

ORDINANCE NUMBER 20

CITY OF TOWER, MINNESOTA

An Ordinance regulating and controlling animals in the City of Tower.

The City of Tower ordains:

Section 1. DEFINITIONS. For the purpose of this ordinance:

- A. Owner means a person who owns an animal hereby regulated.
- B. Own means to have a property interest in, harbor, feed, board, keep, or possess.
- C. Dangerous animal means an animal which has caused damage to property or injury to a person or other animals, or which animal, by its actions, exhibits a propensity for imminent danger to persons or other animals.
- D. Dog means both male and female and includes any animals of the dog kind.
- E. Animal means a domestic dog or cat or dog kind.
- F. Cat means both male and female and includes any animal of the domestic feline kind.
- G. ACO means Animal Control Officer.

Section 2. No dog or cat kept as a pet shall be permitted to run at large within the limits of said City. An animal shall be deemed to be running "at large" if the animal is off the premises of the person who owns, harbors, or keeps the animal and not under control of such person, or some other person designated by him/her, either by leash, cord, chain, or voice or whistle control.

Section 3. The restriction imposed by Section 2, shall not prohibit the appearance of any dog or cat upon streets or public property when such dog or cat is on a leash which is not longer than 6 feet and is kept under control of the accompanying person nor shall it restrict any dog or cat to the premises of its owner, but no dog or cat shall be permitted to enter upon any public park, playground, or bathing beach area at any time, or upon the school yard or premises of any public or private school during school days, even when on a leash.

Section 4. It is required that an owner who walks his animal within City limits, on property other than his own, will be responsible for all feces pick-up.

Section 5. No license or tag shall be issued by the City Clerk for a dog or cat which has reached the age of six months unless the applicant shall present a current certificate from a veterinarian certifying that the dog or cat to be licensed has been inoculated with a permanent type chick embryo rabies vaccine.

Section 6. No person shall exceed the number of three (3) animals per dwelling unit. A maximum of two (2) dogs is permitted. This subdivision shall not apply to a licensed kennel.

Section 7. It shall be unlawful for any person, persons, firm, or corporation, to keep, maintain, stable, yard, or fence any cow, bull, steer, calf, ox, goat, sheep, horse, stallion, mare, mule, swine, chicken or other non-domestic or barnyard animal without a written application to the

City of Tower and a special permit issued by said Board in accordance with the Saint Louis County Health and Zoning Ordinances.

Section 8. The annual license fee shall be \$5.00 for each altered (spayed or neutered) animal and \$10.00 for each unaltered animal. All licenses shall expire on December 31st of each year.

Section 9. The ACO or his assistant shall impound any dog or cat found unlicensed, without a metal tag attached to his collar, or running at large, and they are empowered and instructed to enter upon any private premises where they have reasonable cause to believe there is an unlicensed or untagged dog or cat or while in pursuit of a dog or cat running at large.

Section 10. Any animal impounded by the ACO will be taken to the holding facility and shall be kept clean. Every animal placed in the holding facility shall be held for redemption by the owner for at least five (5) regular business days. A "regular business day" is one during which the holding facility is open for business to the public for at least eight (8) hours between 8:00AM and 4:00PM Monday through Friday. 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 any other distinguishing detail.
- 2) The location at which the animal was seized.
- 3) The date of seizure.
- 4) The name and address of the owner of the said animal.
- 5) The name and address of the person the animal is transferred to, if not the owner.

The releasing fee for impounded animals is \$35.00. If an animal is unclaimed, such animal shall be humanely destroyed and the carcass disposed of. After the five (5) day holding period the impounded animal may be released to the Mesabi Humane Society for adoption.

Section 11. Upon impounding of any animal, the owner shall be notified by the most expedient means, or if the owner is unknown, written notice shall be posted for five days at the City Clerk's Office and at the pound describing the animal and place and time of taking.

Section 12. It shall be unlawful for any unauthorized person to break open the holding facility or attempt to do so, or to take or let out any dogs or cats therefrom, or to take or attempt to take from any officer any dog or cat taken up by him in compliance with this ordinance, or in any manner to interfere with or hinder such officer in the discharge of his duties under this ordinance.

Section 13. It shall be unlawful and a violation of this ordinance for any person to molest or intimidate a dog or cat.

Section 14. It shall be unlawful to counterfeit or attempt to counterfeit the tags provided for in this ordinance for licensing or take from any dog or cat a tag legally placed upon it with intent to place it upon another dog or cat. Tags shall not be transferable and no refunds shall be made for any reason.

Section 15. No person shall keep or harbor a dog which by loud, frequent, or habitual barking, yelping or howling, shall cause serious and frequent annoyance to the neighboring residents; and further no owner shall permit his dog or cat to damage or destroy any lawn, garden, shrubbery, foliage, or any other property within the City. Any person found guilty of violating the terms and provisions of this section shall be guilty of a misdemeanor.

Section 16. No person shall keep or suffer to be kept on his premises occupied by him/her within the City of Tower nor permit to run at large, any dog of a ferocious, or vicious disposition or habit. Whenever it shall reasonably appear that any dog has bitten one or more persons or animals, such dog shall be deemed a vicious dog and it shall be lawful for any police officer or ACO to forthwith kill or destroy any such animal.

Section 17. For the purpose of enforcement of this ordinance any peace officer, or animal control officer (ACO), may use a so-called tranquilizer gun or other instrument for the purpose of immobilizing and catching an animal. The tranquilizer gun will be used only in extreme circumstances.

Section 18. If a dog or cat without provocation, attacks or injures the person or property of any person who is peaceably conducting himself in any place where he may lawfully be in any part of the City, the owner of the animal shall be liable for damages to the person so attacked or injured to the full amount of the injury or damage sustained to his person or property.

Section 19. Any animal impounded for biting persons shall be impounded for observation for a minimum of ten (10) days. Animals impounded for biting may be quarantined on the premises of the owner for the ten (10) day observation period upon certification by a licensed veterinarian that the dog has been inoculated against rabies within the past three (3) years and is otherwise healthy. In instances of home quarantine, the owner shall be responsible for keeping the dog contained within the house or, if outside, on a chain at all times. The City and/or the ACO shall have access to the animal at any reasonable time for study and observation of rabies symptoms. In the event that the animal is a stray or when the owner of the animal is not known, such quarantine shall be at the holding facility or a veterinary hospital.

Section 20. All expenses of the quarantine period shall be the responsibility of the animal's owner. The animal may be reclaimed by the owner if free of rabies and upon payment of fees as set forth in this ordinance and upon compliance with all applicable provisions.

Section 21. When an animal under quarantine and diagnosed as being rabid or suspected by a licensed veterinarian as being rabid dies or is killed, the ACO shall immediately send the head of such animal and rabies data to the State Health Department for pathological examination and shall notify all persons concerned of the results of such an examination.

Section 22. It is the duty of every physician and medical practitioner to report to the Chief Law Enforcement Official the names and addresses of persons treated for bites inflicted by animals, together with such other information as will be helpful in rabies control.

Section 23. It is the duty of every licensed veterinarian to report to the Chief Law Enforcement Official his diagnosis of an animal observed by him as a rabies suspect.

Section 24. Except for controlled breeding purposes, every female animal in heat shall be kept confined in a house or secure enclosure, provided by owner, or in a veterinary hospital or boarding kennel, in such manner that such female animal cannot come in contact with other animals.

Section 25. Any person, firm, or corporation violating any provision of this Ordinance shall be guilty of a misdemeanor and shall be punished by a fine of not less than \$35.00 or more than \$100.00 or imprisonment for not more than 90 days.

Section 26. This ordinance replaces Ordinances 47, 47A, 47B, and 47C and any other ordinance that is inconsistent with this ordinance.

Section 27. If a section, part of a section, sentence, clause, or phrase of this ordinance shall be held to be unconstitutional or invalid, the remaining provisions hereof shall nevertheless remain in full force and effect.

Section 28. The ordinance shall be in full force and effect from and after its passage and publication.

Alderman Adkisson introduced Ordinance Number 47-D and gave the first reading on January 14, 1992.

Alderman Hendrickson gave the second reading on March 10, 1992.

Motion by Hiltunen supported by Hendrickson to adopt said ordinance and publish in official newspaper.

Ayes: Burgess, Majerle, Hendrickson, Turnbull, and Hiltunen.

Nays: None

Ordinance published in the Timberjay on March 23, 1992.

Gary Burgess, Mayor

Timothy L Kotzian, Clerk