

**ORDINANCE NO. 182
CITY OF MOTLEY
COUNTIES OF MORRISON & CASS
STATE OF MINNESOTA**

**AN ORDINANCE REPEALING AND REPLACING TITLE XVII LOCAL
LEGISLATION FOR MOTLEY, MN, CHAPTER 1709 GENERAL REGULATIONS,
SECTIONS 30-52 “ANIMALS”**

The City Council of the City of Motley does ordain as follows:

SECTION 1. Purpose and Intent: The purpose of this ordinance amendment is to repeal Sections 30-52 of Chapter 1709, Title XVII, of the Motley Code of Ordinances, and to replace it with the Ordinance as written below under Title XVII, Chapter 1709, Sections 30-34.

SECTION 2. Amendments: Sections 30-52 of Chapter 1709, Title XVII, of the Motley Code of Ordinances as adopted on December 14th, 2004, are hereby repealed. Title XVII, Chapter 1709 “Animals” is amended to read:

ANIMALS

§ 1709.30 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- A. Animal.** Animal means any mammal, reptile, amphibian, fish, bird (including fowl and poultry) or other member commonly accepted as part of the animal kingdom including, but not limited to, cattle, horses, mules, sheep, goats, swine, ponies, ducks, geese, turkeys, chickens, guinea hens, dogs, cats and feathered fowl. Animals shall be classified as follows:
- 1. 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.
 - 2. Non-Domestic.** Non-domestic animals means 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:
 - a.** Any member of the large cat family (family felidae) including lions, cougars, bobcats, leopards and jaguars, but excluding 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 or a coyote 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, raccoon, squirrel or ferret, but excluding those 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 these definitions, including, but not limited to: bears, deer, monkeys, and game fish.

3. Farm Animal. Farm animal 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 following families: equestrian (horses, mules); bovine (cows, bulls); sheep; poultry (chickens, turkeys); fowl (duck, geese); swine (including pot-bellied pigs); goats; bees; and other animals associated with a farm, ranch or stables.

B. Owner. The term “owner” means any person who owns, harbors, feeds, boards, keeps or otherwise possesses an animal and is presumed to be the owner or tenant of the residence real estate at which the animal is normally kept, remains, or to which the animal returns; or the owner or manager in charge of the establishment or premises at which the animal is kept, remains or to which it returns. Any parent or guardian of any non-emancipated minor owner under the age of eighteen (18) years of age shall be presumed to be the actual owner of the animal and the responsible party for the animal’s care, control, licensing and action.

C. At Large. At Large shall be intended to mean off the premises of the owner and not under the custody and direct control of the owner or other person, either by leash, cord, chain, or otherwise restrained or confined.

D. Enforcing Officer. The Council is hereby authorized to appoint City personnel, in addition to law enforcement officers, to enforce the provisions of this ordinance. In the appointed personnel or law enforcement officer’s duty of enforcing the provisions of the ordinance, he or she may from time to time, with the consent of the City Council, designate assistants.

E. Dangerous Dog and Potentially Dangerous Dog. The terms “dangerous dog” and “potentially dangerous dog” have the same meanings as defined by Minnesota Statute section 347.50, included herein or as amended from time to time.

1. **"Dangerous dog"** means any dog that has:
 - a. without provocation, inflicted substantial bodily harm on a human being on public or private property;
 - b. killed a domestic animal without provocation while off the owner's property; or,
 - c. been found to be potentially dangerous, and after the owner has notice that the dog is potentially dangerous, the dog aggressively bites, attacks, or endangers the safety of humans or domestic animals.
2. **"Potentially dangerous dog"** means any dog that:
 - a. when unprovoked, inflicts bites on a human or domestic animal on public or private property;
 - b. when unprovoked, chases or approaches a person, including a person on a bicycle, upon the streets, sidewalks, or any public or private property, other than the dog owner's property, in an apparent attitude of attack; or,
 - c. has a known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.

F. Dangerous Animal and Potentially Dangerous Animal. These terms shall be synonymous with the definitions of Dangerous Dog and Potentially Dangerous Dog, and apply to any animal.

G. Dog Kennel. Any place, building, tract of land, boat or vehicle wherein dogs are kept, congregated or confined.

H. Premises. Any building, structure, shelter or land whereon dogs or other animals are kept or confined.

I. Under Restraint. Any animal on the premises of the owner or person harboring and keeping the animal and the owner or person harboring and keeping the animal must be outside with the animal and have the animal in sight and under control while the animal is loose on the premises. The animal is considered to be under restraint if the animal is within a private motor vehicle or the animal is controlled by a leash, not to exceed ten feet in length. This provision also applies to an animal within a fenced in area on the owner's premises.

§ 1709.31 DOGS AND CATS.

A. License Required. It is unlawful for any owner, or other possessor, of a dog or cat over three months of age, to fail to obtain a proper city license for the animal. New residents must obtain a license within thirty (30) days of moving into the City.

B. Application. Application for a dog or cat license shall be made in writing upon a form supplied by the City. The application must be accompanied by a certification from a licensed veterinarian showing that the animal to be licensed has been given a

vaccination against rabies. The application shall state the name and address of the owner or possessor of the dog or cat, and shall describe the dog or cat as to name, sex, breed, age, color and distinguishing features or markings.

- C. License tags.** Upon receipt of the completed application and license fee set by the City Council, the City Clerk shall issue to the owner a metal tag for each dog or cat licensed. All licensed dogs and cats shall wear a collar or other device around the neck of the animal and firmly affix thereto the tag indicating that the animal is properly licensed, in a manner that the tag may be easily seen. In the event that such tag is lost, a duplicate tag may be obtained from the City upon payment of the replacement tag fee set by the City Council.
- D. License Period.** All dog or cat licenses shall expire on May 31 of each year. Renewal application forms, current veterinary certification (if applicable) and renewal fees shall be presented on or before June 1 of each year.
1. In the event license renewal is received by the City Clerk after June 1st, the owner will be assessed an additional late licensing fee in an amount established from time to time by the City Council.
 2. In the event an animal is first/initially licensed, with the license fee being paid, within ninety (90) days of May 31, the license fee for the subsequent year shall be waived. (i.e. If an animal is issued its first license on or after March 2nd, the license fee will not be due again until May 31 of the next year.)
- E. Transfer.** Dog and cat licenses and tags shall not be transferable.
- F. Refunds.** In no event shall a dog or cat license fee be refundable, even in the event of death or relocation outside City limits.
- G. Exceptions.** The licensing provisions shall not apply to dogs and cats whose owners are nonresidents temporarily within the City, nor to dogs or cats brought into the City for the purpose of participating in any dog or cat show, nor shall this provision apply to any dogs specifically trained and certified as a service animal for the assistance of the handicapped, disabled or certified for the assistance of law enforcement personnel. The City reserves the right to request a copy of any such certification in order to confirm the certification status. Temporary is defined as not exceeding fourteen consecutive (14) days.
- H. Number allowed.**
1. No household within the City shall own or possess more than three adult dogs or four adult cats unless prior Council approval is given. An adult dog or cat shall be any dog or cat over the age of three months.
 2. No household within the City shall own or possess more than five total adult dogs and cats, notwithstanding the aforementioned separate limits.
 - a. Any violation of this section shall be deemed a public nuisance.

b. Exception. Any resident or household that has more than the number of cats allowable under this subsection, or more dogs and cats than the allowable combined limit under this subsection, shall be able to retain all animals properly licensed as of the date the Ordinance Amendment is approved until which time the animal is no longer alive or residing at the property. At that time, the resident or household will become subject to the number of dogs and cats allowable herein.

i. In the event a resident or household has more than the number of dogs or cats, or more than the combined limit, at the time this Ordinance Amendment is approved and one or more of the animals is not properly licensed, the owner shall have ninety (90) days from the enactment of the Ordinance Amendment to either surrender or re-home the animal(s) humanely in order to comply with the limitations herein, or, contact the City Council, via an Agenda Request form available from the City Clerk, to request an exception for animals owned prior to the time of enactment. In order for the Council to consider approval of such a request, the owner must come into compliance with all other provisions of this Ordinance including payment of all applicable fees and penalties.

I. Females. Every female animal in heat shall be confined in a building or other secure enclosure in the manner that the female animal cannot come in contact with another animal except by planned breeding.

§ 1709.32 NUISANCES

Any animal which does any of the following shall be deemed to be a public nuisance and unlawful:

A. Habitual Noise. The owning, keeping, or harboring of any animal that shall by any noise unreasonably and/or excessively disturb the peace and quiet of any neighbor in the vicinity. This shall include, but is not limited to, the creation of any noise by an animal which can be heard by any person, including any enforcing officer or law enforcement officer, from a location off the animal owner's property where the animal is being kept, and which noise occurs repeatedly over at least a five minute period of time with one minute or less lapse of time between each animal noise during the five minute period. The city recognizes the most common complaints are on barking dogs, and crying cats, but have made provisions for all animals that cause any noise unreasonably and/or excessively disturb the peace and quiet.

1. This provision shall not apply to dogs that are responding to trespassers or to dogs that are teased or similarly provoked to bark. It shall be unlawful for any person to keep or harbor an animal which habitually barks, bays, howls or cries.

B. Damage to Property. Any animal that damages property (that is not the property of the owner), including plantings, lawns, gardens, structures, other property, or that deposits fecal matter off the owner's property that the owner fails to remove promptly.

C. Animal Waste. It shall be unlawful for the owner or a person attending any animal to allow it to defecate on any public or private property other than that owned by the owner or attendant or that is under their direct control and with the consent of the owner; or to permit any accumulation thereof on the owner or attendant's property. If such animal does defecate on public or private property in violation of the provisions herein set forth, it shall not be a violation of the provisions herein if said owner or attendant shall immediately and thoroughly clean up and remove the fecal material from said property and properly dispose of it in a manner permitted by law.

D. Running at large prohibited. Any animal (domestic, non-domestic, or farm animal) running at large is hereby declared a public nuisance. A person, who owns, harbors, or keeps an animal which runs at large shall be guilty of a misdemeanor. Any animal that chases, molests or approaches pedestrians or bicyclists in a threatening manner upon the streets, sidewalks, right-of-way, or any public property, or habitually chases automobiles on the public streets or highways shall be considered running at large.

1. 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 unless the city has posted an area with signs reading "Dogs or Cats Prohibited."
2. Any person who has received a permit to harbor hen chickens must keep them confined in a chicken coop or chicken run at all times while in the City.

E. Inhumane living conditions. It shall be unlawful for anyone within City limits to house an animal that is kept under unsanitary and/or inhumane conditions.

F. Dangerous or potentially dangerous dog or animal. It shall be unlawful for anyone within City limits to keep an animal that has been deemed dangerous or potentially dangerous by an enforcing officer or licensed veterinarian.

G. Non-domestic and Farm Animals prohibited. Non-domestic and farm animals are expressly prohibited from any City property.

1. **Exception:** If the property owner has obtained the proper permit from the City as regulated by the Land Use Ordinances, and any other licenses or permits required by law, they shall not be considered in violation of this subsection.
2. **Exception.** If there are animals currently being held in violation of the previous Ordinance regulating the keeping of Animals, they shall be automatically considered in violation of this Ordinance. Any resident or household that has animals in violation of this subsection at the time that the Ordinance Amendment is approved, but is in compliance with the previous Ordinance, shall have ninety (90) days from the enactment of the Ordinance Amendment to either surrender or re-home the animal(s) humanely in order to comply with the limitations herein, or, contact the City Council, via a form prescribed by and available from the City Clerk, to request an exception for animals owned prior to the time of enactment. If the City Council approves the request, the approval of the exception may, at the

discretion of the City Council, be limited until which time the animal excepted is no longer alive or residing at the property, or until the property transfers title. At that time, the resident or household will become subject to all provisions herein.

H. Unlicensed dog or cat. Any animal found to be residing within the City that is unlicensed shall be considered a public nuisance and will be subject to impound.

I. Other. Any animals kept in violation of this Section are subject to impounding under 1709.34 of this Section.

§ 1709.33 REPORTING

Any person may, by telephone, notify the City Clerk-Treasurer, enforcing officer, or law enforcement of an alleged violation of this subchapter. A telephone call does not, however, constitute a formal complaint to initiate the citation process.

A. All formal complaints shall be submitted in writing to the attention of the City Clerk-Treasurer and shall describe the animal, owner (if known), state the acts committed by the animal or the facts to support the complaint, and name and address of the person making the complaint. The City Clerk-Treasurer shall promptly forward the complaint to the Enforcing Officer. Alternatively, a formal complaint may be made in person to a peace officer. The Enforcing Officer will investigate the claim and take the appropriate action.

§ 1709.34 IMPOUNDING

Any animal declared a public nuisance may be subject to impound by any enforcing officer as appointed by the City Council.

A. Notice to owner and redemption. The owner shall be notified within a reasonable time after the impound of any animal. The owner of any animal so impounded may reclaim the animal upon payment of applicable impound fees (as described below) as well as the license fee (if unlicensed) and late licensing penalties, if applicable.

1. If the owner is unknown, a written notice shall be posted for five (5) days at City Hall describing the animal and the place and time it was found. The notice shall also state the time and date on which the five (5) day redemption period shall expire. All rights of ownership shall strictly expire and be null and void for all animals unclaimed by the owner at the expiration of the five (5) day redemption period.

B. Impound fee. Impound fees will be determined from time to time by the City Council. The fee will increase with each additional impoundment of the same animal in a calendar year. Additional charges for maintenance and keeping of the animal, as well as the cost of any needed rabies inoculation, shall be due and payable prior to the release of the animal.

C. Unclaimed or infected animal. If the animal is unclaimed, such animal shall be released to an animal shelter or cause the animal to be destroyed in a proper and humane manner and shall properly dispose of the remains thereof. Any other person may also claim the animal by paying the City all expenses incurred by the City

resulting from the unclaimed animal. A person claiming an animal shall comply with all provisions of this Section.

- D. Permissible Return of Unrestrained Animals.** If an animal is found unrestrained and its owner can be identified and located, such animal need not be impounded but may, instead, be taken to the owner. In such cases, however, proceedings may be taken against the owner for violation of this Ordinance.
- E. Immobilization.** For the purposes of enforcement, any enforcement officer or law enforcement officer or assistant may use a so-called tranquilizer gun or other instrument for the purpose of immobilizing a dog or any other animal when the animal is a threat to the health, safety, or general welfare of any member of the public.
- F. Bites.** Whenever the owner of any animal learns that the animal has bitten a human being, the owner shall immediately provide for impoundment of the animal for a period of ten days. The animal shall be kept apart from other animals until it is determined whether the animal has or has had rabies. Impounding may be by the owner if the animal has a current rabies vaccination at the time the bite occurred and if approved by the Police Department. If the animal did not have a current rabies vaccination at the time the bite occurred, the animal shall be impounded at the city or by a licensed veterinarian. In either case, impounding shall be at the owners' expense.
- G. Rabies.** Any animal found to have rabies shall be handled pursuant to the shelter/humane society/veterinary hospital's rules and regulations.

§ 1709.35 MISCELLANEOUS PROVISIONS

- A. Implied Consent.** Any owner of an animal shall be deemed to have given implied consent to entry on his or her premises by animal control officer or a police officer for the purpose of enforcing this subchapter.
- B. Cruelty.** In accordance with MN Statute 343.21, no owner shall fail to provide animals with sufficient good and wholesome food and water, proper shelter and protection from the weather, and veterinary care when needed to prevent suffering. No owner shall fail to provide humane care and treatment to animals. No person shall beat, cruelly ill-treat, torment, overload, overwork, or otherwise abuse any animal, or cause or permit any fight or other combat between animals and humans.
- C. Abandonment.** In accordance with MN Statute 343.21, no person shall abandon any animal.
 - 1. Exception:** Any person relinquishing ownership to a shelter, humane society or veterinary hospital shall not be considered in violation.
- D. Adoption of Fees.** All fees for the licensing, impounding and maintenance of animals, including penalties for late application and applicable nuisance violations, may be fixed and determined by the Council, adopted by resolution or ordinance, and uniformly enforced. Such fees may, from time to time, be amended by the Council by

resolution or ordinance. A copy of the resolution or ordinance setting forth currently effective fees shall be kept on file in the office of the City Clerk and open to inspection during regular business hours.


EFFECTIVE DATE: This ordinance amendment shall be in full force and effect from and after passage and publication according to state law. This ordinance shall be placed on file at the City of Motley City Hall for public review.

REPEAL: This ordinance shall repeal all ordinances inconsistent herewith.

Passed by the City Council of the City of Motley, Minnesota this 10th day of December, 2018.

CITY OF MOTLEY

ATTEST:



Al Yoder
Mayor



Lacey L. Smieja
Clerk-Treasurer