

ORDINANCE NUMBER 178

AN ORDINANCE LICENSING AND REGULATING THE KEEPING OF DOGS IN THE CITY OF  
CARLTON.

The City Council of the City of Carlton does ordain as follows:

SECTION 1. Minnesota Statutes applicable to the control of health measures for animals are hereby adopted by reference and are as enforceable as if recited in full.

SECTION 2. **DEFINITIONS.** The following definitions shall apply in the interpretation and application of this ordinance and the following words and terms, whenever they occur in this ordinance are defined as follows:

- A. **DOG** shall mean animal of genus "Canine" or allied genera.
- B. **OWNER** shall mean any person, firm or corporation who shall own, harbor, or have custody of the dog, or the parents or guardians of a person under the age of 18 years of age who shall own, harbor, keep or have custody of said dog.
- C. **ANIMAL CONTROL OFFICER** is any individual designated by the City to enforce the provisions of this ordinance, including all city staff and local law enforcement.
- D. **ANIMAL SHELTER** is any premises designated by the City for the purpose of impounding and caring for a dog held under authority of this ordinance.
- E. **STERILIZED** means neutered in the case of male dogs, and spayed in the case of female dogs.
- F. **DOG LICENSING** is the process of registering a dog with the City Administrator's Office and obtaining a metallic tag bearing a registration number and is issued to the owner of the dog upon proof of updated rabies vaccination, documentation of sterilization and payment of the licensing fee.
- G. **AT LARGE** means off the premises of the owner and not on a leash, cord or chain of not more than six (6) feet in length and not under the direct control of the owner or his agent.
- H. **RESTRAINT.** An animal is considered to be under restraint when it is on the premises of the person harboring or keeping it and all exits are restrictive from the dogs escape from within; or is controlled by a leash not exceeding six feet in length in the hands of one competent to control the dog.
- I. **LEASH** means a cord, thong or chain not exceeding six (6) feet in length by which an animal is controlled by the person accompanying it.

SECTION 3. **KEEPING OF DOGS LIMITED.** It shall be unlawful for any person to keep, harbor or have custody or control at any one time of more than two (2) dogs over the age of six months old in any residential dwelling unit or upon such person's premises, whether owned, leased or otherwise occupied or possessed by such person.

SECTION 4. **APPOINTMENTS.** The City may appoint such person, or persons, as deemed necessary and advisable as the Animal Control Officer, for enforcement of this ordinance of the City of Carlton.

The City shall appoint an Animal Shelter for the City for the purpose of impounding and caring for animals held under authority of this ordinance.

SECTION 5. **LICENSING REQUIREMENTS.** Every owner of any dog more than six (6) months old shall obtain from the City Administrator's Office a license tag and registration number in such form as the City Council shall prescribe. Said license tag shall be firmly attached to the dog's collar at all times. The initial and thereafter biennial licensing fee shall be determined by resolution of the City Council according to its current fee schedule. Biennial fees shall be paid to the City Administrator who shall issue new license tags different from the previous year's tag after December 1st of said year.

A. **TAG AND COLLAR.** Upon payment of the license fee, the City Administrator shall issue to the owner a receipt and a metallic tag for each dog license. The shape of the tag shall be changed every other year and shall have stamped thereon the year when the license period begins and number corresponding with the number on the receipt. 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 the event a dog tag is stolen, lost or destroyed, a duplicate tag will be issued by the Administrator with the replacement fee determined by resolution of the City Council according to its current fee schedule. Dog tags shall not be transferable from one dog to another and no refunds shall be made on any dog license fee for any reason.

B. **DOCUMENTATION REQUIREMENTS.** No License shall be granted for any dog that has not been vaccinated against rabies. Said vaccination must have been administered to said dog prior to the issuance of the license, and must still be valid through the expiration date of the license to be issued. The vaccination shall be performed only by a doctor qualified to practice veterinary medicine in the state in which the dog is vaccinated. A veterinarian who vaccinates a dog to be licensed in the City shall complete a certificate of vaccination. A copy of the certificate must be presented to the City Administrator upon licensing each dog.

Along with documentation of rabies vaccination, documentation of sterilization is required for any dog being licensed that has undergone a sterilization procedure.

SECTION 6. **RUNNING AT LARGE.** It is unlawful for any person who is the owner, or other person in possession of a dog to permit such dog to run at large within the limits of the City. Such running at large shall be deemed prima facie evidence that the owner of any animal is in violation of this ordinance.

SECTION 7. **IMPOUNDING.** The Animal Control Officer, Law Enforcement or any City Staff may take up and impound any dog requiring licensing, found in the City without a tag; or any dog that is in violation of this ordinance. Animals shall be impounded and confined in a humane manner at a designated animal shelter. Impounded animals shall be kept for not less than five (5) days, including Sundays and holidays, unless reclaimed by their owners. If by a licensed tag or other means, the dog owner can be identified reasonable attempts will be made to return the dog to the owner prior to impounding. Notwithstanding the provisions of this ordinance, if a violation has occurred, the City Administrator may proceed against the owner for payment of fines and penalties.

A. **ENFORCEMENT.** To enforce this ordinance, the Animal Control Officer, Law Enforcement or any City Staff may enter upon private property where there is reasonable cause to believe that a dog is on the premises and is not licensed as required by ordinance, or that there is a dog on the premises not confined, restrained, or is creating a nuisance.

B. **TREATMENT DURING IMPOUNDING.** Any dog impounded in the animal shelter shall be kept in a humane manner and comfort. If the dog is not known or suspected of being diseased and has not bitten a person, it shall be kept for five (5) days, unless it is sooner reclaimed by its owner.

C. **NOTICE OF IMPOUNDING.** Upon impoundment of a dog, the Animal Control Officer will post within 24 hours a Notice of Impounding upon the front doors of the Civic Center located at 310 Chestnut Avenue. The Notice of Impounding shall specify breed/color and gender of the dog; the redemption period for claiming said dog; the date, time, and location of said violation, and a description of the violation.

D. **REDEMPTION OF IMPOUNDED ANIMAL.** The City shall collect the fines for any ordinance violations as well as the impounding and boarding fees for the animal shelter. Upon payment the owner shall receive a receipt from the City stating that all fees and fines have been collected. This receipt shall be taken by the owner to the animal shelter where the impounded dog maybe claimed.

E. **FAILURE TO PICK UP ANIMAL.** Any person, who fails to pick up impounded dog owned by him/her, shall be in violation of this ordinance. Said owner will be responsible for all charges incurred by his/her animal.

H. **DISPOSAL OF UNREDEEMED.** The City shall make a reasonable effort to contact the owner of any dog which has been impounded. If at the end of the impoundment period, no claim of ownership has been received, the unclaimed dog shall be deemed abandoned and shall be disposed of in a humane manner.

SECTION 8. **DOG CREATING NUISANCE.** The owner or custodian of any dog shall prevent the dog from committing in the City, any act which constitutes a nuisance. A nuisance is defined as any dog that habitually or frequently barks, howls, or cries; is known for biting, snarling, growling or chasing; known for frequenting school grounds, play grounds, playing field, parks; or known to damage, defile, or destroy public or private property. Failure of the owner or custodian of dog to prevent the animal from committing such a nuisance is a violation of this ordinance. The owner or custodian will be subject to fees determined by resolution of the City Council according to its current fee schedule. Any dog which repeatedly is a nuisance may be impounded and disposed of in a humane manner.

SECTION 9. **OWNER OBLIGATION FOR PROPER CARE.** No owner shall fail to provide any dog with sufficient good wholesome food, water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care treatment. No person shall beat, treat cruelly, torment or otherwise abuse any dog, or cause or permit any dog fight. No owner of a dog shall abandon such animal.

A. **SANITATION.** The owner of any dog shall be responsible for the sanitation of that dog whether on his/her property, private property of others, or public property. No person shall permit any dog under his/her care to defecate upon any park or public grounds unless said person shall promptly clean up such waste and deposit same in adequate sanitary facilities. All animal waste shall be removed daily so as to keep the surrounding area free from obnoxious odors.

SECTION 10. **PENALTIES.** Violation of any section of this Ordinance shall constitute a misdemeanor. Each individual violation of a section shall constitute a separate violation. Whoever does any act which constitutes a violation may be sentenced as provided by State Law for a misdemeanor violation.

SECTION 11. **REPEAL OF CONFLICTING ORDINANCE.** All existing ordinances of the City of Carlton relating to the licensing and regulating the keeping of dogs are hereby repealed insofar as they may be inconsistent with the provisions of this ordinance.

SECTION 12. **SEPARABILITY OF PROVISIONS.** It is the intention of the City Council that each separate provision of this ordinance shall be deemed independent of all other provisions herein, and it is further the intention of the City Council that if any provision of this ordinance be declared invalid, all other provisions thereof shall remain valid and enforceable.

SECTION 13. **EFFECTIVE DATE.** This Ordinance shall take effect and be in force from and after its passage and publication.

Passed by the Carlton City Council this 14th day of December 2004.

CITY OF CARLTON

Dennis Randelin  
Dennis Randelin, Mayor

ATTEST:

Lynn Habegger  
Lynn Habegger, City Administrator

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