

# ORDINANCE NO. 77

[Dogs, Cats and Animals]

## DOGS, CATS, ANIMALS

### **An Ordinance to amend existing Ordinance No. 67 regulating the licensing and keeping of dogs, cats and other animals.**

The City Council of the City of Medicine Lake do ordain as follows:

#### Section .01: **Purpose**

The purpose of this Chapter is to protect the health, safety and general welfare of the community and its people by establishing minimum standards for the care and maintenance of animals; by providing for their licensing, protection and the public's protection while under the control of an owner or guardian; by establishing density limits with regards to their occupancy; to provide for the public notice, protection and/or redemption of animals at large; to provide for the control, impoundment or destruction of animals deemed dangerous as may be warranted and to prescribe a means of recourse for those challenging such actions; to prescribe penalties for violations of such regulations; to provide recourse to those seeking relief from perceived or prescribed violations herein; to define powers and duties of the City Clerk, the City Council, Animal Warden, Animal Control Officer and those others acting as agent or agents for the City to carry forth the provisions of this Chapter, and; to provide for the repeal of prior ordinances or ordinances that may conflict.

#### Section .02: **Definitions**

- (A) "Owner" - means any person, firm or corporation or partnership owning, harboring or keeping a dog, cat or any animal whether or not a resident in the City.
- (B) "At large" - means any animal that is off the owner's property and is not restrained by leash or restrained by being secured in a building, run, or vehicle.
- (C) "Leash" - means a thong, cord or chain up to a maximum length of six (6) feet.
- (D) "Animal" - as used in this ordinance includes without limitations, livestock, rodents, dogs, cats, birds, reptiles and other animals.
- (E) "Livestock" - Farm animals kept for use, pleasure or profit including, without limitations, horses, mules, sheep, goats, cattle, swine and fowl.
- (F) "Dangerous Animal" - means any animal that has attacked, molested, bitten, confined or assaulted a person or domestic animal or which otherwise has

demonstrated that it poses a significant threat or risk or causing harm or injury to persons or domestic animals.

- (G) "Single Family Dwelling Unit" - means a single family dwelling owned or occupied by an owner of an animal as defined in Section .02(D).
- (H) "Multi-Unit Building" - means any combination of single family dwelling units either attached or detached under common ownership by an individual or entity.

Section .03: **License Required**

- (A) No owner or person shall own, harbor or keep a dog or cat over six (6) months of age within the City, unless a current license for such dog or cat has first been secured for the City.
- (B) An animal license shall be furnished at no cost. Applications for such licenses must be accompanied by a certificate of inoculation for rabies which is not more than eighteen (18) months old. Upon the receipt of the certificate of inoculation, the City shall execute a receipt in duplicate, its original of which shall be given to the person who makes application. The duplicate shall be retained in the records of the City. This receipt shall describe the dog or cat as to color, breed, age, sex and weight. Any owner shall produce, for inspection, the permit receipt upon request of the animal warden, police officer or City official.
- (C) An animal license for each dog or cat shall be requested by the owner from the City between the dates of the first day of April and the last day of June in each year, or within thirty (30) days after acquiring ownership or possession of any unlicensed dog or cat or within thirty (30) days after establishing residence in the City.
- (D) Late licensing charge. Licenses not obtained before the due dates will have a Five Dollar (\$5.00) late licensing charge. If a license has not been obtained within thirty (30) days after a dog or cat becomes six (6) months of age, then there be a Ten Dollar (\$10.00) late license charge.

Section .04: **Tags**

- (A) The City shall procure a sufficient number of metallic tags, and shall deliver one such tag to the person issued a license. It shall be the responsibility of the owner of the dog or cat for which said tag was obtained to permanently attach the tag to the collar of the dog or cat in a manner so that the tag may be readily seen on the animal. The tag is not transferable to any other dog or cat. If a tag is lost or stolen, the owner may obtain a new tag upon request.

Section .05: **Running At Large Prohibited**

(A) No animal including without limitation, dogs and cats, shall be permitted to run at large anywhere within the limits of the City of Medicine Lake. Any animal described in this subsection found running at large may be impounded by the Animal Warden or police officers. All animals shall be kept secured on a leash which is attached to a person at all times. The owner shall keep all animals in control and under restraint at all times, including when on leash, to prevent injury to others. Animals, when on their owners' property, are not required to be leashed.

(B) Animals in Parks

Animals shall be allowed in any public park in the City, except where posted.

(C) Unspayed Female Dogs and Cats

Every unspayed female dog or cat in heat shall be confined in a building or secured enclosure in such a manner that such female dog or cat cannot come into contact with another animal except for planned breeding.

Section .06: **Cleanup**

(A) Any person having the custody or control of any animal shall have the responsibility for cleaning up any feces of the animal immediately and to dispose of such feces in a sanitary manner. Cleanup equipment must be carried on the person in charge of the animal and must be displayed upon the request of a City official or law enforcement officer. No animal feces may be placed in a refuse container in the City Park unless contained within a plastic sealed container.

Section .07: **Dogs or Cats Disturbing the Peace**

(A) It is unlawful for any person to keep or harbor a dog or cat which barks, cries, squeals, howls or meows, excessively, continuously or in an untimely manner. The phrase "barks, cries, squeals, howls or meows, excessively, continuously or in an untimely manner" includes, but is not limited to, the creation of any noise by any dog or cat which can be heard by any person, including a law enforcement officer or animal control officer, from a location outside of the building or premises where the dog or cat is being kept, and which noise occurs repeatedly over at least a five (5) minute period of time, with a thirty (30) second or less lapse of time between each animal noise during the five (5) minute period.

(B) Upon the receipt of a written complaint by two (2) or more persons residing in the vicinity of such a dog, a City Police Officer or Animal Warden shall notify the owner to abate the nuisance. For the purposes of this provision, members of the same family unit residing in the same dwelling shall be regarded as one (1)

person. A police officer, animal warden or City Official may act as the second or confirming complainant.

Section .08: **Number of Dogs or Cats**

- (A) An occupant of a single family dwelling unit shall not own, harbor or keep on or within said unit more than two (2) dogs over the age of six (6) months nor more than three (3) cats over the age of six (6) months and in no event more than four (4) animals (dogs and cats) in total per single family dwelling unit.
- (B) An occupant of a single family dwelling unit within a multi-unit building shall not own, harbor or keep more than one (1) dog over the age of six (6) months and one (1) cat over the age of six (6) months.

Section .09: **Impoundment**

- (A) The City Council shall, from time to time, designate a place as City Impoundment Facility or Pound for keeping and maintaining any dogs, cats or other animals which may be seized or impounded pursuant to this Ordinance.
- (B) At all times, Police Officers and the official Animal Warden, shall seize and impound any animals kept or harbored within the City without the tag provided for by this Ordinance or animals running at large. At all times, Police Officers and/or the Animal Warden may seize and impound any animal kept or harbored within the City that has been found to be or is suspected of attempting to cause injury, attempting to injure through aggression, diseased animals, injured animals, animals disturbing the peace, or any animals running at large. To enforce this Ordinance, Police Officers and the Animal Warden may enter on private property when they have reasonable cause to believe there is an animal kept, harbored or running at large in violation of this Ordinance.
- (C) It shall be unlawful for any person or persons to interfere with the Animal Warden or Police Officer engaged in taking an animal hereunder for impounding or refusing to surrender an animal to a Police Officer or Animal Warden for confinement as required.

Section .10: **Notice of Impounding**

- (A) Upon taking an impounding any animal with current tag whose ownership is known, the Clerk or other authorized person shall immediately notify the owner.
- (B) Upon taking and impounding any animal whose ownership is not known, the Clerk or other authorized person shall immediately post on the outside bulletin board of the Medicine Lake City Hall a notice of impounding.

Section .11: **Redemption or Release**

- (A) Any animal so impounded shall be kept for at least five (5) business days unless sooner reclaimed by the owner thereof. The owner of any impounded animal may reclaim the same by paying all impounding fees set by the City Council plus the cost at the animal pound plus obtaining a current license if no current license has been issued and paying late charges, if necessary.
- (B) If at the end of five (5) business days the animal has not been redeemed, it may be sold at private sale or disposed of by the pound keeper, provided that such animal has not bitten or been suspected of biting any person.

Section .12: **Impounding for Biting**

- (A) Any animal which is capable of transmitting rabies and which has bitten a person shall be taken up and impounded for at least ten (10) days, separate and apart from all other animals at a licensed veterinarian clinic or pet hospital under the care and supervision of a licensed veterinarian until it is determined whether or not said animal had or has rabies. For those animals for which the owner can provide current rabies vaccination and unless the bitten person requests impoundment of the animal at a licensed veterinarian clinic or pet hospital, the owner shall confine the animal for at least ten (10) days and shall obtain within seven (7) calendar days thereafter a certification from a licensed veterinarian that the animal is not rabid. If the animal is found to be rabid, it shall be destroyed. If it is found not to be rabid, it shall be vaccinated for rabies, if not already vaccinated, and returned to the owner, provided that owner shall first pay the cost of impounding and other fees.
- (B) If the owner does not pay such cost within five (5) days after he has been notified to claim or retrieve his animal, the animal may be disposed of as provided in Section .11(B).
- (C) The cost incurred by the City in carrying out the provisions of this Section shall be paid by the owner of such impounding animal.
- (D) Any animal which has been bitten by a known rabid animal shall be picked up and destroyed, provided, however, that such animal may be immediately killed if with reasonable effort it cannot first be taken up and impounded. If so picked up and impounded, the animal shall not be destroyed if the owner thereof makes provisions for a suitable quarantine for a period not less than six (6) months of unvaccinated animals, or for thirty (30) days, if proof of previous immunization is furnished and booster injections are given by a licensed veterinarian at the expense of the owner of such animal.

Section .13: **Destruction of Dangerous Animals**

- (A) After the owner of an animal is give notice and an opportunity for a hearing as provided in this subsection, the City Council is authorized to order the destruction or disposition of any animal which the City Council determines to be a Dangerous Animal.
- (B) The owner of the offending animal shall be notified in writing personally delivered or by certified mail, return receipt requested, as to the dates, times, places, and persons bitten, if any, of the right within ten (10) days to request a hearing before the City Council for a determination as to the dangerous nature of the animal and the disposition. If the owner does not request a hearing within ten days of said notice, the City shall make such order as the City Council deems proper. The City Council may order the Animal Warden to take the animal into custody for destruction in which case the owner shall immediately make the animal available to the Animal Warden.
- (C) If the Owner requests a hearing for determination as to the dangerous nature of the animal, the hearing shall be held before the City Council at a date not more than three weeks after demand for said hearing. The records of the Animal Warden shall be admissible for consideration without foundation. After considering all evidence, the City Council shall make such order as the City Council deems proper, including, but not limited to, destruction of the Animal, if consistent with state and federal law, transfer of the animal to a zoo or other facility, and reimbursement by the owner of the reasonable costs of temporary impoundment and transportation of the Animal.

Section .14: **Severability**

- (A) If any part of this Ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this Ordinance.

Section .15: **Penalties**

- (A) A violation of this ordinance shall be a misdemeanor punishable by a fine up to \$1,000.00 or ninety (90) days in prison, or both. Each day the violation of this ordinance continues shall be a separate violation.

Section .16: **Enforcement Procedures**

The City shall designate at least one (1) animal control officer or licensed police officer or agency for the purpose of enforcing the provisions of this Chapter and state law. Any person may call or deliver a complaint to such officer or officers stating the facts and circumstances of an alleged violation of this Chapter.

The officer may investigate such complaint. If a violation occurs in the presence of the officer, a citation may be issued. If a violation did not occur in the presence of the officer but probable cause of a violation exists, all reports, witness statements and evidence may be submitted to the Medicine Lake City Attorney's office for a determination of whether a formal complaint shall be issued. The officer may also issue a notice of the violation to the owner of the animal. Such notice of violation shall state the date and time of the issuance of the notice, the name and address of the person in violation, the date of the offense, the offense committed, a description of the animal involved, and a demand that the offense be abated within forty eight (48) hours after the issuance of the notice. If the person fails to abate the offense, then the officer may issue a citation to the person. The animal involved may also be subject to impoundment.

No person shall interfere with, hinder, or molest a City animal control officer or licensed peace officer enforcing this Chapter or State law. No person shall seek to release any animal in the custody of a City animal control officer or licensed peace officer except as herein provided.

Section .17: **Repeal of Prior Ordinances**

City Ordinances 54 and 67 are each hereby repealed in their entirety.

Section .18: **Effective Date**

This Ordinance shall take full force and effect thirty (30) days after the date of its publication.

**Adopted by the City Council of Medicine Lake this 5<sup>th</sup> day of August, 2002.**

Thomas J. Schrader, Mayor

ATTEST: Mary Knutson, City Clerk