

## Part 10. Domesticated Animal Act

310.01. **Purpose of Act.** This act is intended to facilitate responsible pet ownership and animal control by the owners of domestic animals within Hayfield City limits; and to protect the safety, property rights, and peace of mind of non-pet and pet owners alike.

310.02. **Definitions.** Subdivision 1: As used in this ordinance, "owner" means any person, firm, or corporation owning, harboring or keeping a domesticated animal.

Subd. 2. As used in this ordinance, "domestic animal" is any creature normally and habitually-owned and cared for as a pet, including dogs and cats.

310.03. **Prohibited Activities.** Subdivision 1. **Running at Large.** No domestic animal shall be permitted to run at large within Hayfield City limits. This restriction does not prohibit the presence of a domesticated animal on streets or public property when such animal is on a leash and kept under control by the person charged with its care.

Subd. 2. **Domesticated Animal Nuisances.** The owner or custodian of any domesticated animal in the City of Hayfield shall prevent that animal from committing any of the following acts, which constitutes a nuisance:

- a) to bark, whine, howl, bay, cry or make any other noise excessively so as to cause annoyance, disturbance or discomfort to any individual provided that such noise can be heard from a location outside of the building or premises where the domesticated animal is being kept and which animal noise occurs repeatedly over at least a five-minute period of time with one minute or less lapse of time between each animal noise during the five minute period. It shall not be a violation of this section if the domesticated animal noise was due to harassment or injury to the dog or due to a trespass upon the premises where the animal is located;
- b) to frequent school grounds, parks, or public beaches;
- c) to chase vehicles;
- d) to molest or annoy any person away from the property of its owner or custodian; or
- e) to damage or destroy public or private property.

Failure of the owner or custodian of an animal to prevent the domesticated animal from committing such a nuisance is a violation of this ordinance.

Subd. 3. **Proceedings for Destruction of Certain Domesticated Animals.** Upon sworn complaint to the District Court that any one of the following facts exists:

- a. That a domesticated animal at any time has destroyed property or habitually trespassed in a damaging manner on property of persons other than the owner;

- b. That a domesticated animal at any time has attacked or bitten a person without provocation outside the owner's or custodian's premises;
- c. That a domesticated animal is vicious or shows vicious habits or molests pedestrians or interferes with vehicles on the public streets; or
- d. That a domesticated animal is a public nuisance as defined in this animal control act; the Judge shall issue a Summons directed to the owner of the domesticated animal commanding him/her to appear before the Court to show cause why the domesticated animal should not be seized by the law enforcement officer, or otherwise disposed of in the manner authorized in this ordinance. Such Summons shall be returnable not less than seven days or more than two weeks from the date thereof and shall be served at least two days before the time of the scheduled appearance. Upon such hearing, and finding the facts true as complained of, the Court may either order the domesticated animal killed; or order the owner or custodian to remove it from the city; or may order the owner or custodian to keep it confined to a designated place. If the owner or custodian violates such order, any law enforcement officer may impound the animal described in the order. The provisions of this subsection are in addition to and supplemental to other provisions of this animal control act. Cost of the proceeding specified by this subdivision shall be assessed against the owner or custodian of the animal, if the facts in the complaint are found to be true; or to the complainant, if the facts are found to be false.

**310.04. Licensing of Domestic Animals.** Subdivision 1. All domesticated animals, especially cats and dogs, owned or kept within the city limits shall have a license tag procured from the city clerk. All unlicensed animals shall be subject to impoundment.

Subd. 2. All owners of domesticated animals shall pay the license fee to the city clerk on, or before, the 1st day of January, in each year, or upon acquiring ownership or possession of any unlicensed domesticated animal, or upon establishing residence in the City of Hayfield. The city clerk shall issue notice of the license requirement, to be printed in the official paper one month before January 1st of each year.

**310.05. License Procedure and Fees.** Subdivision 1. The license fee shall be \$5.00 for all domesticated animals.

Subd. 2. Upon payment of the license fee, the city clerk shall execute a receipt in duplicate. He/she shall deliver the original receipt to the person who pays the fee, retaining the duplicate. He/she shall also procure a sufficient number of metallic tags, the shape of which shall be different for each license year; and he/she shall deliver one appropriate tag to the owner when the fee is paid or renewed.

Subd. 3. The owner shall cause said license, or tag, to be affixed by a permanent metal

fastening to the collar of the domesticated animal in such a manner as to make the tag or license readily visible. Failure of an owner of a domesticated animal to affix a tag or license to such animal's collar shall cause said animal to impounded, and attendant fees imposed, just as if said animal were unlicensed.

**310.06. Impoundment and Disposition of Domesticated Animals.** Subdivision 1. On or after the first day of April 1989, law enforcement officers, a domesticated animal control officer, or such other persons designated by the city council shall seize and impound any domesticated animal found within Hayfield without a proper license, or that is in violation of any other section of this Domesticated Animal Act.

Subd. 2. Any suitable facility within or without the Hayfield City limits may be established as the Domesticated Animal Pound of Hayfield, or the Hayfield City Council may construct and maintain such a pound.

Subd. 3. Upon taking and impounding any domesticated animal as provided by this ordinance, the person impounding such domesticated animal shall post or cause to be posted in the waiting room outside the Hayfield City Council Chambers a notice of the impoundment in substantially the following form:

**NOTICE OF IMPOUNDED DOMESTICATED ANIMAL**

To Whom it May Concern:                      Date:

I have of this date taken up and impounded in the pound of the City of Hayfield, a domesticated animal answering to the following description: Type of Animal  
Color: \_\_\_\_\_ Sex: \_\_\_\_\_ Breed (if appropriate) \_\_\_\_\_ Approximate Age \_\_\_\_\_ Owner  
Name of Animal (if known) \_\_\_\_\_ Notice is hereby given that unless said domesticated  
animal is claimed on or before \_\_\_\_\_ o'clock \_\_m on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ the same will be  
disposed of as provided by ordinance, The date of disposition of the domesticated animal shall  
be the 5th regular business day after posting of this notice unless that date falls on Sunday or a  
holiday, in which case it shall be on the following day.

Subd. 4. The city clerk shall collect from any person desiring to redeem any domesticated animal so impounded, the sum of \$50.00. The fee increases by \$50.00 for the life of the dog. (EX: 1<sup>st</sup> time animal is impounded = \$50.00, 2<sup>nd</sup> time = \$100.00, 3<sup>rd</sup> time = \$150.00 and so on) In addition, the pound authorities must be reimbursed for the costs of feeding and caring for the animal, before it is released.

Subd. 5. It shall be a misdemeanor to break open, aid, assist in, counsel or advise the breaking open of a domesticated animal pound or take or let out, or attempt to take or let out, any domesticated animal placed therein except that same be done by an authorized person.

Subd. 6. The city clerk shall at each regular City Council meeting make and certify to a report of all domesticated animals reclaimed since the date of the last report; the party reclaiming and the money received therefore.

**310.07. Confinement of Certain Domesticated Animals.** Every female domesticated animal in heat shall be confined in a building or other secure enclosure in such a manner that it cannot come into contact with other domesticated animals, except for planned breeding.

**310.08. Quarantine of Certain Domesticated Animals.** Any domesticated animal which bites or scratches a person shall be quarantined for such time as may be directed by the City Health Officer. During quarantine, the animal shall be securely confined and kept from contact with any other animal. At the discretion of the City Health Officer, the quarantine may be on the premises of the owner; however, if the Health Officer requires other confinement, the owner shall surrender the animal for the quarantined period to an animal shelter or shell, at his/her own expense, or place it in a veterinary hospital.

**310.09. Muzzling Proclamation.** Whenever the prevalence of rabies or other disease renders such action necessary to protect the public health and safety, the city council shall issue a proclamation ordering every person owning or keeping a domesticated animal to muzzle it securely so it cannot bite. No person shall violate such proclamation, and any un-muzzled domesticated animal unrestrained during the time fixed in the proclamation shall be subject to confinement as heretofore provided, and the owner of such domesticated animal shall be subject to the penalty hereinafter provided.

**310.10. Care and Treatment of Animals within the City of Hayfield.**

Subdivision 1. No person shall treat any domesticated animal in a cruel or inhuman manner.

Subd. 2. Any animal with a contagious disease shall be so confined that it cannot come within 50 feet of any public roadway or place where domestic animals belonging to or harbored by another person are kept.

Subd. 3. No person shall keep any dog, cat, or other domesticated animal in a unsanitary place or condition or in a manner resulting in objectionable odors or in such a way as to constitute a nuisance or disturbance by reason of barking, howling, biting, or other noise or in such a way as to permit the animal to annoy, injure, or endanger any person or property.

Subd. 4. Every structure and yard in which animals or fowl are kept shall be maintained in a clean and sanitary condition and free of all rodents, vermin, and objectionable odors. The interior walls, ceilings, floors, partitions, and appurtenances of any such structure shall be white washed or painted. Upon the complaint of any individual or otherwise, the Health Officer shall inspect such structure or yard and issue any such order as may be reasonably necessary to carry out the provisions of this subdivision.

Subd. 5. Manure shall be removed from the living areas of any domesticated animals with sufficient frequency to avoid nuisance from odors or from the breeding of flies, at least once per month from October 1st to May 1st each year and once every two weeks at other times.

Unless used for fertilizer, domesticated animal manure shall be removed by hauling beyond the Hayfield City limits or in a similar sanitary manner.

**Subd. 6. Feces Clean up.**

a. It is a petty misdemeanor for any person having the custody or control of any dog or cat, to permit such dog or cat to be on any property, public or private, not owned or possessed by such person, unless such person has in his/her immediate possession a device for the removal of excrement and depository for the transmission of excrement to a proper receptacle located upon property owned or possessed by such person.

b. It is a petty misdemeanor for any person in control of, causing or permitting any dog or cat to be on any property, public or private, not owned or possessed by such person, to fail to remove excrement left by such dog or cat to a proper receptacle located on the property owned or possessed by such person.

c. The provision of this Subdivision shall not apply to the ownership or use of seeing-eye dogs by blind persons or dogs used in law enforcement activities within the City.

**(Effective 10-24-12)**

**Subd. 7. Kennels.**

a. Any person may harbor up to three dogs and three cats as pets in any residential district within the city. No person shall harbor more than three dogs or three cats over five months of age without obtaining a kennel license.

b. No person shall maintain a kennel in the city without securing a license therefore from the State and from the City Clerk. The City Clerk shall not issue a license for a kennel except in the AG Zoning District.

c. The fee for a kennel license for the purpose of keeping, maintaining, breeding, training or raising more than three dogs or cats over five months of age shall be set annually by resolution of the City Council. The fee shall be in addition to the license fee prescribed in preceding sections for each dog kept in a kennel.

d. This section shall not apply to facilities maintained by the city or by qualified veterinarians for the care and treatment of animals. **(Effective 10-24-12)**

310.11. **Civil Cause of Damage.** All persons harmed or injured by a domesticated animal in violation of this ordinance shall be entitled to damages through an appropriate civil cause of action.

310.12. **Penalties.** ~~Unless otherwise specified, violations of this ordinance shall be treated as~~

~~petty misdemeanors and subject to the penalties provided hereto under the laws of the State of Minnesota.~~ (stricken 11/19/12) The first violation of this ordinance shall be treated as a petty misdemeanor and subject to the penalties provided hereto under the laws of the State of Minnesota. Upon the second violation the fine shall be \$200 plus all cost incurred by the city and the animal holding facility. Upon the third violation the animals will be removed permanently and will not be allowed back within the city limits. The third violation will also incur a fine of \$400 plus all additional costs incurred by the city and the animal control facility. If payments are not made within 60 days from day of assessment, the fine will be assessed against the property in which the animals were located and certified against the property tax roles for collection. The second and all following offenses will be considered misdemeanors. (Effective 11/28/12)

~~310.13 **Separate Offenses.** Each day a violation of Section 310.03 Subd. 1 and Subd. 2 are committed or permitted to continue shall constitute a separate offense and shall be punishable under this section. The second recurring offense by the same owner and domesticated animal shall be treated as a misdemeanor offense.~~ (Addition to code 11/21/05) (Stricken 11/19/12)