

ORDINANCE NO. 117

RESTATED AND AMENDED ORDINANCE REGULATING THE PRESENCE OR KEEPING OF ANIMALS

This Ordinance supersedes any and all ordinances regulating the presence or keeping of animals. The Town Board of the Town of Alexandria deems it to be in the public interest to regulate the presence and keeping of animals in the platted residential areas of the town, unless otherwise written to include the unplatted areas of the town, and for that purpose the Town Board of the Town of Alexandria ordains:

Section 1. Definitions.

- A. Owner: Any family unit, household, person, firm, partnership or corporation.
- B. Kennel: The keeping of three or more domestic animals on the same premises, whether owned by the same owner or not and for whatever purpose kept, shall constitute a "kennel;" except that a domestic animal less than six (6) months of age shall not be considered when determining whether an owner is operating a kennel.
- C. Animal Shelter: Any premises designated by the Town Board for the purpose of impounding and caring for domestic animals held under the authority of this ordinance.
- D. Officer: Any law enforcement officer of the Town and persons designated by the Town to assist in the enforcement of this ordinance.
- E. Running at Large: A domestic animal shall be deemed to be running at large if it is not on the premises of its owner or if not accompanied by a responsible person and under that person's effective control.
- F. Domestic Animal: A dog or dogs, a cat or cats.
- G. Animal: Any other animal kept by a person.

Section 2. License Required for a Dog or Dogs. No person shall own, keep, harbor or have custody of any dog over six (6) months of age without first obtaining a license therefor from the Town Clerk or his agent. Applications for license shall be made on forms prescribed by the Town 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. All dogs required to be licensed shall wear a collar and have a tag firmly affixed thereon evidencing such license for the current year.

Section 3. Requirements for License for a Dog or Dogs. 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 herein after provided shall be issued only upon payment of the annual fee of \$10.00 to the Town Clerk or his agent.

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.

Section 4. Running at Large Prohibited. It is unlawful for any person who is the owner, or other person in possession of a domestic animal to permit such domestic animal to run at large; provided that a domestic animal shall not be deemed to be running at large if it is on a leash or otherwise under the control of an accompanying person.

Section 5. Obligation to Prevent Nuisances. It shall be the obligation and responsibility of the owner or custodian of any domestic animal in the Town, in both the platted and unplatted areas, whether permanently or temporarily therein, to prevent such domestic animal from committing any act which constitutes a nuisance. It shall be considered a nuisance for any domestic animal to frequent school grounds, parks, or public beaches, to habitually attack other domestic animals, to chase vehicles, to molest or annoy any person if such person is not on the property of the owner or custodian of such domestic animal, to excrete on property other than the owner's, or to molest, defile or destroy any property, public or private. Failure on the part of the owner or custodian to prevent his domestic animals from committing an act of nuisance shall be subject to the penalty hereinafter provided.

Section 6. Impoundment. Domestic animals creating a nuisance or running at large may be taken by an officer as hereinbefore defined and impounded in an animal shelter and there confined in a humane manner. Impounded domestic animals shall be kept for not less than five (5) regular business days unless reclaimed prior to that time by their owner as provided hereafter.

Section 7. Notice of Impoundment. Upon taking up and impounding any domestic animal, the Poundmaster shall within one (1) day thereafter post in the place designated by the Town Board, a notice of impounding in substantially the following form:

NOTICE OF IMPOUNDING OF DOMESTIC ANIMAL

Date

To Whom It May Concern:

I have this day taken up and impounded in the official Animal Shelter of the Town of Alexandria, located at _____, a domestic animal answering the following description: Sex ___Color _____ Breed _____Approximate Age _____Name of Owner _____, License Number (if applicable) _____

Notice is hereby given that unless said domestic animal is claimed and redeemed on or before_____o'clock __.m., on the _____day of _____ 20___, the same will be sold or killed as provided by ordinance.

Signed:_____ Poundmaster

If the owner of said domestic animal 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 killing of the domestic animal shall be the 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 domestic animal may be reclaimed from the animal shelter by its owner within the time specified in the notice by the payment to the Town Clerk or designated agent of the license fee (if required and not paid for the current year) with an impounding fee of \$50.00 plus \$8.00 for each day or fraction of a day that said domestic animal has been confined as the cost of boarding. The second time a domestic animal has been impounded, and each time thereafter, the impounding fee shall be \$100.00 plus the cost of boarding said domestic animal (\$8.00 per day). Notwithstanding this section, the owner shall remain subject to all other penalties contained in this ordinance.

Section 9. Disposition of Unclaimed Domestic Animals. Any domestic animal which is not claimed as provided in Section 7, within five (5) regular business days after impounding, may be sold for not less than the amounts provided in Section 8 to anyone desiring to purchase the domestic animal 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 Town Clerk for the benefit of the owner and if not claimed in six (6) months, such funds shall be placed in the general fund of the Town and shall not be subject to claim by the owner. Any domestic animal which is not claimed by the owner or sold shall be painlessly killed and disposed of by the Poundmaster.

Section 10. Permissible Return of Domestic Animals Running at Large. Notwithstanding the provisions of Section 6, if a dog or dogs is/are found running at large and its owner can be identified and located, such dog or dogs need not be impounded, but may, at the discretion of the officer, be taken to the owner. In such case, however, proceedings may be taken against the owner for violation of this ordinance.

Section 11. Owner Obligation for Proper Care. No owner, in either platted or unplatted, areas 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 animal fight. No owner of an animal shall intentionally abandon such animal. Any owner that intentionally abandons an animal is guilty of a misdemeanor and may be fined as hereinafter specified. In addition, said owner shall pay all reasonable costs incurred by the Town in disposing of said animal.

Section 12. Quarantine of Certain Animals. Any animal, in either platted or unplatted areas, which bites a person shall be quarantined for such time as may be directed by the County Health Officer. During quarantine the animal shall be securely confined and kept from contact with any other animal. At the discretion of the Health Office the quarantine may be on the premises of the owner; however, if the Health Officer requires other 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 13. Muzzling Proclamation. Whenever the prevalence of rabies renders such action necessary to protect the public health and safety, the Town Board shall issue a proclamation ordering every person, in either platted or unplatted areas or both, owning or keeping a animal to muzzle it securely so that it cannot bite. No person shall violate such proclamation and any unmuzzled animal running at large during the time fixed in the proclamation shall be subject to impoundment as heretofore provided, and the owner of such animal shall be subject to the penalty hereinafter provided.

Section 14. Proceedings for Destruction of Certain Domestic Animals. Upon sworn complaint to a court of proper jurisdiction that any one of the following facts exist:

- A. That any domestic animal, in either platted or unplatted areas, at any time has destroyed or damaged property or habitually trespasses in a damaging manner on the property of persons other than the owner;

B. That any domestic animal, in either platted or unplatted areas, at any time has attacked or bitten a person or other animal outside the owner's or custodian's premises;

C. That any domestic animal, in either platted or unplatted areas, is vicious or shows vicious habits or molests pedestrians or other animals or interferes with vehicles on the public streets or highways;

D. That any domestic animal, in either platted or unplatted areas, is a nuisance as heretofore defined; or

E. That any dog or dogs is/are running at large in violation of this section;

the presiding officer of said court shall issue a summons directed to the owner of said domestic animal commanding him to appear before said court to show cause why said domestic animal should not be seized by any 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 domestic animal killed at owner's expense or order the owner or custodian to remove it from the Town, or may order the owner or custodian to keep it confined to a designated place. If the owner or custodian violates such order, any officer may impound any domestic animal described in such order. The provisions of this section are in addition to and supplemental to other provisions of this ordinance.

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

Section 15. Summary Destruction of Certain Animals. Whenever an officer has reasonable cause to believe that a particular animal presents a clear and immediate danger to residents of the Town, in either platted or unplatted areas, because it is infected with rabies (hydrophobia) or because of a clearly demonstrated vicious nature, the officer, after making reasonable attempts to impound such animal, may summarily destroy said animal. When any unattended animal shall be injured or diseased, it shall be impounded. In the event that the capture of such animal cannot be effectuated, the animal may be destroyed.

Section 16. Limitation. It is unlawful for any owner in the Town (to clarify, in platted areas only) to possess, harbor, shelter or keep more than three (3) adult domestic animals, excepting veterinary hospitals, pet shops, or other establishments properly licensed by the Town. For purposes of this ordinance, an adult domestic animal shall be deemed to be any domestic animal six months or older. No owner shall maintain in this Town a kennel without securing a license for said kennel from the Town Board. The

license fee shall be determined by the Board by March 15th of each year and posted thereafter at the Town Hall and shall remain in effect until March 15th of the following year. The Board may waive said fee if no profit is earned from the operation of a kennel.

Section 17. Appointment of Officers. The Town Board may from time to time appoint such persons as may be necessary to assist the officers of the Town 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. It is unlawful for any person to refuse upon official inquiry to show or exhibit, at any reasonable time, any animal in his possession or custody.

Section 18. Non-Residents. The subdivisions of this ordinance requiring a license shall not apply to non-residents of the Town, provided that dogs of such owners shall not be kept in the Town longer than thirty (30) days without a license and shall be kept under restraint.

Section 19. Penalty.

Any owner found guilty of violating any provision of this ordinance shall be punished by a fine not to exceed One Thousand Dollars (\$1,000.00)

Section 20. This Ordinance becomes effective from and after its passage and posting.

Passed by the Town Board this ____ day of _____, 2008.

Attest:

Alexandria Township Clerk

Chairman

Supervisor

Supervisor

Supervisor

Supervisor