

ORDINANCE NO. 91

**AN ORDINANCE REQUIRING THE LICENSING OF DOGS & CATS
WITHIN THE CITY OF BROWNTON**

The City Council of the City of Brownton, Minnesota, does ordain as follows:

Section 1. The city Council by resolution, shall from time to time fix an annual license fee for each dog & cat over the age of three (3) months, (maximum of four (4) pets per residence) kept within the limits of the City of Brownton. The City Council shall set the license fee by resolution.

Section 2. It shall be the duty of each owner, keeper or harborer of a dog or dogs or a cat or cats to pay the license fee imposed in Section 1 hereof to the City Clerk for the general revenue fund of the City on or before the first day of January in each and every year, or upon acquiring ownership or possession of any dog or cat or upon establishing residence in the City or upon dog or cat attaining the age of three (3) months. All persons requesting a license for a dog or cat shall have said dog or cat vaccinated for and show proof of current vaccination for Rabies immunization. The Clerk shall cause a notice of the necessity of paying such license fee to be posted at a convenient public location and on the official City website before the first day of January, in each year.

Section 3. Upon the payment of said tax the Clerk shall execute a duplicate receipt in substantially the following form:

ANIMAL LICENSE # _____
Received from _____ in payment for dog or cat license
On _____ male _____ female dogs or cats for the year
Ending _____. Tag No. _____
Signed _____ City Clerk

Clerk shall deliver the original receipt to the animal owner and retain the duplicate. Clerk shall also procure a sufficient number of suitable tags numbered and deliver an appropriate tag to such animal owner for each dog or cat upon which a license fee is paid.

Section 4. It shall be the duty of the person receiving a tag or tags provided in Section 3 hereof to cause said tag or tags to be affixed by permanent metal fastening to the collar of the dog or cat upon which the license fee is paid in such a manner that the said tag may be easily seen by the officers of the City, and it shall be the further duty of such animal owner to see that said tag is constantly worn by such dog or cat.

Section 5. Thirty days after the taking effect of this ordinance and on and after the first day of January of each year thereafter, it shall be the duty of the police officers of the City to take up and impound any dogs or cats found in the City without the tags provided for in Section 3 hereof; and to enforce this ordinance. Violation of this section is subject to the penalties as outlined in Section 18.

Section 6. No dogs or cats shall be allowed to run at large within the City of Brownton, Minnesota, unless the same be restrained by a leash and accompanied by a person capable of controlling said dog or cat and it shall be the duty of all dog or cat owners or keepers to see to it that their dogs or cats do not become a nuisance. No dog or cat, other than a medical service animal shall be allowed to enter into the Brownton Community Center and the Brownton Area Civic Center. Violation of this section is subject to the penalties as outlined in Section 18.

Section 7. It shall constitute a nuisance and be unlawful if any dog barks, whines, howls, bays, cries or makes other noise excessively so as to cause annoyance, disturbance or discomfort to any individual provided that such noise lasts for a period of more than five minutes continuously or intermittent barking that continues for more than one hour and is plainly audible outside the property limits of where the dog is kept. Violation of this section is subject to the penalties as outlined in Section 18. It shall not be a violation of this section if the dog was barking, crying or making other noise due to harassment or injury to the dog or a trespass upon the premises where the dog is located.

Section 8. It shall be the duty of the police officers of the City of Brownton to take up and impound any dogs or cats found within the City of Brownton, which are running at large or becoming a nuisance, or dogs which are barking habitually, in violation of this ordinance.

Section 9. The owners of any dog or cat impounded pursuant to this ordinance may redeem such dog or cat by first securing a license for such dog or cat if a current license has not been issued for the dog or cat and paying all the impounding fees, costs, charges and fines that have accrued up to the time of making redemption. The license fees shall be paid to the City Clerk. The costs and charges of the pound shall be paid to the Confinement firm.

Section 10. Unless redeemed within five days of the date of impounding, the police officers and pound master for the City of Brownton, Minnesota, may sell or safely and humanly dispose of said dog or cat. Notice of the impounding shall be in the office of City Clerk, City of Brownton, Minnesota.

Section 11. In case any dog or cat tag is lost, a duplicate may be issued by the clerk upon presentation of a receipt showing the payment of the license fee for the current year. A charge of one dollar shall be made for such duplicate tag.

Section 12. It shall be unlawful for any person, firm or corporation to own, keep or harbor any dog or cat within the limits of this City upon which the license fee for current year has not been paid, provided that this section shall not apply to dogs or cats owned by non-residents of the City provided they are not allowed to remain in the City longer than two week.

Section 13. It shall be unlawful for any unauthorized person to take or attempt to take from any officer any dog or cat taken by him in compliance with this ordinance or in any manner to interfere with or hinder such officer in the discharge of his duties under this ordinance.

Section 14. It shall be unlawful to counterfeit or attempt to counterfeit the tags provided for in Section 3 of this ordinance or take from any dog or cat a tag legally placed upon it by its owner with the intent to place it upon another dog or cat, or to place such tag upon another dog or cat.

Section 15. Dog or cat tags shall not be transferable and no refunds shall be made on any dog or cat license fee paid because of leaving the City or death of the dog or cat before the expiration of the license period.

Section 16. The Mayor of the Council is hereby authorized, and it is merely made his/her duty, whenever, in his/her opinion, the danger to the public from rabid dogs or cats is imminent, to issue a proclamation ordering all persons, firms or corporations owning, keeping or harboring a dog or dogs or a cat or cats to confine the same securely on their premises unless a muzzle completely enclosing the head of such dog or cat be placed on said dog or cat and kept upon it all the time it is not confined. It is hereby made unlawful to violate such proclamation and the police officers of the City are hereby authorized and instructed to safely and humanly dispose of any dog or cat running at large during the time fixed in said proclamation without said muzzle, without notice to the owner.

Section 17. Special provision: Whenever a dog or cat owner within the corporate limits of the City of Brownton shall learn that his/her dog or cat has caused an unprovoked attack or has bitten a human being within the corporate limits of the City of Brownton, such person shall immediately impound said dog or cat in a place of confinement where it cannot escape or have access to any human being or other animal and shall also immediately notify the City Clerk. Whenever the clerk shall learn that any dog or cat within said city has bitten a human being, he/she shall ascertain the identity of such dog or cat and the person owning, possessing or harboring it and shall immediately direct such person to forthwith impound such dog or cat in a veterinary clinic specified by the city. All expenses for impoundment of such dog or cat will be the responsibility of the owner. Any dog or cat so impounded shall be kept continuously so confined for a period of ten (10) days from the day the dog or cat bit said human being. It shall be the duty of the Police Officers of the City of Brownton to make sure the dog or cat owner complies with this ordinance, said officers are empowered and instructed to enter upon any private premises where they have reason to believe said dog or cat is harbored, and impound such animal as required by this ordinance.

Section 18. No person, firm or corporation shall maintain in this City a kennel; defined as follows: Any place, building, tract of land, abode or vehicle wherein or whereupon five (5) or more dogs and/or cats over three (3) months of age are kept, congregated, confined or kept for sale.

Section 19. Every section and provision of this ordinance is declared to be separable from every other section and provision: and the invalidity of any section or provisions shall not affect any other section or provision.

Section 20. Any person who has not obtained a license for any dog or cat as required by this ordinance shall first receive a documented warning.

Violations of this Ordinance shall be subject to a fine as follows:

- The first offense shall constitute a \$50 fine together with the cost of the license fee;
- The second offense shall constitute a \$100.00 fine together with the cost of the license fee;
- Any subsequent offense shall be deemed a misdemeanor and upon conviction thereof shall be punished by a fine not more than \$700.00 or by imprisonment for not more than ninety (90) days, or both.

Sequence of violations will reset according to a rolling calendar year, subject to no like violation.

Section 21. All prior dog or cat ordinances of the City of Brownton are hereby repealed.

Section 22. This ordinance shall take effect from and after its adoption and publication.

Passed and adopted by the City Council of the City of Brownton this 5th day of March, 2013 at its regular meeting of the City Council.

Attest: Ella Kruse
City Clerk

Jay Werner
Mayor