

AN ORDINANCE RELATING TO THE CONTROL OF ANIMALS  
IN THE CITY OF RUSHFORD

THE CITY OF RUSHFORD ORDAINS:

Section 1. Ordinance Repealed. The following ordinances are hereby repealed:

1.01 "An Ordinance Relating to the Control of Dogs in the City of Rushford" dated April 13, 1976.

1.02 Article V of the Rushford City Code entitled "Regulating Keeping of Animals, Establishing a Dog Tax, and a Dog Pound", dated March 4, 1929, as amended.

Section 2. Definitions. As used in this ordinance, the following terms shall have the meanings as presented:

2.01 "At large" shall mean the animal is off the premises of the owner and not under the control of any person, either by leash or otherwise.

2.02 "Householder" shall mean any person who ordinarily exercises dominion or possession over a residence, office, store, building, shop or other premises which is generally deemed to be a single unit of occupancy within the City of Rushford, whether as an owner, tenant, landlord or otherwise.

2.03 "Residence" shall mean any dwelling, abode or apartment wherein a single family customarily resides.

2.04 "Custodian" shall mean any person, partnership, business entity or other organization of any type, owning, harboring or keeping an animal either permanently or temporarily.

2.05 "Animal Control Warden" shall mean any person authorized by the City of Rushford to enforce the provisions of this ordinance in the control of animals.

2.06 "Farm Animals" shall mean horses, cattle, swine, goats, sheep, poultry, or other animals commonly kept for their economic value or recreational purposes.

2.07 "Wild Animals" shall mean any animal of a type not normally domesticated, or not specifically mentioned elsewhere in this ordinance.

### Section 3. General

3.01 Any person who owns, keeps or harbors any animal located within the City of Rushford, or permits an animal to enter the corporate limits of the City, shall exercise sufficient and proper care and control over such animal at all times so as to prevent the animal from becoming a public nuisance or otherwise violating this ordinance.

3.02 The custodian of any animal located within the City of Rushford shall provide for the humane treatment and care of the animal, to include, but not limited to, necessary shelter, food, water and medical care.

### Section 4. Dogs and Cats

4.01 It shall be unlawful for any custodian to possess, harbor, keep or allow to be kept or to maintain for any purpose whatever, more than two dogs, cats, or combination thereof, over the age of 60 days at his or her residence, business or at any other location in the City of Rushford.

4.02 Temporary permission to keep more than two dogs or cats over the age of 60 days may be granted for periods as determined by the City Council upon application being made thereto. The council shall cause all such applications to be investigated and shall not grant such temporary permission unless it is satisfied that it shall not be a nuisance as herein defined.

4.03 Every female dog or cat in heat shall be kept confined in a building or secure enclosure, or in a veterinary hospital or boarding kennel, in such manner that such female dog or cat cannot come in contact with another animal except for intentional breeding purposes.

### Section 5. Nuisances

5.01 The owner or custodian of any animal shall prevent the animal from committing any act which constitutes a nuisance. It is a nuisance for any animal to:

- a. Run at large
- b. Frequently bark, cry or howl
- c. To frequent school grounds, parks, or other public places.
- d. To chase vehicles
- e. To molest or annoy any person
- f. To damage, defile, or destroy public or private property.

## Section 6. Registration

6.01 No person, partnership, corporation or other entity shall keep any dog or cat after the effective date of this ordinance unless the animal is registered with the City Clerk. The registration shall be issued by the City Clerk for a fee of \$2.00 for each dog or cat. Each animal need be registered one time only by each owner. The registration shall not be transferable.

6.02 It shall be the duty of each owner of a dog or cat to pay the registration fee to the City Clerk within sixty days after the enactment of this ordinance, or upon acquiring ownership or possession of any unlicensed dog or cat or upon establishing residence in the City of Rushford or upon a dog or cat reaching the age of 60 days. The City Clerk shall cause a notice of the necessity of paying such a registration fee to be printed in the official newspaper of the City one time prior to the first day of March each year. In the event that payment of the registration fee due as stated herein is not received by the due date, a penalty of \$10.00 shall be added to the registration fee. The penalty shall be collected at the time the registration fee is paid. The owner of a dog or cat newly acquired or a new resident establishing a residence within the City shall not be subject to the penalty for sixty days.

6.03 Upon payment of the registration fee, the City Clerk shall execute a receipt in duplicate. The Clerk shall deliver the original to the person who pays the fee, retaining the duplicate. The Clerk shall also procure a sufficient number of suitable metallic tags, and shall deliver one appropriate tag to the owner upon payment of the fee.

6.04 The owner shall cause the tag to be affixed by a permanent metal fastening to the collar of the dog or cat so registered in such a manner that the tag may be easily seen by the officers of the City. The owner shall see that the tag is constantly worn by such dog or cat.

6.05 In case any tag is lost, a duplicate may be issued by the City Clerk upon presentation of a receipt showing payment of the current registration. A charge of \$1.00 shall be made for each such duplicate issued.

6.06 Any dog or cat found unlicensed, running at large or found in violation of any provision of this ordinance, may be impounded by the animal control warden, who shall give notice of the impounding as required in Section 7 of this ordinance.

Section 7. Establishment of Pound; Appointment of Animal Control Warden.

7.01 The City Council may, by resolution, establish a pound and appoint an animal control warden, whose duties shall include the enforcement of the provisions of this ordinance. The City Council may contract with the animal control warden for the collection, keeping, redemption or disposal of any animal when taken into custody in accordance with this ordinance. The animal control warden or authorized agent shall be empowered to take into custody and impound any animal reasonably believed to be stray or abandoned, or otherwise in violation of this ordinance.

7.02 Upon taking up and impounding any dog or cat, the animal control warden shall forthwith give notice of such impoundment in the following manner:

A. If the animal is registered with the City Clerk, the person who is listed as the owner of the animal shall be personally notified, if possible, by either the animal control warden or a representative of the City Clerk's Office.

B. If the animal impounded is not registered, or the owner cannot be reasonably notified, notice of the impoundment shall be made by a single publication in the official newspaper of the City. The notice shall state the following:

1. Date of impoundment
2. Description of the animal
3. Time and date by which the animal must be picked up
4. That the animal will be destroyed or disposed of if not picked up by the time stated
5. Location where the animal may be picked up

7.03 No animal shall be disposed of or destroyed until at least 5 days after the notice of impoundment is published. It shall be the duty of the animal control warden to dispose of each animal not claimed in a humane manner.

7.04 No unspayed female cat which has been impounded shall be allowed to be adopted from the pound unless the prospective owner shall agree to have such animal spayed.

7.05 Any dog or cat impounded hereunder may be reclaimed upon payment by the owner to the City Clerk of a sum to be established by the city council by resolution. The owner must also comply with the registration provisions of Section 6 of this ordinance.

## Section 8. Farm Animals

8.01 Farm animals may be kept and housed only in zoned agricultural districts.

8.02 All facilities for the care, confinement or keeping of farm animals must be located at least 100 feet from inhabited dwellings, and maintained in such a manner as to prohibit foul odors as well as unhealthy or unsanitary conditions.

## Section 9. Wild Animals

9.01 Wild animals may not be kept, housed or maintained in the City of Rushford by any person, partnership, corporation or other entity for any purpose whatsoever, except by competent medical authority for veterinary care, or under permit from the Minnesota Department of Natural Resources and the Rushford City Council.

## Section 10. Dangerous Animals

10.01 The following proceedings shall be followed for the destruction of animals which present a danger to public health and safety:

a. A sworn complaint shall be presented to the Fillmore County District Court stating the reason why such animal presents a danger to public health and safety. Such complaint shall be based on one or more of the following factors:

1. That the animal at any time has destroyed property or habitually trespasses in a damaging manner on the property of persons other than the owner.
2. That the animal at any time has attacked or bitten a person outside the owner's or custodian's premises.
3. That the animal is vicious or shows vicious habits or molests pedestrians or interferes with vehicles on the public streets.
4. That the animal is a public nuisance as heretofore defined.

b. A summons shall be directed to the owner of the animal commanding him to appear before the Court to show cause why the animal should not be seized by any police officer, animal control warden or otherwise disposed of in the manner authorized in this part. 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 the scheduled appearance. Upon such hearing and finding the facts true as complained of, the Court

may either 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 or animal control warden may impound the animal described in such order and destroy the animal forthwith. The provisions of this section are in addition to and supplemental to other provisions of this part. Costs of the proceedings specified by this section shall be assessed against the owner or custodian of the animal if the facts in the complaint are found to be true, or to the complainant, if the facts are found to be untrue.

10.02 Any animal which bites a person shall be quarantined in such location and for such time as may be directed by the City Health Officer. During quarantine the animal shall be securely confined and kept from contact with any other animal. At the discretion of the Health Officer, 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 veterinary hospital. Any expenses incurred by the owner of the animal in fulfilling the requirements of this section including the Health Officer's fee if any, shall be borne by the animal owner.

10.03 Whenever the city health officer determines that the prevalence of rabies renders such action necessary to protect the public health and safety, the Council may by resolution issue a proclamation ordering every person owning or keeping a dog or cat to muzzle it securely so that it cannot bite. No person shall violate such proclamation and any unmuzzled dog or cat during the time fixed in the proclamation shall be subject to impoundment as heretofore provided, and the owner of such dog or cat shall be subject to the penalty hereinafter provided.

#### Section 11. Investigation

11.01 For the purpose of discharging the duties imposed by this ordinance and to enforce its provisions, any agent of the Animal Control Warden or any police officer is empowered to enter upon any premises upon which an animal is kept or harbored and to demand the exhibition by the owner of such animal or the license for such animal. With or without permission, any agent of the Animal Control Warden or police officer may enter the premises where any animal is kept in a reported cruel or inhumane manner and demand to inspect such animal. The animal control warden or police officer may order a veterinary inspection of the animal or animals and may, upon recommendation of the veterinary doctor, order such medical care as may be necessary. The cost of such veterinary care is to be paid by the animal's owner.

Section 12. Interference

12.01. It shall be unlawful for any person to break open the city kennel or to attempt to do so, or to take or let any animal therefrom or to take or attempt to take from any officer any animal taken up by him in compliance with this Ordinance, or in any manner to interfere with or hinder such officer in the discharge of his or her duties under this Ordinance.

Section 13. Penalty

13.01 Any person, partnership, corporation or other entity violating any provision of this ordinance shall be deemed guilty of a misdemeanor. Each day's violation shall be a separate offense.

Section 14. Severability

14.01. If any part of this ordinance shall be held void such part shall be deemed severable, and the invalidity thereof shall not affect the remaining parts of this ordinance.

Section 15. Effective Date

15.01 This ordinance shall take effect from and after its passage and publication according to law.

Passed by the City Council this 26<sup>th</sup> day of February, 1990.

John M. Foster  
Mayor

Attest:

[Signature]  
Clerk/Administrator

Published in the Tri-County Record on 3-15, 1990.

RESOLUTION

WHEREAS, the City of Rushford has established an animal impound facility for the collection, maintenance and disposal of animals collected in the City, and

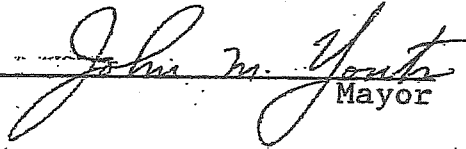
WHEREAS, it is in the best interests of the City to establish fees for the reclaiming of animals from the impound facility to off-set the costs involved in its operation, and

WHEREAS, such fees are authorized by the City of Rushford's Animal Control Ordinance dated February 26, 1990,

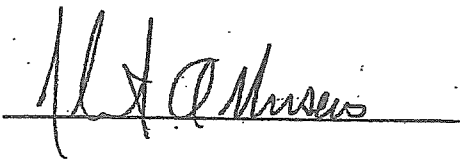
NOW, THEREFORE, Be It Resolved that the following fees shall be levied for the reclaiming of any animal from the City's animal impound facility:

~~\$45.00~~ ~~60~~ - Dog  
20.00 - Cat  
Other - actual costs plus 25%

Adopted this 13<sup>th</sup> day of August, 1990, by the Rushford City Council.

  
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Mayor

Attest:

  
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