

### **5.03. DOGS AND CATS**

#### **5.031. DEFINITIONS**

As used in this section, unless the context otherwise indicates:

1. "Animal" shall be intended to mean a cat or dog.
2. "Dog" shall be intended to mean both male and female, and shall include dogs and animals of a dog kind.
3. "Owner" shall be intended to mean any person or persons, firm, association or corporation owning, keeping, or harboring a dog.
4. "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.
5. "Commercial kennel" is any place where dogs or other animals are kept where the business of raising, selling, boarding, breeding, showing, treating, or grooming of dogs or other animals is conducted.
6. "Private kennel" is any premises where dogs or cats are kept or harbored under circumstances not amounting to the operation of a commercial kennel, but requiring a conditional use permit as provided in Section 8.0811 herein.
7. "Release permit" shall be intended to mean a temporary release for a period of not more than 72 hours with purchase fees to be applied to regular license purchase, provided this is done within 72 hours. A release permit may be obtained at the city's discretion upon payment of a fee in accordance with that regular license requirement and payment of a release fee according to fee schedule, Chapter 7.0110 and any maintenance cost applied. *(amended by Ord. No. 140, October 7, 1985)*

#### **5.032. 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.

Dogs or cats on a leash 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".

#### **5.033. LICENSE REQUIRED** *(amended by Ord. No. 251, July 19, 1999)*

All dogs over the age of six months, kept, harbored, or maintained by their owners in the City of Zimmerman shall be licensed or registered as required in this section. Dog licenses shall be issued by the City Clerk/Treasurer upon payment of a license fee of \$5.00 for every dog that is neutered or spayed, and \$10.00 for any dog that has not been neutered or spayed. The City Council, upon majority vote of the council members present at a meeting where there is a quorum, may waive the license fee with respect to any dog or dogs. Such license shall be issued, for a period of 12 months. Upon application the owner shall state, upon an application form provided by the City Clerk/Treasurer, the owner's name and address; the name, breed, color, and gender of each dog owned or kept by such owner and also whether each such dog is spayed or neutered. If the owner is applying for a license for a spayed or neutered dog the owner shall

provide records from a licensed veterinarian demonstrating that the spaying or neutering has been done on the animal for which the license is sought. No license shall be granted for a dog which has not been vaccinated against distemper or rabies, as provided in this section, during a 90 day period preceding the making of an application for such license, except that when a dog is first licensed for an entire year, thereafter the license may be issued if the dog has been vaccinated within a period of six months preceding the application for a license. Vaccination shall be performed only by a veterinarian qualified to practice veterinary medicine in the state in which the dog was vaccinated. A veterinarian who vaccinates a dog to be licensed in the City of Zimmerman shall complete, in triplicate, a certificate of vaccination. One copy shall be issued to the owner for affixing to the license application, one shall be sent to the Minnesota State Livestock Sanitary Board, and one copy shall be retained in the veterinarian's file.

#### **5.034. PAYMENT**

It shall be the duty of each owner of a dog to pay the license fee imposed in Section 7.0110 to the city Clerk/Treasurer or police clerk upon acquiring ownership or possession of any unlicensed dog or upon establishing residence in the city.

Upon payment of the license fee, the Clerk/Treasurer or police clerk shall execute a receipt in duplicate. He shall deliver the original receipt to the person who pays the fee, retaining the duplicate. He shall also procure a sufficient number of suitable metallic tags.

Upon payment of the license fee, the Clerk/Treasurer or police clerk shall issue to the owner a license certificate and metallic tag for each dog licensed. The tag shall have stamped thereon the year from which it was issued and the number corresponding with the number on the certificate. Every owner shall be required to provide each dog with a collar to which the license tag must be affixed, and shall see that the collar and tag are constantly worn. In case a dog tag is lost or destroyed, a duplicate will be issued by the Clerk/Treasurer or police clerk upon presentation of a receipt showing the payment of the license fee. A charge of one dollar (\$1.00) shall be made for each such duplicate tag. Dog tags shall not be transferable from one dog to another and no re funds shall be made on any dog license fee or tag because of death of a dog or the owner's leaving the city before the expiration of the license period.

The provisions of this section shall not be intended to apply to dogs whose owners are non-residents temporarily within the city, nor to dogs brought into the city for the purpose of participating in any dog show, nor shall this provision apply to "seeing eye" dogs properly trained to assist blind persons for the purpose of aiding them in going from place to place.

These funds received by the city Clerk/Treasurer or police clerk from all licenses and metallic tag fees shall first be used to defray any costs incidental to the enforcement of this ordinance; including, but not restricted to, the costs of licenses, metallic tags, and impounding and maintenance of the dogs.

#### **5.035. IMPOUNDING**

The proper officer appointed to enforce this ordinance shall impound any dog found unlicensed or running at large and shall give notice of the impounding to the owner of such dog, if known. In case the owner is unknown, such officer shall post notice at the city that if the dog is not claimed within five days of the posting of the notice, it will be sold or otherwise disposed of.

All animals conveyed to the dog pound shall be kept, with kind treatment and sufficient food and water for their comfort, at least five days, unless sooner reclaimed by their owners or keepers as herein provided. In case the owner or keeper shall desire to reclaim the said animal from the dog pound, the following shall be required, unless otherwise provided for in this Code:

1. Payment of a \$50.00 release fee for first impounding, \$75.00 for second impounding, and \$100.00 for third and subsequent impounding; (*amended by Ord. No. 140, October 7, 1985*)
2. Payment of maintenance costs, as provided by the dog pound, per day or any part of day while animal is in said pound; and
3. If dog is unlicensed, payment of a regular license fee and valid certificate of vaccination for rabies and distemper shots is required.

At the expiration of five days from the time any dog is impounded, if the same has not been reclaimed in accordance with the provisions of this section, the officer appointed to enforce this section may let any person claim said dog by complying with all provisions of this section, including 5.037, or he may sell the dog to the University of Minnesota, or he may cause such dog to be painlessly killed and shall properly dispose of the remains thereof. Any monies collected under this section shall be payable to the city Clerk/Treasurer.

Except as otherwise provided in this section, it shall be unlawful to kill, destroy, or otherwise cause injury to any dog, including dogs running at large. Violation of this section shall constitute a misdemeanor.

#### **5.036. DANGER TO HEALTH AND SAFETY OF CITY**

No person shall keep or suffer to be kept on his premises, or on the premises occupied by him, nor permit nor suffer to run at large in said city, any dog of a ferocious or vicious character, habit, or disposition, even though said dog be properly licensed under this section.

If, in the reasonable belief of any person or officer appointed to enforce this section, such dog presents an immediate danger to the health and safety of any person or the said city, said person or officer may painlessly kill said dog forthwith. Otherwise said person or officer may apprehend said dog and deliver him to the dog pound for confinement. If the dog is found to present a danger to the health and safety of said city, based upon a reasonable belief of the officer appointed to enforce this section, he may be painlessly killed or otherwise disposed of. In such a case, the owner or keeper of said dog shall be liable for the maintenance costs provided in section 5.035 hereof and a charge of \$15.00 to dispose of the dog. If said dog is found not to be a danger to the health and safety of said city, he may be released to the owner or keeper in accordance with section 5.035 hereof. Said dog may be released to other persons in accordance with section 5.035 hereof.

No owner or keeper of a female dog shall permit or suffer the same to run at large in said city while the same is in heat, even though properly licensed under this section. Any officer appointed to enforce this section, or any other person, may deliver said female dog to the dog pound for confinement.

#### **5.037. DISEASED DOGS**

No person shall keep or suffer to be kept on his premises, or on premises occupied by him, nor permit nor suffer to run at large in said city, any dog which is diseased so as to be a danger to the health and safety of said city, even though said dog be properly licensed under this section.

Any dog reasonably suspected of such disease may be apprehended and confined in the dog pound by any person or officer appointed to enforce this section. The officer appointed to enforce this section shall have a qualified veterinarian examine said dog. If found to be diseased in such a manner to be a danger to the health and safety of said city, the officer appointed to enforce this section shall cause such dog to painlessly be killed and shall properly dispose of the remains. The owner or keeper of said dog killed under this section shall be liable for a \$15.00 fine to cover the cost of disposing of the dog and \$3.00 per day maintenance charge and the costs of any veterinarian examinations.

If said dog, upon examination, is not found to be diseased within the meaning of this section, then said dog shall be released to the owner or keeper free of any charge.

#### **5.038. VACCINATION**

All dogs and cats kept harbored, maintained, or transported within the City of Zimmerman are required to be vaccinated at least once every two years by a licensed veterinarian for:

1. Rabies - with a live modified vaccine; and
2. Distemper.

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, the owner shall present for examination the required certificate(s) of vaccination for his animal. In cases where certificates are not presented, the owner or keeper of animal(s) has seven days in which to present said certificates to the clerk. Failure to do so shall be deemed a violation of this section.

Any animal that has not been innoculated by a live modified rabies vaccine (as described in section 5.033) and has bitten any person, wherein the skin has been punctured or the services of a doctor are required, shall be confined by the officer appointed to enforce this section in the city dog pound for a period of not less than ten days, at the expense of the owner. Such dog or other 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 such dog or other animal shall elect immediately upon receipt of notice of need for such confinement by the officer to voluntarily and immediately confine such dog or other animal for the required period of time in a veterinary hospital of the owner's choosing, not outside of Sherburne County, and provide immediate proof of such confinement in such manner as may be required, such owner may do so. If, however, the animal has been innoculated with a live modified rabies vaccine and the owner has proof of the vaccination by a certificate (as specified in section 5.033) from a licensed veterinarian, the owner may confine the dog or other animal to the owner's property.

#### **5.039. ENFORCING OFFICER**

The City Council is hereby authorized to appoint an officer, title to be decided upon, to enforce the provisions of this section. In said officer's duty of enforcing the provisions of this section, he may from time to time, with the consent of the city council, designate certain assistants.

All fees and charges under this section shall be payable to the city Clerk/Treasurer.

The officer appointed to enforce this section shall keep an accurate account of all dogs received at the pound and of all dogs killed or released.

#### **5.0310. INTERFERENCE WITH OFFICERS**

No person shall in any manner molest, hinder, or interfere with any person authorized by the city council to capture dogs and convey the same to the dog pound while engaged in such occupation. Nor shall any unauthorized person break open the pound, or attempt to do so, or take or let out any dogs therefrom, or take or attempt to take from any agent any dog taken up by him in compliance with this section, or in any other manner to interfere with or hinder such officer in the discharge of his duties under this section.

### **5.0311. CATS**

Cats shall be included as controlled by this section insofar as pickup, impounding, and boarding is concerned. The license of cats shall not be required, nor proof of anti-rabies vaccine. All other provisions of this section shall apply to cats.

### **5.0312. KENNELS**

Subdivision 1. Definition. The keeping of three or more dogs on the same premises, whether owned by the same person or not and for what ever purpose kept, shall constitute a "kennel"; except that a fresh litter of pups may be kept for a period of three months before such keeping shall be deemed to be a "kennel".

Subdivision 2. Declaration of Nuisance. Because the keeping of three or more dogs on the same premises is subject to great abuse, causing discomfort to persons in the area, by way of smell, noise, hazard, and general aesthetic depreciation, the keeping of three or more dogs on the premise is hereby declared to be a nuisance and no person shall keep or maintain a kennel within the City of Zimmerman.

### **5.0313. RESTRICTIONS ON CERTAIN DOGS** *(amended by Ord. No. 267, September 9, 2002 )*

1. It shall be unlawful for any animal owner to permit his animal to damage any lawn, garden, or any other property.
2. No person, owner, or keeper of an animal shall allow such animal to make noise so as to cause annoyance, disturbance or discomfort of any person. It shall be a violation of this subdivision if:
  - (A) The noise can be heard from a location outside of the building or property where the animal is kept and at a distance of least 100 feet from such property; and
  - (B) The noise occurs repeatedly over a period of time of at least 10 minutes, during which the lapse of time between each animal noise is 30 seconds or less.

The noise described in this subdivision shall not be a violation if it occurs in conjunction with harassment or injury to the animal from someone or something other than the owner or keeper of the animal, or in conjunction with the trespass upon the property where the animal is located.

3. Any animal aforesaid in this section may be impounded as provided in Section 5.035 or complaint may be issued by anyone against the owner of the dog for prosecution under this section.

### **5.0314. PENALTY**

Each day a violation of this chapter is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. Violation of this chapter constitutes a misdemeanor. Any animals kept contrary to this section are hereby declared a public nuisance and may be abated according to the law.

### **5.0315. PENALTY TO OWNERS FOR POOR TREATMENT**

All dogs and cats 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 section 9.011.