

Section 300 - Animals

300.01 Definitions. As used in this Section, unless the context otherwise indicates, the following words shall be defined to mean:

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, fish, 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 any 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 (duck, geese), swine (including Vietnamese potbellied pigs), goats, bees, and other animals associated with a farm, ranch, or stables.

Subd. 2 Cat. “Cat” shall be intended to mean both the male and female of the felidae species commonly accepted as domesticated household pets.

Subd. 3 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. 4 Dangerous Dog and Potentially Dangerous Dog. The terms “Dangerous Dog” and “Potentially Dangerous Dog” shall mean any dog which has been found to be dangerous of potentially dangerous pursuant to Minn. Stat. §§ 347.50 - 347.55, as amended.

Subd. 5 Owner. “Owner” shall be intended to mean any person or persons, firm, association or corporation owning, keeping, harboring, feeding or acting as custodian of 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.

Subd. 7 Release Permit. “Release Permit” shall mean a permit issued by the City of New Richland for the release of any animal that has been taken to the pound. A release permit may be obtained upon payment of a fee in accordance with that regular license requirement and payment of a release fee and any maintenance costs incurred. The release fee shall be set by city code § 240. For the purpose of a release permit, any change in the registered ownership of an animal subsequent to its impoundment and release shall reset that animal’s

impoundment count to the beginning of the fee scale.

300.02 Dogs and Cats.

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 allow such dog or cat to run at large within the city limits or St. Olaf Lake Park. 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 except as otherwise provided in this section or unless the city has posted an area with signs reading “Dogs and/or Cats Prohibited”. It shall not be a defense to a violation of this section that the offending dog escaped or was otherwise at large without the permission of the owner.

Subd. 2 License Required.

A. **Registration.** The owner of any dog or cat shall register the dog or cat with the City at the time the dog or cat is brought into the City. The registration shall be in writing on a form prescribed and furnished by the City to the owner and the form shall state the name, sex, breed, age, color, and marking of the dog or cat being registered, and the name and address of the owner of the dog or cat and certify all required vaccinations will be kept current. The registration shall be valid for the life of the pet from the date a license is issued.

B. Upon the filing of the registration form with the City and the payment of the

registration fee set by the City Council in § 240 per dog or cat being registered, to the City by the dog's or cat's owner the City shall assign a serial number to the registration form and note the number on the form. The City shall then issue to the owner a metal tag for each dog or cat registered. The metal tag shall bear the same serial number assigned to and noted on the registration form. The owner shall cause the tag to be securely fastened to a collar which shall at all times be worn by any registered dog or cat when off the owner's premises.

C. In case any dog or cat tag is lost, a substitute tag may be issued by the City upon presentation of a receipt showing payment of the license fee for the current year. A replacement fee set in § 240 shall be made for each substitute tag.

D. It shall be unlawful to counterfeit or attempt to counterfeit the tags provided for in this Section or take from any dog or cat a tag legally placed upon it by its owner with the intent to place it upon another dog or cat, or to place the tag upon another dog or cat.

E. Dog or cat tags shall not be transferable and no refunds shall be made on any dog or cat license fee because of leaving the City or death of the dog or cat before the expiration of the license period.

F. The licensing provisions of this Subdivision shall not apply to dogs or cats whose owners are non-residents temporarily within the City, nor to dogs or cats brought into the City for the purpose of participating in any licensed exhibition, nor shall this provision apply to service animals properly trained to assist physically challenged persons.

G. The funds received by the City from all dog or cat licenses and metallic tags fees shall first be used to defray any costs incidental to the enforcement of this Section; including, but not restricted to, the costs of licenses, metallic tags, and impounding and maintenance of the dogs or cats.

Subd. 3 Limit on the Number of Dogs or Cats Kept. No household shall own, keep, harbor or allow the keeping of more than two adult dogs or five adult cats or five animals that consist of a combination of cats and dogs with a two-dog maximum. For the purposes of this Section, an adult dog shall be any dog older than six months of age.

Subd. 4 Dangerous and Potentially Dangerous Dogs. No person shall keep any dangerous or potentially dangerous dog without registering the dog with the City pursuant to Minn. Stat. § 347.51, as amended. No person shall keep any dangerous dog or potentially dangerous dog unless such dog is properly confined or muzzled, and otherwise provided for pursuant to Minn. Stat. §§ 347.50-347.55. as amended.

Subd. 5 Vaccination.

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

1. Rabies - with a currently effective 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 Clerk-Treasurer or a police officer, the owner shall present for examination the required certificate(s) of vaccination for their animal(s). In cases where certificates are not presented, the owner or keeper of the animal(s) shall have seven days in which to present the certificate(s) to the enforcement officer. Failure to do so shall be deemed a violation of this Section.

Subd. 6 Cats. Cats shall be included as controlled by this sub-section insofar as running-atlarge, pickup, impounding, boarding, licensing and proof of anti-rabies vaccine is concerned. All other provisions of this Section shall also apply to cats unless otherwise provided.

Subd. 7 Penalty. Violation of this sub-section is a petty misdemeanor and may be subject to administrative penalty.

(Am. Ord. 14-02, passed 10-27-14)

300.03 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. Any owner of such an animal at the time of adoption of this Code shall have thirty (30) days in which to remove the animal from the City after which time the City may impound the animal as provided for in this Section. 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.

300.04 Farm Animals. Farm animals shall only be kept in an agricultural district of the City, 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 subsection for those animals brought into the City as part of an operating zoo, veterinarian clinic, scientific research laboratory, or a licensed show or exhibition.

300.05 Nuisances.

Subd. 1 Habitual Barking, etc. It shall be unlawful for any person to keep or harbor an animal which habitually barks, cries, howls or otherwise makes audible noises. Habitual barking, crying, howling and other noise making shall be defined as barking, crying, howling, or other noise making for repeated intervals of at least five minutes with less than one minute of interruption. Such barking, crying, howling, or other noise making must also be audible off of the owner's or caretaker's premises.

Subd. 2 Sanitation.

(A) Any person who owns, keeps or harbors a dog or cat shall have the responsibility for keeping their property clean of all fecal matter created by the animal. All animal waste shall be removed periodically so as to keep the surrounding area free from obnoxious odors. For the purpose of this section, "periodically" shall be defined as a period of time not to exceed one week.

(B) It is unlawful for any person who owns, keeps or harbors a dog or cat to cause or permit

the dog or cat to be on any property not owned or possessed by this person without having a device or equipment for immediately picking up and removing animal feces to a proper receptacle located upon property owned or possessed by such person.

(C) It is unlawful for any person who is in control of any dog or cat, or who causes or permits any dog or cat to be on any property not owned or possessed by such person, to fail to remove feces left by such animal to a proper receptacle located on property owned or possessed by such person.

(D) This section does not apply to the ownership or use of Seeing Eye dogs by blind persons, dogs used in police activities by the city, or tracking dogs when used by or with the permission of the city.

Subd. 3 Damage to Property. It shall be unlawful for any owner to permit their 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 Section or a complaint may be issued by anyone aggrieved by a dog under this Section, against the owner of the animal for prosecution under this Section.

Subd. 4 Biting Animals. An animal may be declared a nuisance if it at any time has attacked or bitten a person off of the owner's property;

Subd. 5 Vicious or Attacking Animals. An animal may be declared a nuisance if it is vicious or shows vicious habits, or molests pedestrians or bicyclists, or interferes with the driving of automobiles on public streets.

Subd. 6 Prohibited Areas. No animal other than guide animals shall be permitted on the City beach area, nor shall any animal be allowed to swim in the City beach area. No animal shall be allowed in any City park or picnic area except if restrained and attended to by an adult. No animal shall be permitted in the municipal bath house.

Subd. 7 Other. Any animals kept contrary to this Section are hereby declared a public nuisance and may be abated according to the law.

(Am. Ord. 15-04, passed 7-27-15)

300.06 Animals Presenting a Danger to Health and Safety of City.

If, in the reasonable belief of any person or police officer an animal presents an immediate danger to the health and safety of any person, the officer may take whatever means the officer deems appropriate to protect the person. 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, the owner is responsible for all associated costs. If the animal is found not to be a danger to the health and safety of the City, it may be released to the owner or keeper in accordance with this Section. The animal may be released to other persons in accordance with this Section.

300.07 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, any animal which is diseased so as to be a danger to the health and safety of the City, even though the animal be properly licensed under this Section.

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 authorize the pound to take all appropriate action to protect the public and other animals. The owner or keeper of the animal shall be liable for 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, then the animal shall be released to the owner or keeper free of charge.

Subd. 4 Immediate Destruction. If an animal is rabid or otherwise diseased, vicious or dangerous, or otherwise poses an imminent threat to the health, safety and welfare of the public, and such animal cannot be impounded after reasonable effort or without serious risk to the impounder or others, such animal may be immediately killed by law enforcement officers.

300.08 Basic Care. All animals shall receive from their owners or keepers a 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.

300.09 Enforcement. The Police Department will be responsible for enforcement of the

provisions of this Section.

300.10 Pound. The 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.

300.11 Impounding.

Subd. 1 Running at Large. Any police officer may impound any dog found unlicensed or any animal found running at large or any animal claimed to be at large by the occupant of the premises upon which the animal is found 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 office that if the dog or other animal is not claimed within five 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 currently effective 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 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, not outside of Waseca County, 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 currently effective 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 kind treatment and sufficient food and water for their comfort, at least five regular business days, unless sooner reclaimed by their owners or keepers as provided by this Section. 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 the Release fee and receipt of a release permit from the City;
- B. Payment of maintenance costs, as provided by the pound, per day or any part of day while animal is in said pound; and
- C. If a dog or cat is unlicensed, payment of a regular license fee and valid certificate of vaccination for rabies and distemper shots is required.

Subd. 4 Unclaimed Animals. At the expiration of five 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 direct the pound to dispose of the animal in a humane manner. Any monies collected under this Section shall be payable to the City of New Richland.

300.12 Interference with Officers. No person shall in any manner molest, hinder, or interfere with any person authorized by the Council to capture dogs, cats or other animals and convey them to the pound while engaged in such cooperation. 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.

300.13 Violations and Penalties.

Subd. 1 Separate Offenses. Each day a violation of Section 300 is committed or permitted to continue shall constitute a separate offense and shall be punishable as such under this Section.

Subd. 2 Misdemeanor. Except as otherwise noted, violation of Section 300 shall constitute a misdemeanor and may also be subject to administrative penalty.