose of enforcement of this Section any peace officer, or person whose duty is animal control, may use a so-called tranquilizer gun or other instrument for the purpose of immobilizing and catching an animal.

Subd. 15. Barking Dogs.

A. It shall constitute a nuisance and be unlawful if any dog barks, whines, howls, bays, cries or makes other noise excessively so as to cause annoyance, disturbance or discomfort to any individual provided that such noise lasts for a period of more than five minutes continuously or intermittent barking that continues for more than one hour and is plainly audible from a distance of 100 feet or more from the premises where the dog is kept. It shall not be a violation of this section if the dog was barking, crying or making other noise due to harassment or injury to the dog or a trespass upon the premises where the dog is located.

B. Penalties. A person who violates section 10.11, Subd. 15.A is guilty of a petty misdemeanor punishable by a fine of not more than \$50. A second offense within one year of a prior violation shall constitute a petty misdemeanor punishable by a fine of not more than \$100. A third offense occurring within one year of the first violation shall constitute a petty misdemeanor punishable by a fine of not more than \$150. A fourth offense occurring within one year of the first violation shall constitute a misdemeanor.

Source: Ordinance No. 48, Third Series
Effective Date: 04-27-00

C. Seizure of Barking Dogs Noise Abatement. Any police officer or animal control officer may enter onto private property and seize any barking dog, provided that the following conditions exist:

- (1) There is an identified complainant other than the police or animal control officer making a contemporaneous complaint about the barking;
- (2) The officer reasonably believes that the barking meets the criteria set forth in subd. 15.A;
- (3) The officer can demonstrate that there has been at least one previous complaint of a dog barking at this address on a prior date;
- (4) The officer has made reasonable attempts to contact the owner of the dog(s) or the owner of the property and those attempts have either failed or have been ignored;
- (5) The seizure will not involve forced entry into a private residence. Use of a passkey obtained from a property manager, landlord, innkeeper, or other person authorized to have such a key shall not be considered as a forced entry;
- (6) No other less intrusive means to stop the barking is available, and;
- (7) Written notice of the seizure is left in a conspicuous place if personal contact with the owner of the dog is not possible.

D. Disposition of Seized Animals. Any dog seized under the provisions of subdivision 15. C shall be taken to the animal pound and kept there to be reclaimed by the owner. No impound fee shall be charged unless the circumstances indicate that the owner failed to cooperate with or obstructed the animal control or police officer's attempts to abate the noise through other less intrusive means. The owner shall pay all other fees required under Subd. 11. Any dog seized under subdivision C which is unclaimed may be disposed of according to the provisions of subd. 9 or subd. 13.

Subd. 17. Interfering with animal control officer. No person shall in any manner molest, hinder or interfere with the animal control officer, his or her agents, any police officer, or any other individual employed directly or by contract with the city to capture animals and convey them to the animal pound while such person is engaged in such occupation.

Subd. 18. Dangerous Dogs. No person may own, possess, keep, harbor, maintain or otherwise have a dangerous dog in the City.

A. Notice of Potentially Dangerous or Dangerous Dogs. If after an investigation conducted by the animal control officer or a Redwood Falls Police Officer, it is determined that a dog is potentially dangerous or dangerous according to the criteria described in subd. 1, the animal control officer or Redwood Falls Police Department will serve a notice of intent to declare the dog potentially dangerous or dangerous dog on the owner of the dog in question. This notice shall inform the owner of this designation, the basis for the determination, the procedures for contesting the designation as described in subd. 18.B and the result of the failure to contest the designation as described in subd. 18.G.

B. Contesting Declaration of Dangerous or Potentially Dangerous Dogs. If the owner of a dog has received a notice of intent to declare a dog as a potentially dangerous or dangerous dog, the owner may request that a hearing be conducted to determine whether or not such a designation is justified. This request must be made in writing and delivered to the animal control officer or Redwood Falls Police Department within 14 days of receipt of the notice of intent to declare a dog as potentially dangerous or dangerous.

C. Initial Review. Upon receipt of such request, the animal control officer or Redwood Falls Police Department will forward the request along with all necessary supporting documentation to the City Attorney. The City Attorney will make an initial review of the evidence surrounding the notice to determine if there is sufficient evidence supporting the designation to convene a hearing of the Animal Control Review Panel. If there is insufficient evidence supporting the designation, the City Attorney shall withdraw the designation and none of the requirements of this ordinance applying to dangerous or potentially dangerous dogs shall apply to the dog in question. If there is sufficient evidence that the Review Panel could uphold the designation, the City Attorney will cause this notice to be brought to the attention of the Review Panel that will conduct the hearing.

D. Hearing Procedure. This Review Panel will consist of the Council President, a councilmember as appointed by the Mayor, and an elector who resides within the City. The panel will schedule a hearing and may call witnesses and review documents as needed to make a determination on the issue. Owners shall have the right to present evidence on their behalf and to cross-examine any witnesses. A simple majority of the members of the panel is necessary for a finding that the dog is either dangerous or potentially dangerous. The burden of proof is on the animal control officer or Redwood Falls Police Department. A finding supporting a designation of dangerous or potentially dangerous dog must be proven by a preponderance of the evidence. The decision of the Panel shall be in writing and shall indicate the reasons for the findings. A copy

of the findings shall be provided to the animal control officer, Redwood Falls Police Department, and the dog owner.

E. Effect of Findings that Dog is Dangerous. If the panel finds there is sufficient basis to declare a dog as potentially dangerous or dangerous, that finding will serve as notice to the owner that the dog is in fact a potentially dangerous or dangerous dog. Within fourteen (14) days after the owner has received notice that the dog is dangerous, the owner and the owner must cause the animal to be humanely destroyed or removed from the City limits.

F. Appeal. If the owner of the dog disputes the decision of the Review Panel, the owner shall have the right to appeal the decision to the Redwood Falls City Council. The appeal must be filed with the City Clerk within 14 days of the panel's ruling. If the owner of the dog disputes the findings of the City Council, the owner may appeal to the Minnesota Court of Appeals as provided by state law.

G. Mayor to Appoint Veterinarian and Substitute Panel Members. The Mayor of the City of Redwood Falls may appoint a veterinarian to serve on the hearing panel on a voluntary basis in lieu of the elector. Such appointment shall continue in effect until the appointee resigns or is replaced by the Mayor. In the event the veterinarian is temporarily unavailable or has a personal interest in the outcome of the proceeding, the Mayor may appoint another veterinarian to replace the initial appointee on the Panel. In addition, in the event the city council president or relevant councilmember is temporarily unavailable or has a personal interest in the outcome of the proceeding, the Mayor may appoint other members of the city council or city staff to sit in their place.

H. Failure to Contest Notice of Intent to Declare. If the owner of a dog receives a notice from the animal control officer or Redwood Falls Police Department of the intent to declare the dog as potentially dangerous or dangerous, and the owner fails to contest that notice within 14 days, the owner shall be considered as having forfeited the right to the hearing described in subd. 18.D and as having consented to the designation of the dog as potentially dangerous or dangerous by default. The animal control officer or Redwood Fall Police Department will then issue a declaration of dangerous or potentially dangerous dog to the owner. Within fourteen (14) days after the owner has received notice that the dog is dangerous, the owner must cause the animal to be humanely destroyed or removed from the City limits.

I. Seizure of Dangerous Dogs and Violations. The animal control officer shall or any police officer may immediately seize any dangerous dog and/or issue a citation to the owner of any dangerous dog if within 14 days after the owner has received notice that the dog is dangerous, the dog is not humanely destroyed or removed from the City limits.

J. Exemptions. Dogs may not be declared dangerous if the threat, injury or damage was sustained by a person;

(1) who was at the time of injury committing or attempting to commit a willful trespass or other tort or crime upon the premises occupied by the dog; or

(2) who was provoking, tormenting, teasing, abusing or assaulting the dog or who can be shown to have repeatedly, in the past, provoked, tormented, teased, abused or assaulted the dog;

(3) who was committing or attempting to commit a crime.

K. Law Enforcement Exemption. The provisions of this section do not apply to trained dogs used by law enforcement personnel officials for police work.

Subd. 19. Enforcement. The animal control officer or police officer may enter upon private land where there is reasonable cause to believe this Section is being violated. Any person who brings an animal into the City is subject to this Section.

Subd. 20. Summary Destruction. Notwithstanding the provisions set forth in subdivision 18, whenever the animal control officer or a police officer has reasonable cause to believe that a particular animal presents a clear and immediate danger to residents of the City because it is infected with rabies or because of a clearly demonstrated vicious nature, said officer, after making reasonable attempts to impound such animal, may summarily destroy said animal.

Subd. 21. Obstructing. No person shall tamper, hinder or interfere with any live trap set for the purpose of capturing cats found to be running at large, or break open any trap, or attempt to do so, or to take or let out any cat captured therein. A violation of this subsection shall constitute a petty misdemeanor punishable

by a fine not to exceed \$200.00 or that amount which may be lawfully prescribed by a municipality for an Ordinance violation that is defined as a petty misdemeanor.

Source: Ordinance No. 29, Third Series
Effective Date: June 29, 1998

Subd. 22. Quarantine of Unvaccinated Animal. The owner of an animal that inflicts a bite on a human shall provide to animal control evidence that the animal is current on its rabies vaccination. Animal Control may seize and hold such animal at the City's animal pound for a period of not less than 10 days if evidence of a current rabies vaccination is not presented or otherwise of record. If the animal is owned by a resident of the City, the animal may be reclaimed by the owner upon payment of impounding, boarding and immunization fees, and proof of current licensure or after the purchase of a license. If the animal is owned by a person not a resident of the City, the animal may be reclaimed by the owner upon payment of impounding, boarding fees and immunization fees. Any animal impounded pursuant to this section can not be reclaimed or released until such time that the animal has been immunized for rabies. An animal not reclaimed under this subdivision within seven days may be disposed of and the owner is liable to the animal control authority for costs incurred in confining and disposing of the animal. An owner or custodian of a dog which does not have an appropriate antirabies vaccination and which bites or otherwise exposes a person to rabies virus is guilty of a petty misdemeanor.

Subd. 23. Penalties. Unless otherwise specified, violations of this section are declared to be misdemeanor offenses and are punishable by a fine of up to \$1,000 and/or 90 days in jail or that amount which may be lawfully prescribed by a municipality for an Ordinance violation that is defined as a misdemeanor.

Source: Ordinance No. 100, Third Series
Effective Date: November 29, 2004

SEC. 10.12. ANIMALS AND FOWL - KEEPING, TRANSPORTING, TREATMENT, HOUSING.

Subd. 1. Definitions. As used in this Section, the following definitions shall apply.

A. "Farm Animals" - Cattle, horses, mules, donkeys sheep, goats, swine, ponies, ducks, geese, turkeys, chickens, rabbits guinea hens and honey bees.

B. "Animals" - Includes farm animals and all other animals, reptiles and feathered birds or fowl except dogs, cats, gerbils, hamsters and caged household birds.

(Sec. 10.11 Amended 6-1-97)

Subd. 2. Keeping. It is unlawful for any person to keep or harbor any animal, not in transit, except (1) farm animals kept in that portion of the City zoned for agricultural purposes, or, (2) animals kept in an animal hospital or clinic for treatment by a licensed veterinarian, or, (3) animals that may be kept in the City Zoo or in Alexander Ramsey City Park.

Subd. 3. Animals in Transit. It is unlawful for any person to transport animals unless they are (1) confined within a vehicle, cage or other means of conveyance, or, (2) farm animals being transported in a portion of the City zoned for agricultural purposes, or, (3) restrained by means of bridles, halters, ropes or other means of individual restraint.

Subd. 4. Treatment. It is unlawful for any person to treat any animal as herein defined, or any other animal, in a cruel or inhumane manner.

Subd. 5. Housing. It is unlawful for any person to keep any animal as herein defined, or any other animal, in any structure infested by rodents, vermin, flies or insects, or inadequate for protection against the elements.

Subd. 6. Trespasses. It is unlawful for any person to herd, drive or ride any animal over and upon any grass, turf, boulevard, City park, cemetery, garden or lot without specific permission therefor from the owner.

SEC. 10.13. ANIMAL WASTE.

Subd. 1. Definitions. For the purpose of this Section:

A. "Owner" means any person who harbors, feeds, boards, possesses, keeps or has custody of an animal.

B. "Animal" means a dog, cat or other animal.

Subd. 2. Unlawful Acts. It is unlawful for any owner to:

A. Suffer or permit an animal to defecate upon public property, or the private property of another, without immediately removing the excrement and disposing of it in a sanitary manner.

B. Suffer or permit an animal to be upon public property, or the private property of another, unless such animal is in the custody of a person of suitable age and discretion having in his possession equipment and supplies for excrement removal.

C. Permit animal excrement to accumulate for a period in excess of seven (7) days on premises occupied by him without removal and sanitary disposal.

Subd. 3. Exceptions. The provisions of Subdivision 2, Subparagraphs A and B, do not apply to a guide dog accompanying a blind person, a service dog accompanying a disabled person, or a dog while engaged in police or rescue activity.

Source: City Code
Effective Date: 02-01-96

(Sections 10.14 through 10.19, inclusive, reserved for future expansion.)