

CITY OF OLIVIA

ORDINANCE NO. 250

AN ORDINANCE AMENDING ORDINANCE NO. 240, RELATING TO DOGS AND CATS, ESTABLISHING LICENSING REQUIREMENTS AND REGULATIONS CONCERNING THE KEEPING AND IMPOUNDING OF DOGS AND CATS AND SETTING PENALTIES FOR VIOLATIONS.

THE CITY COUNCIL OF THE CITY OF OLIVIA DOES ORDAIN AS FOLLOWS:

Subdivision 1: Ordinances 240 of the City of Olivia is hereby repealed.

Subdivision 2: The following regulations shall apply to all dogs cats within the City of Olivia.

2.1. License Requirements.

2.1.1

A license shall be required for every dog and cat over the age of 6 months kept in the City of Olivia. This shall not apply to any dog or cat temporarily present within the City of Olivia for a period of less than 30 days.

2.1.2

The owner, caretaker or other person in possession of a dog or cat kept within the City of Olivia shall apply to the City Clerk for a license for such animal. The Clerk shall record the licenses issued and shall furnish the applicant with a tag for each license. The applicant shall attach said tag to a collar or chain around the neck of the animal in a secure manner.

2.1.3

Licenses for dogs and cats shall be issued for the lifetime of the animal.

2.1.4

The City Clerk shall not issue any license for a dog or cat until the applicant furnishes a certificate from a veterinarian indicating that such animal has been vaccinated for rabies within the preceding 2 years.

2.1.5

License fees shall be set by the City Council of the City of Olivia by resolution and may be changed from time in the same manner.

## 2.2 Control of Animal

### 2.2.1

The owner, caretaker, or other person in possession of a dog or cat shall not permit the animal to run at large within the City of Olivia at any time. For purposes of this ordinance a dog or cat shall be considered to be running at large when it is present on any property, public or private, other than the property of the owner, caretaker, or other person in possession of the animal, unless it is leashed or in an automobile or similarly confined.

### 2.2.2

The owner, caretaker, or other person in possession of a dog or cat shall not allow the animal to create a nuisance by loud prolonged barking, crying, howling, by allowing the animal to scatter rubbish or litter on any property, by failing to clean up excrement on a daily basis or by allowing the animal to dig up or otherwise damage the garden, shrubbery, lawn or other property of another.

### 2.2.3

## 2.3 Impoundment

The owner, caretaker, or other person in possession of a dog or cat shall not chain the animal in any place where the animal shall be able to bite, scratch, molest, chase or cause alarm in others rightfully walking on a public street, alley or sidewalk.

### 2.3.1

The Olivia police officers shall impound any dog or cat running at large and any dog or cat which the officers find to be unlicensed. If the owner of the animal is known, the Olivia Police Department shall give notice to the owner that the animal is in the city pound. If the owner is not known, the Police Department shall cause a notice containing a description of the animal to be posted at the City Clerk's office.

### 2.3.2.

The animal will be held for a period of not less than 7 days after posting of notice for the owner to claim it. During this time the police officers shall treat the animal in a humane manner and provide it with food and fresh water daily.

### 2.3.3.

If the animal is unclaimed after 7 days, the Police Department may kill the animal and dispose of the carcass. In the alternative, the animal be turned over to the Renville County Humane Society or similar agency for placement in a home.

2.3.4.

In addition to the penalties set forth below, any owner claiming a dog or cat shall pay an impounding fee as well as a daily charge for the care and feeding of the animal. The impounding fee and the daily charge shall be set by resolution of the City Council and may be amended from time to time in the same manner.

2.3.5.

In the case of any dog or cat which is suspected of being rabid or viscous, the animal shall be impounded immediately at a veterinary facility. Animals suspected of being rabid shall be held for a period of time determined by the veterinarian to determine if the animal is rabid. In every case where a diagnosis of rabies is confirmed, the animal shall be destroyed and disposed of immediately by the veterinarian.

2.4.

Vicious Animals

2.4.1.

No person shall keep a dog or cat within the City or Olivia when said animal has shown an unprovoked tendency to attack, bite, scratch, claw or otherwise injure or attempt to injure any person.

2.4.2.

In addition to the penalties set forth below the owner, caretaker or person in possession of a vicious dog or cat shall either destroy the animal or remove it permanently to a location outside the City of Olivia.

Subdivision 3:

3.1.1. Penalties

3.1.1.

It shall be a petty misdemeanor, punishable by a fine not to exceed \$200, for anyone whether owner, caretaker or person in possession of an animal, to violate the regulations set forth in Subd.2.

## 3.1.2

Any subsequent violation, within one year from the date of a previous conviction by an owner, caretaker or person in possession, regardless of whether the dog or cat is the same, shall be a misdemeanor, punishable by a fine no to exceed \$700 and / or 90 days in jail.

In addition to the penalties set forth above, an owner, caretaker or person in possession of a dog or cat convicted of a subsequent violation, excluding those provisions set forth in 2.4.2., may be ordered by the court to either destroy the animal(s) or remove it (them) permanently to a location outside the City of Olivia.

## 3.1.3.

It shall be a misdemeanor to harass, abuse, threaten, or in any way interfere with a police officer who is enforcing or attempting to enforce the terms of this Ordinance. Any person convicted of this offense will be subject to a fine of not more than \$700 and/or a jail term or not more than 90 days.

Subdivision 4:

This Ordinance shall be effective upon passage and publication.

Said Ordinance No. 250 was duly passed and adopted this 20<sup>th</sup> day of October, 1997.

  
 William R. Miller, Mayor

SEAL

Attest:

  
 Donald W. Frederick, City Administrator

Published the 27<sup>th</sup> day of October 1997.