

CITY OF CARLTON

ORDINANCE # 135

AN ORDINANCE LICENSING AND REGULATING THE KEEPING OF DOGS

The City Council of the City of Carlton, Minnesota ordains :

Section 1. Running At Large Prohibited. No dog shall be permitted to run at large within the limits of this City.

Section 2. Dogs on Leash. The restriction imposed by Section 1 shall not prohibit the appearance of any dog upon streets or public property when such dog is on a leash and is kept under the control of the accompanying person.

Section 3. License Required. No person shall keep any dog within the City without securing a license therefor, from the Clerk, who shall keep a record of all licenses issued and shall issue a metal tag for each license.

Section 4. Impounding. The Dog Catcher and every police officer 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 Hall that if the dog is not claimed within seven days of the posting of the notice, it will be killed. If such dog is not claimed within the time specified and all fees and charges paid, the Poundmaster shall kill such dog and dispose of its carcass unless it is requested by a licensed educational or scientific institution under Minnesota Statutes 35.71. If the owner of an unclaimed and killed dog is known, and has been given proper notice of the impounding, the owner shall be responsible for all boarding, impounding and disposal costs. The Poundmaster shall house and feed in a humane manner, any dog held at the pound. An impounding fee, and daily boarding fee, as determined by Resolution of the City Council, shall be charged for any dog impounded and held at the pound. The Poundmaster shall be such person as appointed by the City Council.

In lieu of impounding, the Dog Catcher and every police officer may issue a summons to the owner or harbinger of any dog found to be in violation of the ordinance. Said summons shall specify the date, time and location of said violation, as well as the violation itself, and shall further state the fine for the violation, which shall be payable within 5 days of the issuance of the summons, to the Carlton County Court system. The fines for said violations by summons shall be determined by the City Council by Resolution.

Section 5. Redemption. Any dog may be reclaimed from the dog pound by its owner within the time specified in the notice, by payment to the Clerk of the license fee, if a license has not been obtained, the impounding fee and boarding fee for each day or fraction of a day that said dog has been confined. Notwithstanding this section, the owner shall remain subject to all other penalties contained in this ordinance.

Section 6. Permissible Return of Unrestrained Dog. Notwithstanding the provisions of Section 4, if an animal is found unrestrained and its owner can be identified and located, such animal need not be impounded but may, instead, be taken to the owner. In such case however, proceedings may be taken against the owner for violation of this ordinance.

Section 7. Obligation to Prevent Nuisances. It shall be the obligation and responsibility of the owner or custodian of any dog in the City, whether permanently or temporarily therein, to prevent such animal from committing any act which constitutes a nuisance. It shall be considered a nuisance for any dog to habitually or frequently bark or cry. Failure on the part of an owner or custodian to prevent his dog from committing an act of nuisance shall be subject to penalty as determined by Resolution of the City Council if by summons of the Dog Catcher, or by the penalty hereinafter provided.

Section 8. Owner Obligation for Proper Care. No owner shall fail to provide any dog 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 dog, or cause or permit any dog fight. No owner of a dog shall abandon such animal.

Section 9. Proceedings for Destruction of Certain Dogs. Upon sworn complaint to a court of proper jurisdiction that any one of the following facts exist:

(a) That any dog at any time has destroyed property or habitually trespasses in a damaging manner on the property of persons other than the owner;

- (b) That any dog, at any time has attacked or bitten a person outside the owner's or custodian's premises;
- (c) That any dog is vicious or shows vicious habits or molests pedestrians or interferes with vehicles on the public streets or highways ;
- (d) That any dog is a public nuisance as heretofore defined; or that
- (e) Any dog is running at large in violation of this chapter;

the presiding officer of said court shall issue a summons directed to the owner of said dog commanding him to appear before said court to show cause why said dog 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 nor more than six days from the date thereof and shall be served at least two 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 dog killed or order 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 any dog described in such order. The provisions of this section are in addition to and supplemental to other provisions of this chapter.

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

Section 10. Summary Destruction of Certain Dogs. Whenever an officer has reasonable cause to believe that a particular dog presents a clear and immediate danger to residents of the City because it is infected with rabies (hydrophobia) or because of a clearly demonstrated vicious nature, the officer, after making reasonable attempts to impound such dog, may summarily destroy said dog.

Section 11. Appointment of Officers. The City Council may from time to time appoint such persons as may be necessary to assist the police officers of the City 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 this in the exercise of such powers.

Section 12. Non-Residents. The sections of this ordinance requiring a license shall not apply to non-residents of the City, provided that dogs of such owners shall not be kept in the City longer than thirty (30) days without a license and shall be kept under restraint.

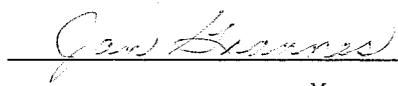
Section 13. Penalty. Any person, firm or corporation found guilty of violating any provision of this ordinance shall be punishable by a fine not to exceed one hundred dollars (\$100.00).

Section 14. Repeal. Ordinance Number 114 passed March 19, 1973 is hereby repealed.

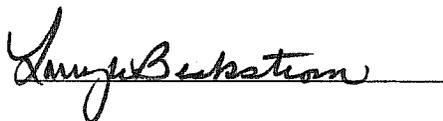
Section 15. Effective Date. This ordinance shall be in full force and effect from and after it's passage and publication according to law.

Passed By The City Council February 12, 1985

Published in the Pine Knot Feb. 21, 1985

  
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 Mayor

Attest :

  
 \_\_\_\_\_ Clerk