

City of Lowry
Ordinance Number 91

An ordinance repealing Ordinance #77 and providing for the Licensing and Regulating the keeping of dogs, providing for impoundment of certain dogs, and providing a penalty for violation.

The City council of Lowry, Minnesota ordains:

Section 1. DEFINITIONS.

- A. Owner: Any person, firm, partnership or corporation owning, harboring, or keeping a dog or dogs.
- B. Kennel: Any residence or business of breeding, buying, selling or boarding dogs; provided that such person or business customarily owns or boards more than three (3) dogs over six (6) month of age.
- C. Animal shelter: Any premises designated by the City Council for the purpose of impounding and caring for dogs held under the authority of this ordinance.
- D. Officer: Any law enforcement officer of the City and persons designated by the City to assist in the enforcement of this ordinance.
- E. Restraint: A dog shall be deemed to be under restraint if it is on the premises of its owner or if accompanied by a responsible person and under that person's effective control.

Section 2. LICENSE REQUIRED. No person shall own, keep, harbor or have custody of any dog over six (6) months of age without first obtaining a license therefore from the City Clerk or his/her agent. A person must have permission from the City Council to own, keep, harbor or have custody of more than three (3) dogs over the age of six (6) months. Applications for license shall be made on forms prescribed by the City Clerk, which form shall set forth: (1) the name and address of the owner, (2) the name and address of the person making application, if other than the owner, and (3) the breed, sex, and age of the dog for which a license is sought. No license shall be issued to any person other than the owner except upon the written request of the owner.

Section 3. REQUIREMENTS FOR LICENSE. License shall be valid for a period of one (1) year commencing January 1 and expiring December 31 of the year issued; and, except as hereinafter provided, shall be issued only upon payment of the following annual fees to the City Clerk, via:

- (a) for each neutered male dog or spayed female dog \$5.00
- (b) for each unneutered male dog or unspayed female dog \$10.00
- (c) for each dog over the original three (3) \$10.00

Every application for a license shall be accompanied by a certificate from a qualified veterinarian showing that the dog to be licensed has been given a vaccination against rabies within the time hereinafter specified.

No license shall be granted for a dog which has not been vaccinated against rabies as provided in this section on such a date that not more than two years will have elapsed from the date of such vaccination to the time of the expiration of the license to be issued. Vaccination shall be performed only by a doctor qualified to practice veterinary medicine in the state in which the dog is vaccinated.

No license shall be issued for a spayed female or neutered male unless there shall be filed, with the application for a license, a written statement of a licensed veterinarian to the effect that such dog has been spayed or neutered otherwise rendered sterile.

Section 4. DOGS UNDER RESTRAINT. All Dogs shall be kept under restraint.

Section 5. OBLIGATION TO PREVENT NUISANCES. It shall be the obligation and responsibility of the owner or custodian of any animal in the City, whether permanently or temporarily therein, to prevent such animal from committing any act which constitutes as a nuisance. It shall be considered a nuisance for any animal to habitually or frequently bark or cry at any time, to frequent school grounds, parks, or public areas, to chase vehicles, to molest or annoy any person if such person is not on the property of the owner or custodian of

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such animal, or to molest, defile or destroy any property, public or private. Failure on the part of the owner or custodian to prevent his animals from committing an act of nuisance shall be subject to the penalty hereinafter provided.

Section 6. IMPOUNDMENT. Unrestrained dogs may be taken by any officer as hereinbefore defined and impounded in an animal shelter and there confined in a humane manner. Impounded dogs shall be kept for not less than seven days unless reclaimed prior to that time by their owner as provided hereafter.

Section 7. NOTICE OF IMPOUNDMENT. Upon taking up and impounding any dog the Poundmaster shall within one (1) day thereafter post in three or more conspicuous places in the City a notice of impounding in substantially the following form:

NOTICE OF IMPOUNDING DOG

Date _____

TO WHOM IT MAY CONCERN

I have this day taken up and impounded in the pound of the City at _____, a dog answering the following description:

Sex _____ Color _____ Breed _____

Approximate Age _____

Name of Owner _____

Notice is hereby given that unless said dog is claimed and redeemed on or before _____ o'clock _____ am/pm, on the _____ day of _____, the same will be disposed of as provided by ordinance.

Signed _____

Poundmaster

If the owner of the said dog be known, written notice of impounding, in lieu of posted notice, shall be given the owner thereof either by mail or personal service. The date of sale or disposal of the dog shall be the sixth (6th) day after the posting or giving of the notice unless that date falls on a Sunday or holiday, in which case it shall be the following day.

Section 8. REDEMPTION. Any dog may be reclaimed from the animal shelter by its owner within the time specified in the notice by the payment to the Clerk of the license fee (if not paid for the current year) with an impounding fee of \$5.00 for each day or fraction of a day that said dog has been confined as the cost of boarding plus \$12.00 transportation expense. Notwithstanding this section, the owner shall remain subject to all other penalties contained in this ordinance.

Section 9. DISPOSITION OF UNCLAIMED DOGS. Any dog which is not claimed as provided in Section 7, within seven days after impounding, may be sold for not less than the amounts provided in section 8 to anyone desiring to purchase the dog if not requested by a licensed educational or scientific institution under Minnesota law. All sums received in excess of the costs and tax shall be held by the Clerk for the benefit of the owner and if not claimed in one year, such funds shall be placed in the general fund of the City. Any dog which is not claimed by the owner or sold shall be disposed of by the Poundmaster.

Section 10. PERMISSIBLE RETURN OF UNRESTRAINED DOG. Notwithstanding the provisions of Section 6, 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 case, however, proceeding may be taken against the owner for violation of this ordinance.

Section 11. CONFINEMENT OF CERTAIN DOGS. Every female animal in heat shall be confined in a building or other secure enclosure; in such manner that such female animal cannot come into contact with another animal, except for planned breeding.

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Section 12. 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 dog fight. No owner of a dog shall abandon such animal. The owner of the animal is responsible for cleaning up after the animal whether on the owner's property or any other property within the city limits.

Section 13. QUARANTINE OF CERTAIN DOGS. Any dog which bites a person shall be quarantined for such time as may be directed by the City Health Officer. During quarantine the animal shall be securely confined and kept from contact with any other animal. At the discretion of the health Officer the quarantine may be on the premises of the owner; however, if the Health Officer requires the confinement, the owner shall surrender the animal for the quarantine period to an animal shelter or shall, at his own expense, place it in a veterinary hospital.

Section 14. MUZZLING PROCLAMATION. Whenever the prevalence of rabies renders such action necessary to protect the public health and safety, the Council shall issue a proclamation ordering every person owning or keeping a dog to muzzle it securely so that it cannot bite. No person shall violate such proclamation and any unmuzzled dog unrestrained during the time fixed in the proclamation shall be subject to impoundment as heretofore provided, and the owner of such dog shall be subject to the penalty hereinafter provided.

Section 15. PROCEEDINGS FOR DESTRUCTION OF CERTAIN DOGS. Upon sworn complaint to a court of proper jurisdiction that any one of the following facts exist:

- a. That any dog at any time has destroyed property or habitually trespasses in a damaging manner on the property of persons other than the owner;
- b. That any dog at any time has attacked or bitten a person outside the owner's or custodian's premises;
- c. That any dog is vicious or shows vicious habits or molests pedestrians or interferes with vehicles on the public streets or highways;
- d. That any dog is a public nuisance as heretofore defined; or that
- e. Any dog is running at large in violation of this chapter; the

Presiding officer of said court shall issue a summons directed to the owner of said dog commanding him to appear before said court to show cause why said dog should not be seized by a police officer, or otherwise disposed of in the manner authorized in this ordinance. Such summons shall be returnable not less than two (2) nor more than six (6) days from the date thereof and shall be served at least two (2) days before the time of appearance mentioned therein. Upon such hearing and finding the facts true as complained of, the court may either order the dog killed or order the owner or custodian to remove it from the City or may order the owner or custodian to keep it confined to a designated place. If the owner or custodian violates such order, any police officer may impound any dog described in such order. The provisions of the section are in addition to and supplemental to other provisions of this chapter.

Costs of the proceeding specified by this section shall be assessed against the owner or custodian of the dog, if the facts in the complaint are found to be true; or to the complainant, if the facts are found to be untrue.

Section 16. SUMMARY DESTRUCTION OF CERTAIN DOGS. Whenever an officer has reasonable cause to believe that a particular dog presents a clear and immediate danger to residents of the City because it is infected with rabies (hydrophobia) or because of a clearly demonstrated vicious nature, the officer, after making reasonable attempts to impound such dog, may summarily destroy said dog.

Section 17. APPOINTMENT OF OFFICERS. The City Council may from time to time appoint such persons as may be necessary to assist the police officers of the City in the enforcement of this Ordinance. Such persons shall have police powers insofar as is necessary to enforce this Ordinance, and no person shall interfere with, hinder or molest them in the exercise of such powers.

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Section 18. NON-RESIDENTS. The sections of this Ordinance requiring a license shall not apply to non-residents of the City, provided that the dogs of such owners shall not be kept in the City longer than thirty (30) days without a license and shall be kept under restraint.

Section 19. PENALTY. Any person, or business found guilty of violating any provision of this ordinance shall be punished by a fine not to exceed One Hundred Dollars (\$100.00. The first violation a warning will be giving by the Poundmaster. The second violation will result in the owner of the dog will receive a \$50.00 fine and the 3rd violation will result in a \$100.00 fine.

Section 20. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its passage and publication according to the law.

Dated: January 3, 2006

David Lundblad, Mayor

Attest:

Lucy Olson, City Clerk
City of Lowry, Minnesota 56349