

**ORDINANCE 5.02C**  
**AN ORDINANCE REGULATING THE KEEPING AND LICENSING OF**  
**ANIMALS WITHIN CITY LIMITS.**

**An Ordinance repealing Ordinance 5.02B**  
**and adopting Ordinance 5.02C.**

**Section I. DEFINITIONS:**

**Subd. 1. Animal.** Animal shall mean any mammal, reptile, amphibian, fish, bird (including all fowl and poultry) or other member commonly accepted as a part of the animal kingdom. They shall be classified as follows:

- A. Domestic. Domestic animals shall mean those animals commonly accepted as domesticated household pets. Unless otherwise defined, such animals shall include dogs, cats, caged birds, gerbils, hamsters, guinea pigs, ferret (if vaccinated against rabies) domesticated rabbits, domesticated rats, fish, and non-poisonous, non-venomous and non-constricting reptiles or amphibians, and other similar animals.
- B. Wild or Exotic Non-Domestic. Wild or Exotic Non-Domestic shall mean 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. Wild or Exotic Non-domestic animals shall include, but are not limited to:
  - 1) Any member of the large cat family (family felidae) including lions, tigers, cougars, bobcats, leopards and jaguars, but excluding commonly accepted domesticated house cats.
  - 2) Any naturally wild member of the canine family (family canidae) including wolves, foxes, coyotes, dingoes, and jackals, but excluding commonly accepted domesticated dogs.
  - 3) Any crossbreeds such as the crossbreed between a wolf and a dog, unless the crossbreed is commonly accepted as a domesticated house pet.
  - 4) Any member or relative of the rodent family including any skunk (whether or not descended), raccoon, squirrel, or ferret (unless vaccinated against rabies), but excluding those members otherwise defines as domesticated pets.
  - 5) Any venomous or inherently dangerous member of the reptile or amphibian families as well as crocodiles and alligators.
  - 6) Any other animals 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.
- C. Farm. Farm animals shall mean those animals commonly associated with a farm or performing work in an agricultural setting. Unless otherwise defined, such animals shall include members of the equestrian family (horses, mules), bovine family (cows, bulls) sheep, poultry (chickens, roosters, turkeys), fowl (ducks, geese), swine (including farm pigs and Vietnamese pot bellied pigs) and goats, and other animals associated with a farms, ranch, or stable.

**Subd. 2. Owner.** Owner shall be intended to mean any person or persons, firm, association or corporation owning, keeping, or harboring an animal.

**Subd. 3. At Large.** At Large shall be intended to mean 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.

**Subd. 4. Release Fee.** Release fee shall mean a fee established from time to time by motion of the City Council, to be paid for the release of a captured animal, not less than fifty (\$50.00) dollars.

**Subd. 5. Animal Control Officer or Representative:** Animal control officer, or representative, shall mean the person(s) appointed by the City Council, and/or his or her designees, to act on animal control issues, including capturing, impounding, and charging release fees.

## **SECTION II. DOGS AND CATS:**

**Subd. 1. 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, or the parents or guardians of any such person under 18 years of age) to run at large. 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 command as by leash, shall be permitted on city streets or on public land, unless the City has posted an area with signs reading "Dogs or Cats Prohibited."

### **Subd. 2. License Required.**

- A. All dogs and cats over the age of six months kept, harbored, or maintained by their owners in the City, shall be licensed and registered with the City Clerk. Pet licenses shall be issued by the City Clerk upon payment of the license fee. The owner shall state, at the time application is made for the license and upon forms provided for such purpose, his or her name, address and phone number; and the name, breed, color, sex, and if the animal has been spayed or neutered.
- B. It shall be the duty of each owner of a dog or cat subject to this Section to pay the Clerk the license fee as imposed by Council resolution. All licenses expire on May 31<sup>st</sup>, two years following issuance. A new license and registration shall be purchased by July 1<sup>st</sup> of that year. Licenses not purchased by such date shall be charged a late fee of \$25.00, in addition to the set license fee.
- C. Upon payment of the license fee, the Clerk shall issue to the owner a license certificate and metallic tag for each animal licensed. The tag shall have stamped on it the number corresponding with the number on the certificate. Every owner shall be required to provide each pet 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 tag is lost or destroyed, a replacement shall be issued by the Clerk. A charge of two (\$2.00) dollars shall be made for each replacement tag. Tags shall not be transferable from one animal to another and no refunds shall be made on any license fee or tag because of death of an animal or the owner's leaving the City before the expiration of the license period.
- D. The licensing provisions of the section shall not apply to dogs and cats whose owners are non-residents temporarily within the City; 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.

### **SECTION III. WILD OR EXOTIC NON-DOMESTICATED ANIMALS:**

It shall be illegal for any person to own, possess, harbor, or offer for sale, any wild or exotic non-domesticated animal within the City Limits. Any owner of such an animal at the time of adoption of this Section shall have thirty days in which to remove the animal from the City after which time, the City may impound the animal as provided for in this Section. No exception shall be made to this prohibition for animals specifically trained for and actually providing assistance to the handicapped or disabled, and for those animals brought into the City as part of an operating zoo, veterinarian clinic, scientific research laboratory, education or training event, or a licensed show or exhibition.

### **SECTION IV. FARM ANIMALS:**

**Subd. 1. Livestock.** Unless otherwise defined, livestock animals shall include: Horses, Mules, Cows, Sheep, Pigs and Goats. Livestock shall only be kept in an agricultural district of the City on a lot of at least four and one-half (4 ½) acres in size.

- A. Agricultural Districts within Rothsay City Limits
  - 1) Minimum lot size is four and one-half (4 ½) acres.
  - 2) The number of livestock cannot exceed a total of eight (8) livestock animals
    - a) Horses, Mules and Cow – Maximum of four (4)
    - b) Swine – Maximum of eight (8)
- B. Regulations Regarding Livestock
  - 1) A livestock license must be granted before owner has any livestock on his/her property.
  - 2) Owner/Applicant must provide a livestock plan to the Rothsay City Council that includes at minimum:
    - a) Drawing of layout where livestock will be managed
    - b) Number of livestock
    - c) Dates livestock is expected to be on premises
    - d) Plan for livestock
  - 3) If property abuts a residential district within city limits, Owner/Applicant must get written consent / approval from the residential property owners that boarder applicants property.
  - 4) No animal shelter shall be within one hundred fifty (150) feet of adjoining piece of property.
  - 5) Fences shall not be located nearer than fifty (50) feet from any building used for human habitation.
  - 6) No manure or waste shall be deposited, stored, kept or allowed to remain in or upon any site without reasonable safeguards adequate to prevent the escape or movement of such manure, waste, or a solution thereof from the site, which may result in pollution of any public waters or any health hazard.
  - 7) All regulations imposed by the Minnesota Pollution Control Agency relating to the keeping of farm animals shall be adhered to.
  - 8) Animal feedlots, as defined by the MPDA, are prohibited.
  - 9) Owner/Applicant consents and gives permission to the City and/or an official in representation of the City to enter the owner/applicant's private property for investigative, enforcement or other purposes of animals and the animal's living quarters (not into the owner/applicant's living quarters).
  - 10) Owner/Applicant must meet or exceed Minnesota Pet and Companion Animal Welfare Act.

**Subd. 2. Poultry and Fowl.** Unless otherwise defined, poultry and fowl animals shall include: Chickens, Turkeys, Ducks, Pheasants and Geese. Poultry and Fowl shall be kept in an agriculture district of the City, or a residential lot of at least one-half (1/2) acre in size.

- A. Agricultural Districts within Rothsay City Limits
  - 1) Minimum lot size is two and one-half (2 ½) acres
  - 2) The number of poultry and fowl cannot exceed a total of one hundred (100) animals
- B. All Other Districts within Rothsay City Limits
  - 1) Minimum lot size is one-half (1/2) acre
  - 2) The number of poultry and fowl cannot exceed a total of four (4) animals
  - 3) Male Chickens or Roosters are prohibited
- C. Regulations Regarding Poultry and Fowl
  - 1) A poultry and fowl License must be granted before owner has any poultry and fowl on property.
  - 2) Owner/Applicant must provide a poultry and fowl plan to the Rothsay City Council that includes:
    - a) Drawing of layout where poultry and fowl will be managed
    - b) Number of poultry and fowl
    - c) Dates poultry and fowl is expected to be on premises
    - d) Plan for poultry and fowl
  - 3) Poultry and fowl must be kept with coops or runs.
    - a) Coops and Runs Regulations for non-agricultural districts include:
      - All coops and runs must be located within the rear yard subject to a twenty (20) foot setback from any adjacent premises and be at least twenty-five (25) feet from any residential structure or dwelling or any other structures or dwellings or any adjacent premises.
      - All coops must be a minimum of four (4) square feet per animal in size, must not exceed ten (10) square feet per animal in size and must not exceed six (6) feet in total height. Attached fenced-in animal runs must not exceed twenty (20) square feet per animal and fencing must not exceed six (6) feet in total height.
      - Runs may be enclosed with wood and/or woven wire materials, and may allow animals contact with the ground.
      - Feed must be kept in metal predator proof containers.
      - Manure may be placed in yard compost piles.
      - Coops must either be; (i) Elevated with a clear open space of at least twenty-four (24) inches between the ground surface and framing/floor of the coop; or (ii) the coop floor, foundations and footings must be constructed using rodent resistant construction.
      - Coops are not allowed to be located in any part of a home and/or garage.
      - Animals must be secured in a coop from sunset to sunrise each day.
  - 4) No manure or waste shall be deposited, stored, kept or allowed to remain in or upon any site without reasonable safeguards adequate to prevent the escape or movement of such manure, waste, or a solution thereof from the site, which may result in pollution of any public waters or any health hazard.
  - 5) All regulations imposed by the Minnesota Pollution Control Agency relating to the keeping of farm animals shall be adhered to.
  - 6) Animal feedlots, as defined by the MPDA, are prohibited.

- 7) Owner/Applicant consents and gives permission to the City and/or an official in representation of the City to enter the owner/applicant's private property for investigative, enforcement or other purposes of animals and the animal's living quarters (not into the owner/applicant's living quarters).
- 8) Owner/Applicant must meet or exceed Minnesota Pet and Companion Animal Welfare Act.

## **SECTION V. IMPOUNDING:**

**Subd. 1. Running at large.** Any unlicensed animal running at large is hereby declared a public nuisance. Those owners who allow their pet to habitually run at large, will be fined the appropriate fee as stated in this Ordinance. The animal control officer, or representative, 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 such dog or other animal, if known. In case the owner is unknown, the officer, or representative, shall post notice at the City office that if the dog or other animal is not claimed within the time specified in Subdivision 3 of this Section, it will be sold or otherwise disposed of. Except as otherwise provided in this Ordinance, it shall be unlawful to kill, destroy, or otherwise cause injury to any animal, including dogs and cats running at large.

**Subd. 2. 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 for a period of not less than ten (10) days, at the expense of the owner, at a veterinary hospital within the county. The owner must provide proof of such confinement. If at the end of that time the animal is free from symptoms of rabies, it may be released to the owner. If, however, the biting 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 animal to the owner's property.

**Subd. 3. Reclaiming.** All animals captured by the animal control officer shall be kept, with humane treatment and sufficient food and water, for at least two (2) regular business days. After which, the animal will be transported to the Fergus Falls Humane Society. In case the owner or keeper shall desire to reclaim the animal from the officer, the following shall be required, unless otherwise provided for in this Ordinance or established from time to time by Resolution of the City Council:

- A. Payment of a fifty (\$50.00) dollar release fee; the fine shall double for a second violation within a calendar year, and each subsequent violation within a calendar year shall double the previous fine.
- B. Payment of actual maintenance costs, as provided by the animal control officer, or representative, or if any; and
- C. If a dog is unlicensed, payment of a regular license, fee plus twenty-five (\$25.00) dollar late fee.

**Subd. 4. Unclaimed animals.** At the expiration of the times established in Subdivision 3, if the animal has not been reclaimed in accordance with the provisions of this Section, the animal control officer, or representative, may let any person claim the animal by complying with all provisions in this Section; or the officer, or representative, may cause the animal to be destroyed in a proper and humane manner, and shall properly dispose of the remains thereof. Any money collected under this Section shall be payable to the City Clerk/Treasurer.

## **SECTION VI. NUISANCES:**

**Subd. 1. Habitual Barking.** It shall be unlawful for any person to keep or harbor a dog which habitually barks or cries. Habitual barking shall be defined as barking for repeated intervals of at least three minutes with less than one minute of interruption. Such barking must also be audible off of the owner's or caretaker's premises. Those owners who allow their pet to habitually bark or cry, will be fined the appropriate fee as stated in this Ordinance.

**Subd. 2. Damage to Property.** It shall be unlawful for any person's dog or other animal to damage any lawn, garden, or other property, whether or not the owner has knowledge of the damage. Any animal covered by this Subdivision may be impounded as provided in this Section, or a complaint may be issued by anyone aggrieved by an animal under this Section, against the owner of the animal for prosecution under this Section.

## **SECTION VII. RESTRICTION OF CERTAIN DOGS:**

**Subd. 1.** No person shall keep or harbor a dog which habitually barks or cries, howls or whines for a period of ten (10) minutes or longer; and no dog owner shall permit the dog to damage any lawn, garden or other property.

**Subd. 2.** It shall be unlawful for any owner or keeper of a dog, or the parents or guardians of any person under eighteen (18) years of age who owns a dog, to allow such dog to run at large at any time.

**Subd. 3.** It shall be unlawful for any owner to maintain at any place within the City, any dog or dogs, which, by their habitual barking, howling, whining or other disagreeable noises, disturbs the people in the locality where kept.

## **SECTION VIII. SEIZURE OF ANIMALS:**

Any police officer or animal control officer or representative may enter upon private property and seize any animal provided that the following exist:

- A. There is an identified complainant other than the police officer, or animal control officer, or representative, making a contemporaneous complaint about the animal;
- B. The officer, or representative, reasonably believes that the animal meets either the barking dog criteria set out in Section IV, Subd. 1; the criteria for cruelty set out in Section IX; or the criteria for an 'at large' animal set out in Section I, Subd 3;
- C. The officer, or representative, can demonstrate that there has been at least one previous complaint of a barking dog, inhumane treatment of the animal, or that the animal was at large at this address on a prior date;
- D. The officer, or representative, has made a reasonable attempt to contact the owner of the property and those attempts have either failed or have been ignored;
- E. The seizure will not involve the forced entry into a private residence. Use of a pass key obtained from a property manager, landlord, or other authorized person to have such key shall not be considered unauthorized entry; and
- F. Written notice of the seizure is left in a conspicuous place, if personal contact with the owner of the animal is not possible.

## SECTION IX. DANGEROUS ANIMALS:

**Subd.1 Attack by an animal.** It shall be unlawful for any person's animal to inflict or attempt to inflict bodily injury to any person or other animal whether or not the owner is present. This section shall not apply to an attack by a dog under the control of an on-duty law enforcement officer or to an attack upon an uninvited intruder who has entered upon the owner's property with criminal intent.

**Subd.2 Destruction of dangerous animal.** The animal control authority shall have the authority to order the destruction of dangerous animals in accordance with the terms established by this ordinance.

### **Subd.3 Definitions.**

1. A *dangerous animal* is an animal, which has:

- a. Caused bodily injury or disfigurement to any person on public or private property; or
- b. Engaged in any attack on any person under circumstances which would indicate danger to personal safety; or
- c. Exhibited unusually aggressive behavior, such as an attack on another animal; or
- d. Bitten one (1) or more persons on two (2) or more occasions; or
- e. Been found to be potentially dangerous and/or the owner has personal knowledge of the same, the animal aggressively bites, attacks, or endangers the safety of humans or domestic animals.

2. A *potentially dangerous animal* is an animal, which has:

- a. Bitten a human or a domestic animal on public or private property; or
- b. When unprovoked, chased or approached a person upon the streets, sidewalks, or any public property in an apparent attitude of attack; or
- c. Has engaged in unprovoked attacks causing injury or otherwise threatening the safety of humans or domestic animals.

3. *Proper enclosure.* Proper enclosure means securely confined indoors or in a securely locked pen or structure suitable to prevent the animal from escaping and to provide protection for the animal from the elements. A proper enclosure does not include a porch, patio, or any part of a house, garage, or other structure that would allow the animal to exit of its own volition, or any house or structure in which windows are open or in which door or window screens are the only barriers which prevent the animal from exiting. The enclosure shall not allow the egress of the animal in any manner without human assistance. A pen or kennel shall meet the following minimum specifications:

- a. Have a minimum overall floor size of thirty-two (32) square feet.
- b. Sidewalls shall have a minimum height of five (5) feet and be constructed of 11-gauge or heavier wire. Openings in the wire shall not exceed two (2) inches, support posts shall be one-and-one-quarter-inch or larger steel pipe buried in the ground eighteen (18) inches or more. When a concrete floor is not provided, the sidewalls shall be buried a minimum of eighteen (18) inches in the ground.
- c. A cover over the entire pen or kennel shall be provided. The cover shall be constructed of the same gauge wire or heavier as the sidewalls and shall also have no openings in the wire greater than two (2) inches.
- d. An entrance/exit gate shall be provided and be constructed of the same material as the sidewalls and shall also have no openings in the wire greater than two (2) inches. The gate shall be equipped with a device capable of being locked and shall be locked at all times when the animal is in the pen or kennel.
- e. Unprovoked. Unprovoked shall mean the condition in which the animal is not purposely excited, stimulated, agitated or disturbed.

**Subd.4 Designation as potentially dangerous animal.** The animal control authority shall designate any animal as a potentially dangerous animal upon receiving such evidence that such potentially dangerous animal has, when unprovoked, then bitten, attacked, or threatened the safety of a person or a domestic animal as stated in Section VII Subd.3C(2). When an animal is declared potentially dangerous, the animal

control authority shall cause one (1) owner of the potentially dangerous animal to be notified in writing that such animal is potentially dangerous.

**Subd.5 Evidence justifying designation.** The animal control authority shall have the authority to designate any animal as a dangerous animal upon receiving evidence of the following:

1. That the animal has, when unprovoked, bitten, attacked, or threatened the safety of a person or domestic animal as stated in Section VII Subd.3C1(c).
2. That the animal has been declared potentially dangerous and such animal has then bitten, attacked, or threatened the safety of a person or domestic animal as stated in Section VII Subd.3C1(c).

**Subd.6 Authority to order destruction.** The animal control authority, upon finding that an animal is dangerous hereunder, is authorized to order, as part of the disposition or the case, that the animal be destroyed based on a written order containing one (1) or more of the following findings of fact:

1. The animal is dangerous as demonstrated by a vicious attack, an unprovoked attack, an attack without warning or multiple attacks; or
2. The owner of the animal has demonstrated an inability or unwillingness to control the animal in order to prevent injury to persons or other animals.

**Subd.7 Procedure.** The animal control authority, after having determined that an animal is dangerous, may proceed in the following manner:

1. The animal control authority shall cause one (1) owner of the animal to be notified in writing or in person that the animal is dangerous and may order the animal seized or make such orders as deemed proper. This owner shall be notified as to dates, times, places and parties bitten, and shall be given fourteen (14) days to appeal this order by requesting a hearing before the city council for a review of this determination.
  - a. If no appeal is filed, the orders issued will stand or the animal control authority may order the animal destroyed.
  - b. If an owner requests a hearing for determination as to the dangerous nature of the animal, the hearing shall be held before the city council, which shall set a date for hearing not more than three (3) weeks after demand for the hearing. The records of the animal control or city clerk's office shall be admissible for consideration by the animal control authority without further foundation. After considering all evidence pertaining to the temperament of the animal, the city council shall make an order as it deems proper. The city council may order that the animal control authority take the animal into custody for destruction, if such animal is not currently in custody. If the animal is ordered into custody for destruction, the owner shall immediately make the animal available to the animal control authority.
  - c. No person shall harbor an animal after it has been found by to be dangerous and ordered into custody for destruction.

**Subd.8 Stopping an attack.** If any police officer or animal control authority is witness to an attack by an animal upon a person or another animal, the officer may take whatever means the officer deems appropriate to bring the attack to an end and prevent further injury to the victim.

**Subd.9 Notification of new address.** The owner of an animal, which has been identified as dangerous or potentially dangerous, must notify the City Clerk in writing if the animal is to be relocated from its current address or given or sold to another person. The notification must be given in writing at least fourteen (14) days prior to the relocation or transfer of ownership. The notification must include the current owner's name and address, the relocation address, and the name of the new owner, if any.

**Subd.10 Dangerous dog designation review.** Beginning six-month after a dog is declared a dangerous dog, and owner may request annually that the animal control authority review the designation. The owner must provide evidence that the dog's behavior has changed due to the dog's age, neutering, environment, completion of obedience training that includes modification of aggressive behavior, or other factors. If the



animal control authority finds sufficient evidence that the dog's behavior has changed, the authority may rescind the dangerous dog designation.

## **SECTION X. DANGEROUS ANIMAL REQUIREMENTS:**

**Subd.1 Requirements.** If the city council does not order the destruction of an animal that has been declared dangerous, the city council may, as an alternative, order any or all of the following:

1. That the owner provides and maintains a proper enclosure for the dangerous animal as specified in Section VII Subd.3C(3);
2. Post the front and the rear of the premises with clearly visible warning signs, including a warning symbol to inform children, that there is a dangerous animal on the property as specified in Minnesota Statute 347.51;
3. Provide and show proof annually of public liability insurance in the minimum amount of three hundred thousand dollars (\$300,000.00);
4. If the animal is a dog and is outside the proper enclosure, the dog must be muzzled and restrained by a substantial chain or leash (not to exceed six (6) feet in length) and under the physical restraint of a person sixteen (16) years of age or older. The muzzle must be of such design as to prevent the dog from biting any person or animal, but will not cause injury to the dog or interfere with its vision or respiration;
5. If the animal is a dog, it must have an easily identifiable, standardized tag identifying the dog as dangerous affixed to its collar at all times as specified in Minnesota Statute 347.51;
6. If the animal is a dog, the dog must be licensed and up to date on rabies vaccination. If the animal is a cat or ferret, it must be up to date with rabies vaccination.
7. Impose a \$500 annual fee for dangerous dogs, in addition to any regular dog licensing fees.
8. Require the owner of a dangerous dog to have a microchip implanted in the dog for identification and bare the costs involved. Information about the microchip must be provided to the animal control authority.
9. The owner must register the dog annually with the City Clerk. The owner must also notify the City Clerk if the animal dies or has moved to a new jurisdiction.
10. It shall be a misdemeanor for removing a microchip from a dangerous dog. Signing a false affidavit about a dogs death or its removal from the city shall also be considered a misdemeanor.

**Subd.2 Seizure.** Animal control shall immediately seize any dangerous animal if the owner does not meet each of the above requirements within fourteen (14) days after the date notice is sent to the owner that the animal is dangerous. Seizure may be appealed to district court by serving a summons and petition upon the city and filing it with the district court.

**Subd.3 Reclaiming animals.** A dangerous animal seized under Section X Subd.B, may be reclaimed by the owner of the animal upon payment of impounding and boarding fees, and presenting proof to animal control that each of the requirements under Section X Subd.B is fulfilled. An animal not reclaimed under this section within fourteen (14) days may be disposed of and the owner is liable to animal control for costs incurred in confining the animal.

**Subd.4 Subsequent offenses.** If an owner of an animal has subsequently violated the provisions under Sections IX & X with the same animal, the animal must be seized by animal control. The owner may request a hearing as defined in Section IX Subd.6. If the owner is found to have violated the provisions for which the animal was seized, the animal control authority shall order the animal destroyed in a proper and humane manner and the owner shall pay the costs of confining the animal. If the person is found not to have violated the provisions for which the animal was seized, the owner may reclaim the animal under the provisions of Section X Subd.C. If the animal is not yet reclaimed by the owner within fourteen (14) days

after the date the owner is notified that the animal may be reclaimed, the animal may be disposed of as provided under Section VIII, Subd.2 and the owner is liable to the animal control for the costs incurred in confining, impounding, and disposing of the animal.

#### **SECTION XI. BASIC CARE:**

All animals shall receive from their owners or keepers kind treatment, any needed housing in the winter, and sufficient food and water for their comfort. Any person not treating their pet in such a humane manner will be subject to the penalties provided in this Section.

#### **SECTION XII. BREEDING MORATORIUM:**

Every female dog or female cat in heat shall be confined in a building or other enclosure in such manner that it cannot come in contact with another dog or cat except for planned breeding. There shall be no breeding kennels allowed within the city limits without the direct written consent of the Rothsay City Council.

#### **SECTION XIII: NUMBER OF ANIMALS ALLOWED:**

No one resident shall be permitted to house more than four (4) dogs and/or four (4) cats at any one time, except for the purposes of pre-approved Commercial Breeding Kennels.

**Subd. 1. Kennels.** Definition of a Commercial Breeding Kennel is the keeping of five (5) or more dogs on the same premises, whether owned by the same person or not and for whatever purpose dept, shall constitute a “commercial kennel”; except for a fresh litter of pups may be kept for a period of four months before such keeping shall be decided to be a “commercial kennel”.

**Subd. 2. Commercial Kennel as a Nuisance.** Because the keeping of five (5) or more dogs on the same premises is subject to great abuse, causing discomfort of persons in the area by way of smell, noise, hazard, and general aesthetic depreciation, the keeping of five (5) or more dogs on the premises is hereby declared to be a nuisance and no person shall keep or maintain a commercial kennel within the City.

#### **SECTION XIV. VIOLATIONS AND PENALTIES:**

**Subd. 1. Separate Offenses.** Each day a violation of this Ordinance is committed or permitted to continue shall constitute a separate offense and shall be punishable as such under this Section.

**Subd. 2. Misdemeanor.** Unless otherwise provided, violations of this Chapter shall constitute a misdemeanor punishable by a fine not to exceed seven hundred (\$700.00) dollars, or imprisonment for up to ninety (90) days.

**Subd 3. Petty Misdemeanor.** Violations of any Section of this Ordinance is a petty misdemeanors punishable by a fine not to exceed two hundred (\$200.00) dollars.

**Subd. 4. Rights of City Council.** The Rothsay City Council has the right to, with thirty (30) day written notice, suspend and/or terminate, any permits previously granted, for anyone found in violation of any sections of this Ordinance.

**SECTION XV. MISCELLANEOUS FEES AND CHARGES:**

➤ Domestic Pet License (every 2 years)	\$10.00	(Expires May 31 <sup>st</sup> )
➤ Farm Animal License Poultry & Fowl (annual)	\$20.00	(Expires March 31 <sup>st</sup> )
➤ Farm Animal License – Livestock (annual)	\$50.00	(Expires March 31 <sup>st</sup> )
➤ Failure to License Animal	\$25.00	(by July 1 <sup>st</sup> )
➤ Replacement Tag	\$ 2.00	
➤ Habitual Barking	\$25.00	(following three (3) or more notifications, either verbal or written)
➤ Habitual Running at Large	\$50.00	(following three (3) or more notifications, either verbal or written)
➤ Failure to Vaccinate Animal	\$25.00	
➤ Impounding/Release fee	\$50.00	

NOTE: The fine shall double for a second violation within a calendar year; and each subsequent violation within a calendar year shall double the previous fine.

**SECTION XVI. EFFECTIVE DATE:**

This Ordinance becomes effective upon its passage and publication according to law.

Passed unanimously by the Rothsay City Council this 6<sup>th</sup> day of April, 2020.

SIGNED:

ATTESTED:

\_\_\_\_\_  
Joseph Tillman, Mayor

\_\_\_\_\_  
Lisa Zimmerman, Clerk/Treasurer