

**CITY OF MAYER
ORDINANCE #230**

**AN ORDINANCE AMENDING TITLE IX: GENERAL REGULATIONS,
CHAPTER 92: ANIMALS, SECTION 92.01 DEFINITIONS, SECTION 92.02 DOGS AND
CATS, SECTION 92.05 IMPOUNDING, SECTION 92.10 DISEASED ANIMALS**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MAYER THAT THE FOLLOWING SECTIONS OF THE ANIMALS ORDINANCE, RELATED TO DEFINITIONS, DOGS AND CATS, IMPOUNDING, AND DISEASED ANIMALS, BE AMENDED TO READ AS FOLLOWS:

Section 1. Title IX: General Regulations, Chapter 92: Animals, Section 92.01, Definitions, of the City of Mayer Municipal Code, is hereby amended to add the provisions with underlined text and delete the provisions with the strike-through text as follows:

§ 92.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ANIMAL. Any mammal, reptile, amphibian, fish, bird (including all fowl and poultry) or other member commonly accepted as a part of the animal kingdom. Animals shall be classified as follows:

(1) **DOMESTIC ANIMALS.** Those animals commonly accepted as domesticated household pets. Unless otherwise defined, domestic animals shall include dogs, cats, caged birds, gerbils, hamsters, guinea pigs, domesticated rabbits, fish, non-poisonous, non-venomous and non- constricting reptiles or amphibians, and other similar animals.

(2) **FARM ANIMALS.** Those animals commonly associated with a farm or performing work in an agricultural setting. Unless otherwise defined, farm animals shall include members of the equestrian family (horses, mules), bovine family (cows, bulls), sheep, poultry (chickens, turkeys), fowl (ducks, geese), swine (including Vietnamese pot-bellied pigs), goats, bees, and other animals associated with a farm, ranch, or stable.

(3) **NON-DOMESTIC ANIMALS.** Those animals commonly considered to be naturally wild and not naturally trained or domesticated, or which are commonly considered to be inherently dangerous to the health, safety, and welfare of people. Unless otherwise defined, non- domestic animals shall include:

(a) Any member of the large cat family (family felidae) including lions, tigers, cougars, bobcats, leopards and jaguars, but excluding commonly accepted domesticated house cats.

(b) Any naturally wild member of the canine family (family canidae) including wolves, foxes, coyotes, dingoes, and jackals, but excluding commonly accepted domesticated dogs.

(c) Any crossbreeds such as the crossbreed between a wolf and a dog, unless the crossbreed is commonly accepted as a domesticated house pet.

(d) Any member or relative of the rodent family including any skunk (whether or not descended), raccoon, squirrel, or ferret, but excluding those members otherwise defined or commonly accepted as domesticated pets.

(e) Any poisonous, venomous, constricting, or inherently dangerous member of the reptile or amphibian families including rattlesnakes, boa constrictors, pit vipers, crocodiles and alligators.

(f) Any other animal which is not explicitly listed above but which can be reasonably defined by the terms of this section, including but not limited to bears, deer, monkeys and game fish.

APIARY. The assembly of one (1) or more colonies of honeybees at a single location.

AT LARGE. 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 restrained or confined.

BEEKEEPER. A person who owns or has charge of one (1) or more colonies of honeybees.

BEEKEEPING EQUIPMENT. Anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.

CAT. Both the male and female of the felidae species commonly accepted as domesticated household pets.

COLONY. An aggregate of honeybees consisting principally of workers, but having, when perfect, one queen and at times drones, brood, combs, and honey.

DOG. Both the male and female of the canine species, commonly accepted as domesticated household pets, and other domesticated animals of a dog kind.

HIVE. The receptacle inhabited by a colony that is manufactured for that purpose.

HONEYBEE. All life stages of the common domestic honeybee, *Apis mellifera* species of European origin.

NUCLEUS COLONY. A small quantity of honeybees with a queen housed in a smaller than usual hive box designed for a particular purpose.

OWNER. Any person or persons, firm, association or corporation owning, keeping, or harboring an animal.

RELEASE PERMIT. A permit issued by the Animal Control Officer or other person in charge of the pound for the release of any animal that has been taken to the pound. A release permit may be obtained upon ~~payment of a fee to the City Clerk in accordance with the regular license requirement if the animal is unlicensed,~~ payment of a release fee, and payment of any maintenance costs incurred in capturing and impounding the animal, and, if the animal is a dog or cat, presentation of a valid certificate of vaccination for rabies and distemper shots. The release fee shall be as established by resolution of the City Council.

SUPER. That part of a honeybee hive used to collect honey.

SWARMING. The natural process where a queen bee leaves a colony with a large group of worker bees.

UNUSUAL AGGRESSIVE BEHAVIOR. Any instance in which unusual aggressive characteristics such as stinging without provocation or attacking without provocation occurs.

Section 2. Title IX: General Regulations, Chapter 92: Animals, Section 92.02, Dogs and Cats, of the City of Mayer Municipal Code, is hereby amended to add the provisions with underlined text and delete the provisions with the strike-through text as follows:

§ 92.02 DOGS AND CATS.

(A) *Running at large prohibited.* It shall be unlawful for the dog or cat of any person who owns, harbors, or keeps a dog or cat, to run at large. A person, who owns, harbors, or keeps a

dog or cat which runs at large shall be guilty of a misdemeanor. Dogs or cats on a leash and 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 leash, shall be permitted in streets or on public land unless the city has posted an area with signs reading "Dogs or Cats Prohibited."

~~(B) License required.~~

~~—(1) All dogs over the age of six months kept, harbored, or maintained by their owners in the city, shall be licensed and registered with the city. Dog licenses shall be issued by the City Clerk upon payment of the license fee as established by resolution of the City Council. The owner shall state, at the time application is made for the license and upon forms provided, his or her name and address and the name, breed, color, and sex of each dog owned or kept by him or her. No license shall be granted for a dog that has not been vaccinated against distemper and rabies, as evidenced by a certificate by a veterinarian qualified to practice in the state in which the dog is vaccinated annually.~~

~~—(2) It shall be the duty of each owner of a dog subject to this section to pay to the City Clerk the license fee established by resolution of the City Council.~~

~~—(3) Upon payment of the license fee as established by resolution of the City Council, the Clerk shall issue to the owner a license certificate and metallic tag for each dog licensed. The tag shall have stamped on it the year for which it is 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 shall be issued by the City Clerk. A charge shall be made for each duplicate tag in an amount established by resolution of the City Council. Dog tags shall not be transferable from one dog to another and no refunds 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.~~

~~—(4) The licensing provisions of this division (B) shall not 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.~~

~~—(5) The funds received by the City Clerk from all dog licenses and metallic tags fees as established by resolution of the City Council, shall first be used to defray any costs incidental to the enforcement of this chapter, including but not restricted to the costs of licenses, metallic tags, and impounding and maintenance of the dogs.~~

~~(B) Cats.~~ Cats shall be included as controlled by this division insofar as running-at-large, pickup, impounding, and boarding is concerned. All other provisions of this section shall also apply to cats unless otherwise provided.

~~(C) Vaccination.~~

(1) All dogs and cats kept harbored, maintained, or transported within the city shall be vaccinated at least once every three years by a licensed veterinarian qualified to practice in the state in which the dog or cat is vaccinated for:

- (a) Rabies - with a live modified vaccine; and
- (b) Distemper.

(2) 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 City Clerk, the Animal Control Officer or a police officer, the owner shall present for examination the required

certificate(s) of vaccination for the animal(s). In cases where certificates are not presented, the owner or keeper of the animal(s) shall have seven days in which to present the certificate(s) to the City Clerk or officer. Failure to do so shall be deemed a violation of this section.

(DE) *Limitation.*

(1) It is unlawful for any person in the city to possess, harbor, shelter or keep more than three adult animals, excepting veterinary hospitals and pet shops, or other establishments, properly licensed by the city. For purposes of this division (E), an **ADULT ANIMAL** shall be deemed to be any animal six months or older.

(2) No person, firm, or corporation shall maintain in this city a kennel.

~~(F) *Lifetime licenses.*~~

~~(1) Lifetime dog licenses may be issued by the city as an alternate to annual licenses. To be eligible for a lifetime license the following conditions are required:~~

~~—(a) The dog shall be electronically tagged/microchipped. Microchips shall include such information as the city may determine appropriate including the unique identifying information related to an electronic device, the manufacturer, and demonstration that the implanted device can be read by city or county equipment.~~

~~—(b) Certification by a licensed veterinarian that the dog has been vaccinated for rabies and distemper.~~

~~—(c) Payment of the required fees as established by the city fee schedule.~~

~~(2) There shall be no reimbursement of any license fee, including lifetime fees, upon the death or removal of the dog from the city and fees shall not be prorated. Dogs declared dangerous and potentially dangerous are not eligible for lifetime licenses.~~

~~(3) Lifetime licenses may be revoked by the city without refund of fees paid if the dog's vaccinations are not kept current or if the dog is declared dangerous or potentially dangerous. When a lifetime license has been revoked, if eligible, a new lifetime license may be obtained through the procedures established in this section and payment of the appropriate fees.~~

Penalty, see § 92.99

Section 3. Title IX: General Regulations, Chapter 92: Animals, Section 92.05, Impounding, of the City of Mayer Municipal Code, is hereby amended to add the provisions with underlined text and delete the provisions with the strike-through text as follows:

§ 92.05 IMPOUNDING.

(A) *Running at large.* Any ~~unlicensed~~ animal running at large is hereby declared a public nuisance. Any Animal Control Officer or police officer may impound any dog or other animal ~~found unlicensed or any animal~~ found running at large and shall give notice of the impounding to the owner of the dog or other animal, if known. In case the owner is unknown, the officer shall post notice at the city office that if the dog or other animal is not claimed within the time specified in division (C) of this section, it will be sold or otherwise disposed of. Except as otherwise provided in this section, it shall be unlawful to kill, destroy, or otherwise cause injury to any animal, including dogs and cats running at large.

(B) *Biting animals.* Any animal that has not been inoculated by a live modified rabies vaccine and which has bitten any person, wherein the skin has been punctured or the services of

a doctor are required, shall be confined in the city pound for a period of not less than ten days, at the expense of the owner. The animal may be released at the end of the time if healthy and free from symptoms of rabies, and by the payment of all costs by the owner. However, if the owner of the animal shall elect immediately upon receipt of notice of need for the confinement by the officer to voluntarily and immediately confine the animal for the required period of time in a veterinary hospital of the owner's choosing, not outside of the county in which this city is located, and provide immediate proof of confinement in the manner as may be required, the owner may do so. If, however, the animal has been inoculated with a live modified rabies vaccine and the owner has proof of the vaccination by a certificate from a licensed veterinarian, the owner may confine the dog or other animal to the owner's property.

(C) *Reclaiming.* All animals conveyed to the pound shall be kept, with humane treatment and sufficient food and water for their comfort, at least five regular business days, unless the animal is a dangerous animal as defined under § 92.11 in which case it shall be kept for seven regular business days or the times specified in § 92.11, and except if the animal is a cruelly-treated animal in which case it shall be kept for ten regular business days, unless sooner reclaimed by their owners or keepers as provided by this section. In case the owner or keeper shall desire to reclaim the animal from the pound, the following shall be required, unless otherwise provided for in this code or established from time to time by resolution of the City Council:

(1) Payment of the release fee and receipt of a release permit as established by resolution of the City Council.

(2) Payment of maintenance costs, as provided by the pound, per day or any part of day while animal is in the pound; and

(3) ~~If a dog is unlicensed, payment of a regular license fee as established by resolution of the City Council, and~~ Presentation of a valid certificate of vaccination for rabies and distemper shots is required if the animal is a dog or cat.

(D) *Unclaimed animals.*

(1) At the expiration of the times established in division (C) of this section, if the animal has not been reclaimed in accordance with the provisions of this section, the owner shall be deemed to have forfeited all rights to the animal and the officer appointed to enforce this section shall, in the following order:

- (a) Attempt to place the animal for adoption through a "no-kill" animal rescue;
- (b) Let any person claim the animal by complying with all provisions of this section;
- (c) Cause such animal to be disposed of in a proper and humane manner.

(2) All money collected under this section shall be payable to the City Treasurer.

Penalty, see § 92.99

Section 4. Title IX: General Regulations, Chapter 92: Animals, Section 92.10, Diseased Animals, of the City of Mayer Municipal Code, is hereby amended to add the provisions with underlined text and delete the provisions with the strike-through text as follows:

§ 92.10 DISEASED ANIMALS.

(A) *Running at large.* No person shall keep or allow to be kept on his or her premises, or on premises occupied by them, nor permit to run at large in the city, any animal which is diseased so as to be a danger to the health and safety of the city, ~~even though the animal be properly licensed~~

~~under this section.~~

(B) *Confinement.* Any animal reasonably suspected of being diseased and presenting a threat to the health and safety of the public, may be apprehended and confined in the pound by any person, the Animal Control Officer or a police officer. The officer shall have a qualified veterinarian examine the animal. If the animal is found to be diseased in a manner so as to be a danger to the health and safety of the city, the officer shall cause the animal to be painlessly killed and shall properly dispose of the remains. The owner or keeper of the animal killed under this section shall be liable to the city for the cost of maintaining and disposing of the animal, plus the costs of any veterinarian examinations.

(C) *Release.* If the animal, upon examination, is not found to be diseased the animal shall be released to the owner or keeper free of charge.

Penalty, see § 92.99

ADOPTED by the City Council of the City of Mayer, Carver County, Minnesota this
____ 8th day of April, 2019.

Mike Dodge, Mayor

ATTEST:

Moved by:
Seconded by:

Margaret McCallum, City Administrator

Published: