

CHAPTER 93: ANIMALS

Section

Dogs and Cats

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DOGS AND CATS

' 93.01 LICENSE REQUIREMENTS.

The following regulations shall apply to all dogs and cats within the City of Olivia.

(A) 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.

(B) 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 the animal. The Clerk shall record the licenses issued and shall furnish the applicant with a tag for each license. The applicant shall attach the tag to a collar or chain around the neck of the animal in a secure manner.

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

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

(E) 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. (See Appendix A).
(Ord. 250, passed 10-20-1997) Penalty, see ' 10.99

' 93.02 CONTROL OF ANIMAL.

(A) *Running at large prohibited.* It shall be unlawful for any person who owns, harbors, or keeps a dog to fail to prevent the same from running at large. A person who owns, harbors, or keeps a dog which runs at large shall be guilty of a misdemeanor. Dogs 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 in streets or on public land unless the city has posted an area with signs reading Dogs or Cats Prohibited.

(B) *Nuisances.*

(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 3 minutes with less than 1 minute of interruption. The barking must also be audible off of the owner's or caretaker's premises.

(2) *Damage to property.* It shall be unlawful for any person to fail to prevent that person's dog or other animal to damage any lawn, garden, or other property, whether or not the owner has knowledge of the damage.

(3) *Cleaning up litter.* The owner of any animal or person having the custody or control of any animal shall be responsible for cleaning up any feces of the animal and disposing of the feces in a sanitary manner whether on their own property, on the property of others, or on public property.

(4) *Other.* Any animals kept contrary to this section are subject to impoundment as provided in ' 93.03.
Penalty, see ' 10.99

' 93.03 IMPOUNDMENT.

(A) 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.

(B) 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.

(C) 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.

(D) 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 may be turned over to the Renville County Humane Society or similar agency for placement in a home.

(E) 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.

(F) 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.

(Ord. 250, passed 10-20-1997)

' 93.04 VICIOUS ANIMALS.

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

(B) 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.

(Ord. 250, passed 10-20-1997) Penalty, see ' 10.99

' 93.05 EFFECTIVE DATE.

Sections 93.01 *et seq.* shall be effective upon passage and publication.
(Ord. 250, passed 10-20-1997)

' 93.98 VIOLATIONS.

(A) It shall be a petty misdemeanor for anyone, whether owner, caretaker, or person in possession of an animal, to violate the regulations set forth in ' ' 93.01, 93.03, and 93.04.

(B) Any subsequent violation, within 1 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.

(C) 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 ' 93.04(B), 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.

(D) 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 ' ' 93.01 *et seq.* (Ord. 250, passed 10-20-1997) Penalty, see ' 10.99