

SECTION 1

ANIMALS

Section:

5-1-1	Repealer
5-1-2	Definitions
5-1-3	Dogs and Cats
5-1-4	Non-Domestic Animals Prohibited
5-1-5	Farm Animals
5-1-6	Impounding
5-1-7	Dog Kennels and Cat Shelters
5-1-8	Nuisances: Animals
5-1-9	Seizure of Animals
5-1-10	Animals Presenting a Danger to Health and Safety of City
5-1-11	Diseased Animals
5-1-12	Basic Care
5-1-13	Breeding Moratorium
5-1-14	Enforcing Officer
5-1-15	Pound
5-1-16	Interference with Officers
5-1-17	Violation and Penalties

5-1-1: REPEALER: Otsego Ordinance No. 8 related to Dogs is hereby repealed in its entirety. (Ord. 2004-01, February 23, 2004)

5-1-2: DEFINITIONS: As used in this Section, unless the context otherwise indicates, the following words shall be defined to mean:

- A. **Animal.** "Animal" shall mean any mammal, reptile, amphibian, fish, bird (including all fowl and poultry) or other members commonly accepted as part of the animal kingdom. Animals shall be classified as follows:
1. **Domestic.** "Domestic animals" shall mean those animals commonly accepted as domestic household pets. Unless otherwise defined, such animals shall include dogs, cats, caged birds, gerbils, hamsters, guinea pigs, domesticated rabbits, fish, non-poisonous, non-venomous and non-constricting reptiles or amphibians, and other similar animals.
 2. **Non-Domestic.** "Non- Domestic animals" shall mean those animals commonly considered to be naturally and not usually 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:

- a. Any member of the large cat family (family felidea) including lions, tigers, cougars, bobcats, leopards and jaguars, but excluding commonly accepted domesticated house cats.
 - b. Any naturally wild member of the canine family (family canidae) including wolves, foxes, coyotes, dingoes, and jackals, but excluding commonly accepted domesticated dogs.
 - c. Any crossbreeds such as the crossbreed between a wolf and a dog, unless the crossbreed is commonly accepted as a domesticated house pet.
 - d. Any member or relative of the rodent family including any skunk (whether or not de-scented), raccoon, or squirrel, but excluding those members otherwise defined or commonly accepted as domesticated pets.
 - e. Any poisonous, venomous, constricting, or inherently dangerous member of the reptile or amphibian families including rattlesnakes, boa constrictors, pit vipers, crocodiles and alligators.
 - f. 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, unless explicitly allowed under State law.
- B. **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.
- C. **Cat.** "Cat" shall be intended to mean both the male and female of the felidae species, commonly accepted as household pets.
- D. **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.
- E. **Owner.** "Owner" shall be intended to mean any person or persons, firm, company, corporation, association or other entity owning, keeping, or harboring an animal.

- F. **Animals at Large.** "At Large" shall be intended to mean off the premises (i.e. legal description of record) 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.
- G. **Animal Release Permit.** "Release Permit" shall mean a permit issued by the Animal Warden for the release of any animal confined. A Release Permit may be obtained upon payment of a fee as established by Council resolution, payment of the license fee for the animal if unlicensed, as well as payment of all costs incurred by the City in capturing, impounding and harboring the animal. The release fee shall be established from time to time by resolution of the City Council. (Ord. 2004-01, February 23, 2004)

5-1-3: DOGS AND CATS:

- A. **Running at Large Prohibited.** It shall be unlawful for the dog or cat of any person who owns, harbors, or keeps a dog or cat, or the parents or guardians of any such person under eighteen (18) years of age, to run at large. Dogs or cats physically restrained on a leash or using an electronic remote collar and accompanied by and under the control and direction of a responsible person shall be permitted in streets or on public land unless the City has posted an area with signs reading "Dogs or Cats Prohibited". (Ordinance 2012-14, adopted October 22, 2012)
- B. **Cats.** Cats shall be included as within the controls established within this subsection of this Section in so far as running-at-large, pickup, impounding, boarding, and proof of anti-rabies vaccine is concerned. All other provisions of this Section shall also apply to cats unless otherwise indicated.
- C. **Vaccination.**
 - 1. All dogs and cats kept harbored, maintained, or transported within the City shall have current vaccinations given by a licensed veterinarian for rabies (with a live modified vaccine).
 - 2. 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 sheriff's deputy, the owner shall present for examination the required certificates of vaccination for the animals. In cases where certificates are not presented, the owner or keeper of the animals shall have seven (7) days in which to present the certificates to the City Clerk or other designee or sheriff's deputy. Failure to do so shall be deemed to be a violation of this Ordinance. (Ord. 2010-04, adopted April 26, 2010)

5-1-4: NON-DOMESTIC ANIMALS PROHIBITED: It shall be illegal for any person to own, possess, harbor, or offer for sale, any non-domestic animal within the City limits. Any owner of such an animal at the defective date of adoption of this Ordinance shall have thirty days from that date in which to remove the animal from the City after which time the City may impound as provide for in 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 as part of an operating zoo, veterinarian clinic, scientific research laboratory, or a licensed show or exhibition. (Ord. 2004-01, February 23, 2004)

5-1-5: FARM ANIMALS: Farm animals shall only be kept in agricultural districts of the City or other districts as allowed in the City Zoning Ordinance and pursuant to restrictions set forth in the Zoning Ordinance. An exception shall be made to this subsection for those farm animals brought into the City as part of an operating zoo, veterinarian clinic, scientific research laboratory, or a licensed show or exhibition. (Ord. 2004-01, February 23, 2004)

5-1-6: IMPOUNDING:

- A. **Running at Large.** Any animal running at large is hereby declared a public nuisance. Any sheriff's deputy or authorized police officer may impound any dog or other animal found found running at large and shall give notice of the impounding to the owner of such dog or other animal, if known. In case the owner is unknown, the officer shall post notice at the City Hall that if the dog or other animal is not claimed within the time period set forth in this Section, 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. (Ord. 2010-04, adopted April 26, 2010)
- B. **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 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 payment of all costs by the owner. However, if the owner of 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, not outside of Wright County, and provide immediate proof of such confinement in such a 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. (Ord. 2004-01, February 23, 2004)

- C. **Reclaiming Animals.** All animals conveyed to the City pound shall be kept, with humane treatment and sufficient food and water for their comfort, at least fourteen (14) days. In case the owner or keeper shall desire to reclaim the animal from the pound, the payment of any and all maintenance cost for the animal, per day or any part of a day while the animal is in said pound shall be required. (Ord. 2010-04, adopted April 26, 2010)
- D. **Unclaimed Animals.** At the expiration of the times established in Section 5-1-6.C, if the animal has not been reclaimed in accordance with the provisions of this Section, the City's designee may let any person claim the animal by complying with all provisions of this Section, or cause the animal to be destroyed in a proper and humane manner and shall properly dispose of the remains. (Ord. 2004-01, February 23, 2004)

5-1-7: DOG KENNELS AND CAT SHELTERS:

- A. **Definition of Kennel and Cat Shelter.** The keeping of three or more dogs and/or cats over six (6) months of age on the same premises, whether owned by the same person or not and for whatever purpose kept, shall constitute a "dog kennel" or a "cat shelter".
- B. **Dog Kennel and Cat Shelter as Nuisance.** Because the keeping of three or more cats or dogs on the same premises is subject to great abuse, causing discomfort to people in the area by way of smell, noise, hazard and general aesthetic depreciation, the keeping of three or more cats and/or dogs on the premises without obtaining a kennel license pursuant to applicable ordinances and the City Zoning Ordinance is hereby declared to be a nuisance and no person shall keep or maintain a dog kennel or cat shelter within the City without proper City authorization. (Ord. 2004-01, February 23, 2004)

5-1-8: NUISANCES: ANIMALS:

- A. **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 or crying for repeated intervals of at least three minutes with less than one minute of interruption. Such barking or crying must also be audible off of the Owner's or caretaker's premises. Repeated barking due to intentional provocation by an unrelated individual residing off the property of the Owner is not considered habitual barking for purposes of this ordinance, nor is barking related to a periodic external stimulus such as a non domestic animal, machinery or unusual activity within the vicinity of the premises.

- B. **Damage to Property.** It shall be unlawful for any person's dog or other animal to substantially damage any lawn, garden or other property (including animals), whether or not the owner has knowledge of the damage. Any animal causing damage to property may be impounded as provided in this section, or a complaint may be issued by any party aggrieved by an animal under this Section, against the Owner of the animal for prosecution under this Section.
- C. **Cleaning up Litter.** The Owner of any animal or person having the custody or the 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 own property, on the property of others or on public property.
- D. **Other.** Any animals kept contrary to this Section are subject to impoundment. (Ord. 2004-01, February 23, 2004)

5-1-9: SEIZURE OF ANIMALS: Any sheriff's deputy, animal control officer or City designee may enter upon private property and seize any offending animal provided that any of the following exist:

- A. There is an identified complainant other than the deputy, officer or designee making a contemporaneous complaint about the animal;
- B. The deputy, officer or designee reasonably believes that the animal meets the criteria for a barking dog, cruelty, or for an animal at large as set forth in this ordinance;
- C. The deputy, officer or designee can demonstrate that there has been at least one previous complaint of a barking dog, inhumane treatment of an animal, or that the animal was at large at this address on a prior date;
- D. The deputy, officer or designee 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 person authorized to have such key shall not be considered unauthorized entry;
- F. Written notice of the seizure is left in a conspicuous place if personal contact with the Owner of the dog is not possible. (Ord. 2004-01, February 23, 2004)

5-1-10: ANIMALS PRESENTING A DANGER TO HEALTH AND SAFETY OF CITY: If in the reasonable belief of a deputy, officer or designee, an animal presents an

immediate danger to the health and safety of any person including a deputy, officer or designee, or the animal is threatening imminent harm to any person, or the animal is in the process of attacking any person, the officer may destroy the animal in a proper and humane manner. Otherwise, the deputy, officer or designee may apprehend the animal and deliver it to the pound for confinement. If the animal is later determined to be no longer a danger to the health, safety and welfare of the City, it may be released to its owner. (Ord. 2004-01, February 23, 2004)

5-1-11: DISEASED ANIMALS:

- A. **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, any animal which is diseased so as to be a danger to the health and safety of the City. (Ord. 2010-04, adopted April 26, 2010)

- B. **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 deputy, officer or designee. The deputy, officer or designee 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 deputy, officer or designee shall cause such animal to be painlessly killed and shall properly dispose of the remains. The Owner or keeper of the animal killed under this Section shall be liable for all costs related to the apprehension, maintenance and disposal of the animal, plus the costs of any veterinarian examinations.

- C. **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. (Ord. 2004-01, February 23, 2004)

5-1-12: 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. (Ord. 2010-04, adopted April 26, 2010)

5-1-13: BREEDING MORATORIUM: Every female dog or female cat in heat shall be confined in a building or other enclosure in such manner that it cannot come in contact with another dog or cat except for planned breeding. Upon capture and failure to reclaim the animal, every dog or cat shall be neutered or spayed prior to being transferred to a new Owner. (Ord. 2010-04, adopted April 26, 2010)

5-1-14: ENFORCING OFFICER: The City Council is hereby authorized to appoint an officer or designee to enforce the provisions of this Section. The officer may be a deputy sheriff. In the officer's duty of enforcing the provisions of this Section, he or she may from time to time, with the consent of the City Council, designate assistants. (Ord. 2010-04, adopted April 26, 2010)

5-1-15: POUND: From time to time 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. (Ord. 2010-04, adopted April 26, 2010)

5-1-16: 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 other manner to interfere with or hinder such officer in the discharge of his or her duties under this Section. (Ord. 2010-04, adopted April 26, 2010)

5-1-17: VIOLATIONS AND PENALTIES:

- A. **Separate Offenses.** Each day a violation of this Section is committed or permitted to continue shall constitute a separate offense and shall be punishable as such under this Section.
- B. **Misdemeanor.** Unless otherwise provided, violation of this Section shall constitute a misdemeanor punishable by a fine of up to \$1,000 or imprisonment for up to ninety (90) days.
- C. **Petty Misdemeanor.** Violations of Sections 5-1-3, 5-1-8-A, and 5-1-8.C are petty misdemeanors punishable by a fine of up to \$300 per violation. In the event that an owner commits three of the same or similar petty misdemeanor violations within a period of one year, the third violation shall be considered a misdemeanor. (Ord. 2010-04, adopted April 26, 2010)