

ORDINANCE NO. 65, FOURTH SERIES

AN ORDINANCE AMENDING
REDWOOD FALLS CODE OF ORDINANCES §10.46 PERTAINING TO
ANIMAL LICENSING AND REGULATION

THE CITY COUNCIL OF REDWOOD FALLS ORDAINS:

SECTION 1. That Redwood Falls City Code of Ordinances §10.46 shall be amended by amending and inserting the following provisions, in their entirety, in lieu thereof:

§ 10.46 ANIMAL LICENSING AND REGULATION.

~~—Subd. 3.—*License Required for Certain Dogs.* It is unlawful for the owner of any dog, three months of age or more, to fail to obtain a license therefor from the city.~~

Subd. 3. Conditional Lifetime License Required for Dogs.

- A. **A conditional lifetime license shall be obtained by the owner of any dog kept or maintained within the corporate limits of the city that is three (3) months of age or older. The conditional lifetime license must be obtained within 30 days of acquiring the dog, or within 30 days of becoming a resident of the city. This requirement shall not apply to pets whose owners are temporary visitors within the city for 30 days or less. It is unlawful to fail to obtain a conditional lifetime license as specified above.**
- B. **Conditional lifetime licenses may be obtained from the city or from any entity designated by the city to issue conditional lifetime licenses and remit license fees as established in the city fee schedule, as amended from time to time.**
- C. **The conditional lifetime license application shall be made on forms provided by the city, and shall require, at a minimum: the owner's name and address, any address where the dog may reside if different from the owners address, owners phone number, dog's name and breed along with a copy of the dogs current rabies vaccination.**

~~—Subd. 4. *Dog License Issuance, Term and Renewal.* All dog licenses shall be issued only upon presentation of a certificate issued by a veterinarian licensed to practice veterinary medicine in the state, showing current rabies immunization of the dog. All dog licenses shall expire on December 31. Application for license renewal, accompanied by a veterinarian's certificate, shall be made at least 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 the dog has been neutered.~~

Subd. 4. Conditional Lifetime License.

- A. Conditional lifetime licenses shall be issued upon completion of the required application and payment of the required fee as established by the city fee schedule, as amended from time to time. A conditional lifetime license shall be in effect during the lifetime of the licensed dog unless suspended pursuant to Subd. 5.
- B. As a condition to the continued validity of an issued conditional lifetime license, the owner shall submit to the city or any entity designated by the city, proof of the dog's current rabies vaccination.
- C. It shall be the duty of the city or any entity designated by the city, to send all dog owners who hold a valid conditional lifetime license, a notice that indicates per the city's records, the dog's vaccination will expire within 30 days and failure to provide proof of current rabies vaccination to the city or any entity designated by the city, will cause the conditional lifetime license to be suspended.

Subd. 5. Suspension of Conditional Lifetime License.

- A. Conditional lifetime licenses may be suspended by the city or any entity designated by the city, without refund of fees paid if proof of current rabies vaccination is not provided to the city or any entity designated by the city prior to expiration of the vaccination. It is unlawful to possess a dog within city limits with a suspended conditional lifetime license.
- B. When a conditional lifetime license has been suspended, a new conditional lifetime license application shall be completed by the owner pursuant to Subd. 3 C. Upon completion of the application and remittance of a fee as established by the city fee schedule, the conditional lifetime license shall be reinstated.

Subd. ~~5~~ 6. *Adoption of Fees for Dogs.* All fees for the licensing, impounding and maintenance of dogs, including penalties for late application, may be fixed and determined by the Council, adopted by resolution and uniformly enforced. The 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~~ 7. *Tag Required for Licensed Dogs.* All licensed dogs shall wear a collar and have a tag firmly affixed thereto evidencing a current **conditional lifetime** 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.~~ A one-time duplicate for a lost tag may be issued by the city at no cost

to the owner. Any further requests for a duplicate tag shall be at the expense of the owner at a fee as established in the city fee schedule, as amended from time to time. Tags shall not be transferable, and no refund shall be made on any license fee because of leaving the city or death of the dog. ~~before the expiration of the license.~~ It is unlawful for the owner of any dog to fail to have the license tag issued by the city firmly attached to a collar worn at all times by the licensed dog.

Subd. **7 8.** *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 9.** *Feeding of Stray or Feral Cats.* It shall be unlawful for any person to continue to feed stray or feral cats, where such feeding causes a nuisance to neighbors or creates a condition contrary to the health, safety, and welfare of the community.

Subd. **9 10.** *Impoundment.*

A. Any animal found in the city, or any dog found in the city without a license tag, running at large or otherwise in violation of this section, shall be placed at the Friends of the Animal Shelter, and an accurate record of the time of such placement shall be kept on each animal. Every animal so placed in the Shelter shall be held for redemption by the owner for at least five regular business days. A "regular business day" is one during which the Shelter is open for business to the public for at least four hours between 8:00 a.m. and 7:00 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.

B. In the event any dog, cat, or other impounded animal is unclaimed after the expiration of any applicable redemption or quarantine period set forth in Minnesota Statutes or Redwood Falls City Ordinances, whichever is longer, they shall become the property of the Shelter and may be disposed of, adopted, or sold in its sole discretion. All proceeds from the disposition of such animals shall be the sole property of the Shelter, including any proceeds received from any animals disposed of in accordance with M.S. § [35.71](#).

Subd. **10 11.** *Notice of Impounding.* Upon the impounding of any animal, the owner shall be notified, or if the owner of the animal is unknown, written notice shall be posted for five 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 Friends of the Animal Shelter an animal described as follows:

Sex _____

Color _____

Breed _____

Approximate Age _____

Name of Owner _____

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

(Police Officer)

Subd. ~~11~~ **12**. *Release From Shelter.* Before a seized animal is released to its owner, the Shelter shall verify that the owner is compliant with this chapter, as it relates to licensing, if applicable. The Shelter shall be entitled to collect and retain a per diem, boarding, immunization fees, care and adoption fees for any animals.

Subd. ~~12~~ **13**. *Immobilization of Animals.* For the purpose of enforcement of this section, any peace officer may use a so-called tranquilizer gun or other instrument for the purpose of immobilizing and catching an animal.

Subd. ~~13~~ **14**. *Barking Dogs.*

A. 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 minutes with less than one minute of interruption. The barking must also be audible off of the owner's or caretaker's premises.

B. Any police 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 peace officer making a contemporaneous complaint about the barking;
2. The peace officer reasonably believes that the barking meets the criteria set forth in Subd. ~~13~~ **14** A.;
3. The peace 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 peace 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.

C. Any dog seized under the provisions of Subd. ~~13~~**14**.B. shall be taken to the Shelter and kept there to be reclaimed by the owner. The owner shall pay all other fees required under Subd. ~~11~~**12**. Any dog seized under Subd. ~~13~~**14** B. which is unclaimed may be disposed of according to the provisions of Subd. ~~9~~**10** B.

D. A person who violates § [10.46](#), Subd. ~~13~~**14** A. is guilty of a petty misdemeanor.

Subd. ~~14~~**15**. *Interfering with a Peace Officer*. No person shall, in any manner, molest, hinder or interfere with any peace officer, or any other individual employed directly or by contract with the city to capture animals and convey them to the Shelter while the person is engaged in the occupation.

Subd. ~~15~~**16**. *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 a peace officer, it is determined that a dog is potentially dangerous or dangerous according to the criteria described in Subd. 1. the Police Department will serve a notice of intent to declare the dog potentially dangerous or dangerous 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. ~~15~~**16**.B. and the result of the failure to contest the designation as described in Subd. ~~15~~**16**.H.

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 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 the request, the 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 section 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 Council member 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 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 Police Department and the dog owner.

E. *Effect of Findings that Dog is Potentially Dangerous or 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 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.

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 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 may appoint a veterinarian to serve on the Hearing Panel on a voluntary basis in lieu of the elector. The 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 Council member 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.*

1. If the owner of a dog receives a notice from the 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. ~~15-16~~.D. and as having consented to the designation of the dog as potentially dangerous or dangerous by default.

2. The Police Department will then issue a declaration of dangerous or potentially dangerous dog to the owner. Within 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 peace officer shall 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 potentially dangerous or 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;

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; or

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. ~~16~~ **17**. *Enforcement*. The peace 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. ~~17~~ **18**. *Summary Destruction*. Notwithstanding the provisions set forth in Subd. ~~15-16~~ whenever a peace 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, the officer, after making reasonable attempts to impound the animal, may summarily destroy the animal.

Subd. ~~18~~ **19**. *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 section shall constitute a petty misdemeanor punishable by a fine not to exceed \$300 or that amount which may be lawfully prescribed by a municipality for an ordinance violation that is defined as a petty misdemeanor.

Subd. ~~19~~ **20**. *Quarantine of Unvaccinated Animal*. The owner of an animal that inflicts a bite on a human shall provide to the Police Department evidence that the animal is current on its rabies vaccination. The Police Department may seize and hold the animal at the Shelter for a period of not less than ten 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; if the animal is a dog, the owner must also provide proof of current licensure or purchase a dog 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 cannot be reclaimed or released until such time that the animal has been immunized for rabies. In the event any dog, cat, or other impounded animal is unclaimed after the expiration of any applicable redemption or quarantine period set forth in Minnesota Statutes or Redwood Falls City Ordinances, whichever is longer, they shall become the property of the Shelter and may be disposed of, adopted, or sold in its sole discretion. All proceeds from the disposition of such animals shall be the sole property of the Shelter, including any proceeds received from any animals disposed of in accordance with M.S. § 35.71.

SECTION 2. This Ordinance becomes effective from and after its passage and publication.

PASSED AND ADOPTED by the City Council of the City of Redwood Falls, Minnesota this _____ day of _____, 2019.

ATTEST:

Keith Muetzel
City Administrator

Tom Quackenbush
Mayor

(City Seal)

Subscribed and sworn to before me this
_____ day of _____, 2019.

Notary Public

Introduced: September 17, 2019

10-Day Notice:

Approved:

Publication: