

CHAPTER 95: ANIMALS

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§ 95.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ANIMAL. Any mammal, reptile, amphibian, fish, bird (including all fowl and poultry) or other member commonly accepted as a part of the animal kingdom. Animals shall be classified as follows:

- (1) **DOMESTIC ANIMALS.** Those animals commonly accepted as domesticated household pets. Unless otherwise defined, domestic animals shall include dogs, cats, caged birds, gerbils, hamsters, guinea pigs, domesticated rabbits, fish, non-poisonous, non-venomous and non-constricting reptiles or amphibians, and other similar animals.
- (2) **FARM ANIMALS.** Those animals commonly associated with a farm or performing work in an agricultural setting. Unless otherwise defined, farm animals shall include members of the equestrian family (horses, mules), bovine family (cows, bulls), sheep, poultry (chickens, turkeys), fowl (ducks, geese), swine (including Vietnamese pot-bellied pigs), goats, bees, and other animals associated with a farm, ranch, or stable.
- (3) **NON-DOMESTIC ANIMALS.** 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. Unless otherwise defined, non-domestic animals shall include:
 - (a) Any member of the large cat family (family felidae) including lions, tigers, cougars, bobcats, leopards and jaguars, but excluding commonly accepted domesticated house cats.
 - (b) Any naturally wild member of the canine family (family canidae) including wolves, foxes, coyotes, dingoes, and jackals, but excluding commonly accepted domesticated dogs.
 - (c) Any crossbreeds such as the crossbreed between a wolf and a dog, unless the crossbreed is commonly accepted as a domesticated house pet.
 - (d) Any member or relative of the rodent family including any skunk (whether or not de-scented), raccoon, squirrel, or ferret, but excluding those members otherwise defined or commonly accepted as domesticated pets.
 - (e) Any poisonous, venomous, constricting, or inherently dangerous member of the reptile or amphibian families including rattlesnakes, boa constrictors, pit vipers, crocodiles and alligators.

- (f) Any other animal 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.

AT LARGE. 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.

CAT. Both the male and female of the felidae species commonly accepted as domesticated household pets.

DOG. Both the male and female of the canine species, commonly accepted as domesticated household pets, and other domesticated animals of a dog kind.

OWNER. Any person or persons, firm, association or corporation owning, keeping, or harboring an animal.

RELEASE PERMIT. A permit issued by the Animal Control Officer or other person in charge of the pound for the release of any animal that has been taken to the pound. A release permit may be obtained upon payment of a fee to the City Clerk in accordance with the regular license requirement if the animal is unlicensed, payment of a release fee, and any maintenance costs incurred in capturing and impounding the animal.

§ 95.02 DOGS.

(A) *Running at large prohibited.* It shall be unlawful for the dog of any person who owns, harbors, or keeps a dog, to run at large. A person, who owns, harbors, or keeps a dog at 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 Prohibited”.

(B) *License required.*

- (1) All dogs over the age of six months kept, harbored, or maintained by their owners in the city, shall be licensed and registered with the city. Dog 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, his or her name and address and the name, breed, color, and sex of each dog owned or kept by him or her. No license shall be granted for a dog that has not been vaccinated against distemper and rabies, as evidenced by a certificate by a veterinarian qualified to practice in the state in which the dog is vaccinated.
- (2) It shall be the duty of each owner of a dog subject to this section to pay to the City Clerk the license fee.

- (3) Upon payment of the license fee, the Clerk shall issue to the owner a license certificate and metallic tag for each dog licensed. The tag shall have stamped on it the year for which it is issued and the number corresponding with the number on the certificate. Every owner shall be required to provide each dog 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 dog tag is lost or destroyed, a duplicate shall be issued by the City Clerk. A charge shall be made for each duplicate tag. Dog tags shall not be transferable from one dog to another and no refunds shall be made on any dog license fee or tag because of death of a dog or the owner's leaving the city before the expiration of the license period.
- (4) The licensing provisions of this division (B) shall not apply to dogs whose owners are non-residents temporarily within the city, nor to dogs brought into the city for the purpose of participating in any dog show, 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, nor to dogs that are housed temporarily for healing and care for placement and/or adoption of stray animals.
- (5) The funds received by the City Clerk from all dog licenses and metallic tags fees, shall first be used to defray any costs incidental to the enforcement of this chapter; including, but not restricted to, the costs of licenses, metallic tags, and impounding and maintenance of the dogs.
- (6) The number of dogs annually licensed in each premises shall be limited to four (4) unless the property is designated as a kennel. See § 95.06 Kennels. (Am. Ord. 492 passed 10-25-2010).

(C) *Vaccination.*

- (1) All dogs kept harbored, maintained, or transported within the city shall be vaccinated at least once every three years by a licensed veterinarian for:
 - (a) Rabies —with a modified live vaccine and; (Am. Ord. 492 passed 10-25-2010).
 - (b) Distemper.
- (2) A certificate of vaccination must be kept on which is stated the date of vaccination, owner's name and address, the animal's name (if applicable), sex, description and weight, the type of vaccine, and the veterinarian's signature. Upon demand made by the City Clerk, the Animal Control Officer or a police officer, the owner shall present for examination the required certificate(s) of vaccination for the animal(s). In cases where certificates are not presented, the owner or keeper of the animal(s) shall

have seven days in which to present the certificate(s) to the City Clerk or officer. Failure to do so shall be deemed a violation of this section. Penalty, see § 95.99 (Ord. 403, 06/27/2005, Ord 421 8/28/2006)

§ 95.03 NON-DOMESTIC ANIMALS.

It shall be illegal for any person to own, possess, harbor, or offer for sale, any non-domestic animal within the city. Any owner of a non-domestic animal at the time of adoption of this code shall have 30 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. A special permit may be issued on a temporary basis for the purposes of allowing a non-domestic animal in an operating zoo, veterinarian clinic, scientific research laboratory, licensed show or exhibition, or as otherwise provided for in the Code. A special allowance will be made for non-domestic animals which are specifically trained for and actually providing assistance to the handicapped or disabled, and for non-domestic animals which are contained and housed within the City's schools or as part of course work for students, and on a temporary basis permitted in the students' homes, during the summer months and school breaks as authorized and approved by the Chief of Police. Penalty, see § 95.99. Ord. 420 8-28-2006

§ 95.04 FARM ANIMALS.

Farm animals shall only be kept in an agricultural district of the city, or on a residential lot of at least ten acres in size provided that no animal shelter shall be within 300 feet of an adjoining piece of property. An exception shall be made to this section for those animals brought into the city as part of an operating zoo, veterinarian clinic, scientific research laboratory, or a licensed show or exhibition.

§ 95.05 IMPOUNDING.

(A) *Running at large.* Any unlicensed animal running at large is hereby declared a public nuisance. Any Animal Control Officer or police officer 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 the dog or other animal, if known. The Animal Control Officer or police officer shall not enter the property of the owner of an animal found running at large or the owner of an unlicensed animal unless the officer has first obtained the permission of the owner to do so or has obtained a warrant issued by a court of competent jurisdiction to search for and seize the animal. In case the owner is unknown, the officer shall post notice at the city office that if the dog or other animal is not claimed within the time specified in division (C) of this section, it will be sold or otherwise disposed of. Except as otherwise provided in this section, it shall be unlawful to kill, destroy, or otherwise cause injury to any animal, including dogs and cats running at large.

(B) *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 in the city pound for a period of not less than ten days, at the expense of the owner. The animal may be released at the end of the time if healthy and free

from symptoms of rabies, and by the payment of all costs by the owner. However, if the owner of the animal shall elect immediately upon receipt of notice of need for the confinement by the officer to voluntarily and immediately confine the animal for the required period of time in a veterinary hospital of the owner's choosing, not outside of the county in which this city is located, and provide immediate proof of confinement in the manner as may be required, the owner may do so. If, however, the 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 dog or other animal to the owner's property.

(C) *Reclaiming.* All animals conveyed to the pound shall be kept, with humane treatment and sufficient food and water for their comfort, at least five regular business days, unless the animal is a dangerous animal as defined under § 95.11 in which case it shall be kept for seven regular business days or the times specified in §95.11, and except if the animal is a cruelly-treated animal in which case it shall be kept for ten regular business days, unless sooner reclaimed by their owners or keepers as provided by this section. In case the owner or keeper shall desire to reclaim the animal from the pound, the following shall be required, unless otherwise provided for in this code or established from time to time by resolution of the City Council:

- (1) Payment of the release fee and receipt of a release permit.
- (2) Payment of maintenance costs, as provided by the pound, per day or any part of day while animal is in the pound; and
- (3) If a dog is unlicensed, payment of a regular license fee and valid certificate of vaccination for rabies and distemper shots is required.

(D) *Unclaimed animals.* At the expiration of the times established in division (C) of this section, if the animal has not been reclaimed in accordance with the provisions of this section, the officer appointed to enforce this section may let any person claim the animal by complying with all provisions in this section, or the officer may sell the animal to the University of Minnesota, or 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. Penalty, see § 95.99

§ 95.06 KENNELS.

(A) *Definition of kennel.* The keeping of five (5) or more dogs on the same premises, whether owned by the same person or not and for whatever purpose kept, shall constitute a kennel; except that a fresh litter of pups may be kept for a period of three months before that keeping shall be deemed to be a kennel.

(B) *Kennel as a nuisance.* Because the keeping of five (5) or more dogs on the same premises is subject to great abuse, causing discomfort to 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 kennel within the city. Penalty, see § 95.99 (Am. Ord. 492 passed 10-25-2010).

§ 95.07 NUISANCES.

(A) *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 five minutes with less than one minute of interruption. The barking must also be audible off of the owner's or caretaker's premises.

(B) *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.

(C) *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.

(D) *Warrant required.* The Animal Control Officer or police officer shall not enter the property of the owner of an animal described in this section unless the officer has first obtained the permission of the owner to do so or has obtained a warrant issued by a court of competent jurisdiction.

(E) *Other.* Any animals kept contrary to this section are subject to impoundment as provided in § 95.05. Penalty, see § 91.99

§ 95.08 SEIZURE OF ANIMALS.

Any police officer or Animal Control Officer may enter upon private property and seize any animal with the permission of the owner of the property, if that person is also the owner of the animal, provided that the following exist:

(A) There is an identified complainant other than the police officer or Animal Control Officer making a contemporaneous complaint about the animal;

(B) The officer reasonably believes that the animal meets either the barking dog criteria set out in § 95.07(A); the criteria for cruelty set out in § 95.13; or the criteria for an at large animal set out in §95.01(E);

(C) The officer 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 has made a reasonable attempt to contact the owner of the animal and the property to be entered and those attempts have either failed or have been ignored;

(E) The Animal Control Officer or police officer shall not enter the property of the owner of an animal described in this section unless the officer has first obtained the permission

of the owner to do so or has obtained a warrant issued by a court of competent jurisdiction to search for and seize the animal. If the officer has the permission of the owner, a property manager, landlord, innkeeper, or other authorized person to enter the property or has obtained a pass key from a property manager, landlord, innkeeper, or other authorized person to have that key shall not be considered unauthorized entry, and a warrant to search for and seize the animal need not be obtained; 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.

§ 95.09 ANIMALS PRESENTING A DANGER TO HEALTH AND SAFETY OF CITY.

If, in the reasonable belief of any person or the Animal Control Officer or police officer, an animal presents an immediate danger to the health and safety of any person, or the animal is threatening imminent harm to any person, or the animal is in the process of attacking any person, the person or officer may destroy the animal in a proper and humane manner whether or not the animal is on the property of its owner. Otherwise, the person or officer may apprehend the animal and deliver it to the pound for confinement under § 95.05. If the animal is destroyed, the owner or keeper of the animal destroyed shall be liable to the city for the cost of maintaining and disposing of the animal, plus the costs of any veterinarian examination. If the animal is found not to be a danger to the health and safety of the city, it may be released to the owner or keeper in accordance with § 95.05(C).

§ 95.10 DISEASED ANIMALS.

(A) *Running at large.* No person shall keep or allow to be kept on his or her premises, or on premises occupied by them, nor permit to run at large in the city, any animal which is diseased so as to be a danger to the health and safety of the city, even though the animal be properly licensed under this section, and a warrant to search for and seize the animal is not required.

(B) *Confinement.* Any animal reasonably suspected of being diseased and presenting a threat to the health and safety of the public, may be apprehended and confined in the pound by any person, the Animal Control Officer or a police officer. The officer shall have a qualified veterinarian examine the animal. If the animal is found to be diseased in a manner so as to be a danger to the health and safety of the city, the officer shall cause the animal to be painlessly killed and shall properly dispose of the remains. The owner or keeper of the animal killed under this section shall be liable to the city for the cost of maintaining and disposing of the animal, plus the costs of any veterinarian examinations.

(C) *Release.* If the animal, upon examination, is not found to be diseased the animal shall be released to the owner or keeper free of charge. Penalty, see § 95.99

§ 95.11 DANGEROUS ANIMALS.

(A) *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 the owner's home with criminal intent.

(B) *Destruction of dangerous animal.* The Animal Control Officer shall have the authority to order the destruction of dangerous animals in accordance with the terms established by this chapter.

95.111 DEFINITIONS.

For the purposes of sections 95.111 through 95.12, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

- (A) ***DANGEROUS DOG.*** Any dog that has:
- (1) Without provocation, inflicted substantial bodily harm on any person or domestic animal on public or private property; or
 - (2) Been found to be potentially dangerous and after the owner has notice that the dog is potentially dangerous; the dog aggressively bites, attacks, or endangers the safety of humans or domestic animals; or
 - (3) Been determined to be a dangerous dog by the City or any other governmental jurisdiction.
- (B) ***POTENTIALLY DANGEROUS DOG .*** Any dog that:
- (1) When unprovoked, has bitten a human or a domestic animal on public or private property;
 - (2) When unprovoked, has chased or approached a person, including a person on a bicycle, upon the streets, sidewalks, or any public property, other than the dog owner's property, in an apparent attitude of attack; or
 - (3) Has a known propensity, tendency, or disposition to attack unprovoked causing injury or otherwise threatening the safety of humans or domestic animals; or
 - (4) Has been determined to be a potentially dangerous dog by any other governmental jurisdiction.
- (C) ***PROPER ENCLOSURE.*** 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:

- (1) Have a minimum overall floor size of 32 square feet.
- (2) Sidewalls shall have a minimum height of five feet and be constructed of 11-gauge or heavier wire. Openings in the wire shall not exceed two inches, support posts shall be one and one-quarter inch or larger steel pipe buried in the ground 18 inches or more. When a concrete floor is not provided, the sidewalls shall be buried a minimum of 18 inches in the ground.
- (3) 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 inches.
- (4) 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 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.

(D) **PROVOCATION.** Provocation means an act that an adult could reasonably expect may cause a dog to attack or bite.

(E) **SUBSTANTIAL BODILY HARM.** Substantial bodily harm means bodily harm which invokes a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily member or organ, or which causes a fracture of any bodily member.

§ 95.112 DESIGNATION AS POTENTIALLY DANGEROUS OR DANGEROUS.

(A) *Designation as potentially dangerous dog.* The Animal Control Officer shall designate any dog as a potentially dangerous dog upon receiving evidence that the dog has, when unprovoked, bitten, attacked, or threatened the safety of a person or a domestic animal as stated in section 95.11(B).

(B) *Designation as dangerous dog.* The Animal Control Officer shall have the authority to designate any dog as dangerous upon receiving evidence of the following:

- (1) That the dog has, when unprovoked, bitten, attacked, or threatened the safety of a person or domestic animal as stated in section 95.111(A).

- (2) That the dog has been declared potentially dangerous and then bitten, attacked, or threatened the safety of a person or domestic animal as stated in section 95.111(A).

(C) *Authority to order destruction.* The Animal Control Officer, upon finding that a dog is dangerous hereunder, is authorized to order, as part of the disposition of the case, that the dog be destroyed based on a written order containing one or more of the following findings of fact:

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

(D) *Procedure.* The Animal Control Officer, after having determined that a dog is potentially dangerous or dangerous, will proceed in the following manner:

- (1) The Animal Control Officer shall notify one owner of the dog in writing or in person that the dog is potentially dangerous or dangerous. The notice shall include information giving rise to the potentially dangerous or dangerous designation, including dates, times, places and parties attacked, threatened or bitten. The owner may request a hearing for a review of this determination. The request for a hearing must be made in writing and delivered to the police department within fourteen (14) days of receipt of the notice declaring the animal potentially dangerous or dangerous.
- (2) If the owner fails to contest the potentially dangerous or dangerous designation within fourteen (14) days, the owner forfeits the right to a hearing and the designation is final. The owner must immediately comply with all applicable requirements of this chapter or cause the dog to be humanely destroyed or removed from the city.
- (3) If an owner requests a hearing, the hearing shall be held before the Public Safety Board, which shall set a date for hearing not more than three weeks after demand for the hearing. The records of the Animal Control or City Clerk's office shall be admissible for consideration by the Public Safety Board without further foundation. Owners shall have the right to present evidence on their behalf and to cross examine any witnesses. A finding supporting the designation of potentially dangerous or dangerous must be proven by a preponderance of the evidence. The Board's decision shall be in writing, indicate the reasons for the findings, and provided to the owner. If the Board finds that there is a sufficient basis to declare the dog potentially dangerous or dangerous, the owner must immediately comply with all applicable requirements of this chapter or cause the dog to be

humanely destroyed or removed from the city.

- (4) Appeal. If an owner disputes the decision of the Board, the owner has the right to appeal the decision to the Minnesota Court of Appeals as provided under state law.
- (5) Any order for destruction issued under paragraph (C) of this section may be appealed using the procedures in paragraphs (D)(1) - (4) of this section.

(E) *Stopping an attack*. If any police officer or Animal Control Officer 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.

(F) *Notification of new address*. The owner of a dog that has been identified as dangerous or potentially dangerous shall notify the Animal Control Officer in writing if the dog is to be relocated from its current address or given or sold to another person. The notification shall be given in writing at least 14 days prior to the relocation or transfer of ownership. The notification shall include the current owner's name and address, the relocation address, and the name of the new owner, if any.

§ 95.12 DANGEROUS DOG REQUIREMENTS.

(A) *Requirements*. If the City does not order the destruction of a dog that has been declared dangerous, the City may, as an alternative, order that the owner of a dangerous dog comply with any or all of the following:

- (1) That the owner provide and maintain a proper enclosure for the dangerous dog as specified in § 95.111(C);
- (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 dog on the property as specified in M.S. § 347.51 as may be amended from time to time;
- (3) A surety bond issued by a surety company authorized to conduct business in this state in a form acceptable to the City and the City Attorney in the sum of at least \$300,000, payable to any person injured by the dangerous dog, or a policy of liability insurance issued by an insurance company authorized to conduct business in this state in the amount of at least \$300,000, insuring the owner for any personal injuries inflicted by the dangerous dog;
- (4) Outside the proper enclosure, the dog must be muzzled and restrained by a substantial chain or leash (not to exceed six feet in length) and under the physical restraint of a person 16 years of age or older. The muzzle must be of a 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) The dog must have an easily identifiable, standardized tag identifying the dog as dangerous affixed to its collar at all times as specified in M.S. § 347.51 as it may be amended from time to time, and shall have a microchip implant as provided by M.S. § 347.151, as it may be amended from time to time;
 - (6) All dogs deemed dangerous by the Animal Control Officer shall be registered with the City within 14 days after the date the dog was so deemed and provide satisfactory proof thereof to the Animal Control Officer.
 - (7) The dog must be licensed and up to date on rabies vaccination.
 - (8) The owner must have microchip identification implanted in the dangerous dog as required under Minn. Stat. § 347.515.
- (9) Beginning six months after a dog is declared dangerous, an owner may request annually that the Public Safety Board 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 Board finds sufficient evidence that the dog's behavior has changed, it may rescind the dangerous dog designation.

(B) *Seizure.* As authorized by M.S. § 347.54, as it may be amended from time to time, the Animal Control Officer shall immediately seize any dangerous dog if the owner does not meet each of the above requirements within 14 days after the date notice is sent to the owner that the dog 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.

(C) *Reclaiming dogs.* A dangerous dog seized under § 95.12(B), may be reclaimed by the owner upon payment of impounding and boarding fees and presenting proof to animal control that each of the requirements under § 95.12(A), is fulfilled. A dog not reclaimed under this section within 14 days may be disposed of as provided under § 95.112(C) and the owner is liable to the city for costs incurred in confining and impounding the dog.

(D) *Subsequent offenses.* If an owner of a dog has subsequently violated the provisions under § 95.12 with the same dog, the dog must be seized by animal control. The owner may request a hearing as defined in § 95.112(D). If the owner is found to have violated the provisions for which the dog was seized, the Animal Control Officer shall order the dog destroyed in a proper and humane manner and the owner shall pay the costs of confining the dog. If the person is found not to have violated the provisions for which the dog was seized, the owner may reclaim the dog under the provisions of § 95.12(C). If the dog is not yet reclaimed by the owner within 14 days after the date the owner is notified that the dog may be reclaimed, the dog may be disposed of as provided under § 95.112(D) and the owner is liable to the animal control for the costs incurred in confining, impounding and disposing of the dog. (Ord. No. 524 adopted July 18 2013)

§ 95.13 BASIC CARE.

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

§ 95.14 BREEDING MORATORIUM.

Every female dog or female cat in heat shall be confined in a building or other enclosure in a manner that it cannot come in contact with another dog or cat except for planned breeding. Upon capture and failure to reclaim the animal, every dog or cat shall be neutered or spayed prior to being transferred to a new owner.

§ 95.15 ENFORCING OFFICER.

The Council is hereby authorized to appoint an animal control officer(s) to enforce the provisions of this section. In the officer's duty of enforcing the provisions of this section, he or she may from time to time, with the consent of the City Council, designate assistants.

§ 95.16 POUND.

Every year the Council shall designate an official pound to which animals found in violation of this chapter shall be taken for safe treatment, and if necessary, for destruction.

§ 95.17 INTERFERENCE WITH OFFICERS.

No person shall in any manner molest, hinder, or interfere with any person authorized by the City Council to capture dogs, cats or other animals and convey them to the pound while engaged in that operation. Nor shall any unauthorized person break open the pound, or attempt to do so, or take or attempt to take from any agent any animal taken up by him or her in compliance with this chapter, or in any other manner to interfere with or hinder the officer in the discharge of his or her duties under this chapter. Penalty, see § 95.99

§ 95.99 PENALTY.

(A) *Separate offenses.* Each day a violation of this chapter is committed or permitted to continue shall constitute a separate offense and shall be punishable under this section.

(B) *Misdemeanor.* Unless otherwise provided, violation of this chapter shall constitute a misdemeanor punishable as provided in § 10.99.

(C) *Petty misdemeanor.* Violations of §§ 95.02, 95.07, 95.13 and 95.14 are petty misdemeanors punishable as provided in § 10.99.