

ORDINANCE NO. 41

AN ORDINANCE REGULATING THE POSSESSION OF ANIMALS WITHIN THE CITY OF PLATO REQUIRING LICENSES FOR CERTAIN SPECIES, RESTRAINING ANIMALS RUNNING AT LARGE, PROVIDING FOR THE IMPOUNDING OF ANIMAL AT LARGE, ADOPTING PENALTIES FOR THE VIOLATION HEREOF, AND REPEALING ANY ORDINANCE IN CONFLICT

THE CITY COUNCIL OF THE CITY OF PLATO ORDAINS:

SECTION 1. Definitions, as used herein;

- (a) The term "person" shall mean any natural person, firm, partnership, corporation or other legal entity whatsoever.
- (b) The term "owner" shall mean any person owning, harboring, keeping or otherwise evidencing any incidence of possession or ownership of an animal.
- (c) The term "a wild animal" shall mean any creature commonly recognized as not having been generally domesticated as a species and as defined by Minnesota Statutes 978.015 subd. 55.
- (d) The term "pet" shall mean any creature, which is not a wild animal, which is retained by a person for the purposes of companionship, but not being retained for commercial or resale purposes. Pets shall be limited to the following animals: Dogs, cats, goldfish, lawful tropical fish, lawful amphibians, caged birds, caged rodents and contained or caged lower orders of life, but shall not include reptiles or any species recognized as dangerous, containing venom, or otherwise prohibited by any local, state or federal law or regulation.
- (e) The term "running at large" shall mean the permitting of any animal to go on about the public streets, alleys or public or private places of the City, when not under a restraint, except the immediate premises of the owner or harborer thereof.
- (f) The term "under restraint" shall mean upon the premises of the owner or harborer thereof; or at heel beside a person or within a private motor vehicle; or controlled by a leash not exceeding five feet in length.

SECTION 2. Possession of Wild Animals Prohibited.

No person shall possess, own, harbor, keep, maintain or otherwise foster any wild animal whatsoever in any public or private place within the City of Plato. Wild animals in their natural state, free from human restraint, such as squirrels, rabbits, birds, are not subject to this provision. Feeding wild birds shall not be a violation of this provision, provided the person does not intend to have captive control over such wild birds.

SECTION 3. Harboring Animals to Conform to Zoning Regulations.

No living creature whatsoever shall be harbored, maintained or possessed in any zone within the City of Plato, except as authorized by the existing zoning ordinances and regulations of the City of Plato.

SECTION 4. Limitation Dogs and Cats.

No person shall harbor, maintain or keep more than three (3) dogs or cats on any one premises, unless the existing zoning provides for a kennel operation. Puppies or kittens under 12 weeks of age as offspring of permitted pets shall not count against this limitation.

SECTION 5. Running at Large Prohibited.

No animal shall be permitted to run at large within the limits of the City of Plato. All pets, except dogs and cats, shall be confined in a fenced area, cage, aquarium or other escape proof enclosure suitable to the species. Licensed dogs and cats shall be permitted upon public or private property if under restraint.

SECTION 6. License Required.

Except as otherwise herein provided, no dogs or cats over the age of two (2) months shall be permitted to be owned, kept or harbored in the City unless a license for such dogs or cats has first been secured from City Clerk, who shall keep a record of all licenses issued and shall issue a metal tag for such license. The annual license fee shall be \$3.00 for each male neutered dog and cat, \$3.00 for each female spayed dog and cat, \$4.00 for each male dog or cat and \$5.00 for each unspayed female dog or cat. In the event that a tag is lost, a duplicate shall be issued by the Clerk upon the payment of a fee of \$2.00. Every application for a license shall be accompanied by a written description of the dogs or cats, including breed, color, age, sex and weight, and shall also be accompanied by a Certificate from a qualified Veterinarian showing one of the following: That the dogs or cats to be licensed has been given a vaccination against rabies within twelve (12) months preceding the application; or (b) that the dogs or cats to be licensed has been given a vaccination against rabies within twenty-four (24) months preceding the application if a Certificate or Certificates are also submitted showing that the dog or cat has had a least three (3) prior vaccinations against rabies. An application for a license for a spayed female dog or cat and/or a neutered male dog or cat shall present a statement from a qualified Veterinarian indicating that the dog or cat has been spayed and giving the date of the operation. Licenses shall expire the last working day previous to date ordinance goes into effect.

SECTION 7. Affixing Tags.

The owner shall cause the metal tag to be affixed by a permanent metal fastening to the collar of the dog or cat so licensed in such manner that the tag may be easily seen by the officers of the City. The owner shall see that the tag is constantly worn by the dogs or cats.

SECTION 8. Tags Not Transferable.

Dogs or cats tags shall not be transferable and no refunds shall be made on any licensed fee because of the loss or death of the dog or cat or because of the owner's change of residence.

SECTION 9. Impounding.

After the taking effect of this Ordinance the Clerk, Maintenance Men, Police Officers and/or other designated individuals of the City shall take up and impound any dogs or cats found to be unlicensed and/or found to be running at large in the City. Any dogs or cats may be redeemed within five (5) days from the pound by the payment to the city clerk, of the sum of \$20.00 as a flat fee, plus \$5.00 per day, for each day the animal is impounded.

SECTION 10. Notice of Impounding.

Within twenty four (24) hours after a dog or cat is impounded, the clerk, or designated individual shall notify the owner, if known, of the impounding. In that event that the owner is unknown, such officer shall post notice at the City Hall that if the dog or cat is not claimed within five (5) days of the posting of the notice; it will be killed. If such dog or cat is not claimed within the time specified and all the fees and charges paid, the dog or cat shall be killed and its carcass disposed of unless it is requested by a licensed educational or scientific institution pursuant to Minnesota Statutes 1945, Section 35.71 and amendments thereto. Impounded dogs and cats shall be placed at Glencoe Veterinary Clinic. They shall maintain the pound and perform routine care on the dogs or cats in their care as required by law.

SECTION 11. Special Provision.

(a) Whenever a dog or cat owner within the corporate limits of the City shall learn that his dog or cat has bitten a human being within the corporate limits of the City, such person shall immediately impound said dog or cat in a place of confinement where it cannot escape or have access to any human being or other animal and shall also immediately notify the city clerk. Whenever the clerk shall learn that a human being has been bitten by any dog or cat within said city, he shall ascertain the identity of such dog or cat and the person owning, possessing or harboring it and shall immediately direct such person to forthwith impound such dog or cat as herein required. Any dog or cat so impounded shall be kept continuously so confined for a period of fourteen (14) days from the day the dog or cat bit said human being.

(b) Upon learning that a dog or cat has bitten a human being, the clerk shall immediately notify the County Health Officer and inform him of the place where the dog or cat is impounded. It shall be the duty of the Health Officer to inspect said dog or cat from time to time during its period of fourteen (14) days confinement and to determine whether such dog or cat is infected with rabies. For this purpose he shall have access to the premises where such dog or cat is kept at all reasonable hours and may take possession of the dog or cat and confine it in the city pound or other suitable place at the expense of the owner. The owner or person in possession or harboring such dog or cat shall immediately notify the Health Officer of any evidence of sickness or disease in the dog or cat during its period of confinement and shall promptly deliver its carcass to the Health Officer in case of its death during said period.

(c) When the health authorities shall have determined that a dog or cat found in the City is infected with rabies, the Mayor may, upon written advise of the health authorities that a public safety and general welfare require it, order, by proclamation, that all dogs or cats be muzzled when off the premises of the owner be immediately seized and impounded and may further order that, after the proclamation has been posted for forty-eight (48) hours, all dogs and cats found off the premises of the owner unmuzzled shall be seized, impounded and killed, except that an officer may immediately kill such unmuzzled dog or cat if with reasonable effort it cannot first be seized and impounded. All dogs or cats seized and impounded during the first forty-eight (48) hours after the posting of any such proclamation shall, if claimed within five (5) days, be returned to the owner thereof without any impounding charge or cost, if not infected with hydrophobia or rabies, but after said five (5) days, such dog or cat may be killed.

(d) No dog or cat of fierce, dangerous, or vicious propensities shall be allowed to run at large or on the premises of one other than the owner. Any dog or cat which has bitten a person within sixty (60) days preceding impoundment or other disposition hereunder shall, for purposes of this Ordinance, be considered a dog or cat of fierce, dangerous or vicious propensities. If any dangerous, fierce, or vicious dogs or cats so found at large cannot be safely taken up and impounded such dog or cat may be slain by the police department or other authorized individual.

SECTION 12. Abandonment of Pets.

No person shall abandon any pet within the City of Plato.

SECTION 13. Repeal.

This ordinance shall repeal any and all ordinances inconsistent with this ordinance.

SECTION 14. State Rabies Control Statutes Adopted by Reference.

The provisions of Minnesota Statutes, Sections 35.67, 35.68 and 35.69, are hereby adopted by reference and are incorporated in and made a part of this Ordinance as completely as if the same were set out here in full.

SECTION 15. PENALTY.

Any Person, firm or corporation violating any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished accordingly.

SECTION 16. Effect.

This Ordinance shall take effect and be in force from the and after its passage and publication accoring to law.

Adopted by the Plato City Council this 9th day of May, 1988.

Approved: Tim Pinske, Mayor

Attest: Kathleen Stuedemann, clerk

Published in the Glencoe Enterprise July 28, 1988.