

**AN ORDINANCE AMENDING SECTION 405
OF THE CITY OF RICE
(REGULATING DOGS & CATS)**

The City Council of the City of Rice, Minnesota, hereby ordains that Section 405 (Dogs and Cats) of Chapter IV (Public Safety) is hereby amended to read as follows:

Section 405 – Dogs and Cats

405.01.1 Running at large prohibited: No dog shall be permitted to run at large within the city limits of the City or to be upon any premises other than as provided in the permit. This restriction does not prohibit the appearance of any dog upon streets or public property when the dog is on a leash no longer than 8 feet and is kept under the control of the person charged with its care.

405.03 Licenses:

Subd. 1 License Required: No person shall own or harbor any dog(s) or cat within the City without obtaining an annual license from the City Clerk, who shall keep a record of all licenses issued.

A. When applying for a dog or cat license, the owner shall state the name, sex, breed and color of the dog or cat and the premises whereupon such dog or cat is located for which the license is to be procured and shall fill out and complete a registration form as may be established from time to time.

B. Rabies Immunization Required: No license shall be issued for any dog or cat unless the applicant for such license presents proof that the dog has been immunized against rabies by a licensed veterinarian, with proof of when dog would be due for next immunization.

Subd. 2 License Fee: Expiration: The annual license fee for each dog(s) or cat(s) shall be as established by Council resolution. No refunds shall be made on any license fee because of the removal of the dog or cat from the City or because of the death of the dog or cat before the expiration of license period. All licenses shall expire on the first day of May next following its issuance. The vaccines used and their duration of immunity against rabies will be as recommended by the National Association of State Health Veterinarians in their annual compendium of animal rabies vaccines.

Subd. 3 Affixing Tag: The owner or keeper shall permanently affix the tag to the collar of the dog or outside cat so licensed in such manner that the tag may be easily seen. The owner or keeper shall see that the tag is constantly worn by the dog or outside cat.

A. Duplicate Tag: When any tag is lost, a duplicate may be issued by the City Clerk upon presentation of a receipt showing the payment of the license fee for the current year and execution of an affidavit that the original has been lost. A fee established by the Council shall be paid for each such duplicate tag.

B. Offenses involving tags: It shall be unlawful to counterfeit or attempt to counterfeit the tags provided for in this subsection, or to remove from any dog a tag legally placed upon it with the intent of placing it upon another dog or to place such tag upon another dog. It shall be unlawful for any person to transfer any tag issued or to place a tag upon any dog other than the one for which it was issued, provided a tag may be transferred with the dog for which it was issued.

Subd. 4 License Register: The City of Rice shall keep a record of all dogs and cats licenses issued, with the name and residence of the person to whom issued and the number designated upon the license tag furnished therewith.

405.05 Dog Nuisances: The owner or keeper of any dog(s) shall prevent the dog(s) from committing in the City any act which constitutes a nuisance. It is a nuisance for any dog(s) to habitually or frequently bark or cry at night, to frequent school grounds, parks, or public beaches, to chase vehicles, to molest or annoy any person away from the property of his owners or keeper or to damage defile or destroy public or private property. Habitually barking shall be defined as barking, howling, or whining for thirty (30) minutes without interruption. The Chief of Police or his representative may enter and remove any dog(s) from its place of abode if the owner or keeper refuses to, or is unable to quiet the dog(s) or move the dog(s) to a place it will not be heard, after a warning from the Chief of Police or his representative. Failure of the owner or keeper of the dog(s) to prevent the dog(s) from committing such a nuisance is a violation of this section.

405.07.1 Restrictions and Prohibited Acts:

A. Female dog(s) in heat shall be confined in a building or other secure enclosure in such manner that it cannot come into contract with another dog except for planned breeding.

B. It is unlawful for any owner or keeper to suffer or permit an animal to defecate upon public property, or the private property of another, without immediately removing any feces of the animal and disposal of such feces in a sanitary manner. Additionally, an owner or keeper must manage the feces and other bodily wastes from any animal in a timely and sanitary manner so as to prevent health risks, and must maintain an animal and the area where it is kept so as to prevent the detection of odors off the property that offend the sense of a reasonable person for more than one day. Any owner or keeper must take such steps as necessary to correct a violation within 48 hours of being provided written notice by the Police Department or Sheriff or their representative.

C. Limitation on the number of dogs and cats in a residential area, there shall be no more the two (2) dogs and four (4) cats, which must be licensed, may be kept, harbored or possessed on any premises within the City of Rice.

D. The resident that has more animals will need to request to keep, harbor, or possess as many as four (4) dogs on the same premises. An application must be submitted to the City of Rice in order to receive a Excessive Dog Permit. No person shall maintain a kennel within the corporate limits of the City unless by special permit granted by the City Council. For the purpose of this section a “kennel” is defined as any place, tract of land, building, abode, enclosure or vehicle wherein or whereupon dogs and/or cats are kept and maintained. For the purpose of this section “kennel” does not include a veterinarian licensed to practice in the State of Minnesota who keeps, congregates or confines dogs or cats in the normal pursuit of the practice of veterinary medicine.

E. It shall be unlawful for the owner or operator of any establishment wherein the selling, handling, processing or preparation of food is done or served to permit any animal in such establishment. This section shall not apply to a seeing-eye or leader-type dog accompanied by its master and shall not apply to such dogs which are kept therein for security reasons as long as said dogs are registered with the Police Department.

F. No person having custody or control of the dog or cat shall permit the dog or cat to damage any lawn, garden or other property, private or public, without the consent of the owner or possessor of the property.

405.09

Quarantine of Certain Dogs or Cats: Any dog or cat which bites a person shall be quarantined for a period of ten (10) days. During quarantine, the animal shall be securely confined and kept from contact with any other animal. At the discretion of the health officer and/or the Police, 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.

If a dog is found to be sick or diseased, the operator of the quarantine facility shall immediately report in writing to the City health officer and/or police the condition of the dog. The health department and/or police department may then take possession of the dog for the purpose of determining if it is suffering from rabies. A diseased dog may either be destroyed or euthanized if the City health officer and/or police determine such action necessary for the protection of public health and safety as recommended by said licensed veterinarian.

405.11 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 or cat to muzzle it securely so that it cannot bite. No person shall violate such proclamation 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.

405.13.1 Seizure of Dog(s) or Cat(s) running at large:

A. Any dog or cat found unlicensed or running at large contrary to the provisions of this ordinance may be impounded by the Police Department or his representative.

B. Within twenty-four (24) hours after any animal is impounded, the Police Department or his representative shall give notice of the impounding to the owner of such animal, if known. If the owner is unknown, the Police Department or his representative shall post notice at the pound and at City Hall that if the dog is not claimed within one hundred twenty (120) hours of the posting of the notice, it will be disposed of.

C. Any animal may be redeemed from the pound by the owner within the time stated in the notice by the payment of all costs and fees due. If the owner of any dog or cat impounded under the provisions of this ordinance does not resume possession of said dog or cat in compliance with the foregoing provisions, within five days after the impounding thereof, he shall forfeit all rights and property in such dog or cat.

D. Any animal not redeemed within the time specified in ordinance may be sold for not less than the amount due to the pound. If animal is not claimed by the owner or sold shall be painlessly killed and disposed of by the pound.

405.13 Proceedings for destruction of certain Dog(s) and Cat(s):

Subd. 1 Procedure: Upon sworn complaint to the county court that any one of the following exist:

A. That any dog or cat at any time has destroyed property or habitually trespasses in a damaging manner on the property of person other than the owner;

B. That any dog or cat at any time has attacked or bitten a person outside the owner's or custodian's premises;

C. That any dog or cat is vicious or shows vicious habits or molest pedestrians or interferes with vehicles on the public streets. A "vicious animal" is defined as any individual animal or any species that has, on two (2) previous occasions without provocation, attacked or bitten any person or other animal, or any individual animal which the Health Officer has reason to believe has a dangerous disposition, or any species of animal which the Health Officer has reason to believe has a dangerous disposition likely to be harmful to humans or other animals. Without provocation shall mean the condition in which the animal is not purposely excited, stimulated, agitated or disturbed. It shall be a rebuttable presumption that any attack on a child 14 years of age or younger from which a reasonable person connotes an intent to inflict bodily harm shall be considered to be without provocation unless the child is engaged in the commission of a crime or illegal activity, including activities classified under Minnesota Statutes 343 as cruelty to animals; or

D. That any dog or cat is a public nuisance as heretofore defined;

the judge shall issue a summons directed to the owner of the dog or cat commanding him to appear before the court to show cause why the dog should not be seized by any Police Officer, or otherwise disposed of in the manner authorized in this part. Such summons shall be returnable not less than two nor more than six days from the date thereof and shall be served at least two days before the time of the scheduled appearance. Upon such hearing and findings the facts true as complained of, the court may either order the dog or cat killed or orders 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 the dog described in such order. The provisions of this section are in addition to and supplemental to other provisions of this part.

Subd. 2 Costs: Cost of the proceeding specified by this section shall be assessed against the owner or custodian of the dog or cat, if the facts in the complaint are found to be true, or to the complainant, if the facts are found to be untrue.

Subd. 3 This section shall not apply to an animal under the control of an on-duty law enforcement officer or to an attack upon an uninvited intruder who has entered the owners premises with criminal intent.

405.15 Penalty: Any person who violates any provision of this section is guilty of a petty misdemeanor.

THIS ORDINANCE SHALL BE EFFECTIVE UPON PASSAGE AND PUBLICATION AS REQUIRED BY LAW. THIS ORDINANCE FURTHER REVOKES AND OTHERWISE REPLACES THE FORMER SECTION 405 OF CHAPTER IV OF THE RICE CITY CODE.

Dated this 17th day of October, 2005.

APPROVED:

Mayor

ATTEST:

City Clerk

Dated this 17th day of October, 2005.

APPROVED:

/s/ Nancy Anderson

Mayor

ATTEST:

/s/ Bonnie Scheel

City Clerk