

ORDINANCE NO. 1691

BEING AN ORDINANCE AMENDING CHAPTER 8 ARTICLE I OF THE COLUMBIA HEIGHTS CITY CODE TO UPDATE REGULATIONS REGARDING ANIMAL CONTROL AND TO ALIGN THE HEARING AND APPEAL PROCESS WITH STATE STATUTE.

The City of Columbia Heights does ordain:

Section 1

§ 8.101 REGULATIONS.

(A) *Rabies vaccination required.* A person who owns, harbors, or keeps a dog over six months old within the city must have the dog vaccinated by a licensed veterinarian with an anti-rabies vaccine that is currently effective. A vaccination certificate is valid only for the dog and owner to which it is issued. A person must not use a rabies vaccination certificate for a different dog than the one for which it was issued.

(B) *Tags.* A person who owns, harbors, or keeps a dog over six months old within the city must securely attach an identification tag or plate to the dog's collar so that it can be readily seen. The tag or plate must contain the name and telephone number of the owner or other person who is keeping the dog. The identification tag or plate must be worn by the dog at all times when it is off the owner's or keeper's property.

(C) *Limit on number of cats and dogs.* Because the keeping of four or more dogs or four or more cats in the family dwelling unit or on the family premises is subject to great abuse, causing discomfort to persons in the area by way of smell, noise, hazard, and general aesthetic depreciation, and because the irresponsible maintenance of four or more dogs or four or more cats within a residential area has been the source of a variety of complaints, no family or family member shall keep, harbor, or have custody of more than three dogs, or more than three cats, or a combination of more than five animals exceeding six months in age in the family dwelling unit or on the family premises.

(D) The owner or custodian of any animal permanently or temporarily in the city shall have the obligation and responsibility to prevent such animal from committing any act which constitutes a public nuisance, which shall include, but not be limited to, the following acts:

- (1) Habitually or frequently bark or cry to the annoyance of neighbors or the general public.
- (2) Molest or annoy any person if such person is not on the property of the owner or custodian of such animal.
- (3) Molest, defile, or destroy any public or private property not belonging to the owner or custodian of such animal.
- (4) Defecate upon public property without immediately removing the excrement and disposing of it in a sanitary manner.
- (5) Chase vehicles or otherwise run at large within the city.

(E) The City of Columbia Heights will follow the provisions of M.S. Chapter 347 as it relates to dangerous and potentially dangerous dogs.

(1) At the discretion of the Chief of Police, the City of Columbia Heights may impose additional requirements to the owners of potentially dangerous dogs, including all requirements listed for dangerous dogs.

(F) No person who is the owner or has custody of any animal shall beat, treat cruelly, torment or otherwise abuse or abandon such animal. No person who is the owner or has custody of any animal shall fail to provide such animal with sufficient, good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, or with humane care and treatment.

(G) *Exceptions.* The provisions of § 8.101.(D)(4) do not apply to a guide dog accompanying a blind person, a service dog accompanying a disabled person, or a dog while engaged in police or rescue activity.

(`77 Code, § 8.102) (Am. Ord. 1005, passed 7-12-82; Am. Ord. 1658, passed 1-27-20; Am. Ord. 1673, passed 4-25-22) Penalty, see § 8.105

§ 8.102 IMPOUNDMENT.

(A) The city shall have the authority to impound any animal in such manner and under such conditions and circumstances as prescribed by this section:

(1) The Council may enter into a contract with any qualified person, firm or corporation to be designated as the City Poundmaster, whose duties shall be to enforce the provisions of this section.

(2) The city shall provide an adequate facility within or in close proximity to the city, where all animals taken into custody shall be kept and cared for until disposed of according to the provisions of this section.

(B) The City Poundmaster may impound any animal where there is reasonable cause to believe said animal:

- (1) Exhibits ferocious or vicious tendencies;
- (2) Constitutes a public nuisance as defined in § 8.101(D);
- (3) Has bitten a person; or
- (4) Is not displaying the proper tag listed in the provisions of § 8.101.

(C) When the ownership of the animal is known, or can be determined, the Poundmaster shall provide notice to the owner within 24 hours of the impoundment by the means available to them.

(D) Any animal impounded pursuant to the provisions of this section shall be kept for not less than five regular business days unless reclaimed prior to that time by their owner as provided hereafter. The owner of any impounded animal may reclaim the same upon payment to the Poundmaster of the impoundment fees, care and boarding for such time as the animal has been confined. The allowable fees shall be those listed in the service agreement between the city and the Poundmaster. The Poundmaster shall not release any animal subject to the vaccination requirement in § 8.101 without proof of current anti-rabies vaccination.

(E) Any animal which is unclaimed by the rightful owner within the prescribed time may be sold to anyone desiring to purchase said animal, if not requested by a licensed educational or scientific institution under state law.

(1) All sums received in excess of costs shall be held by the Treasurer for the benefit of the owner. If not claimed within one year, such funds shall be placed in the general fund of the city.

(2) Any animal which is not disposed of as provided above shall be euthanized in a proper and humane manner by the Poundmaster.

(F) Nothing in this code shall prevent the Poundmaster from euthanizing any animal in less than the prescribed time if such animal is injured and, in the opinion of the Poundmaster, the only humane act would be euthanizing the animal.

(`77 Code, § 8.103) (Am. Ord. 1535, passed 9-8-08; Am. Ord. 1658, passed 1-27-20; Am. Ord. 1673, passed 4-25-22)

§ 8.103 DISPOSITION OF SEIZED ANIMALS

(A) **Euthanize.** An animal may be euthanized in a proper and humane manner by the animal control authority if:

1. The animal has destroyed property or habitually trespassed in a damaging manner on the property of persons other than the owner; or
2. The animal has attacked or bitten a person outside the owner's or custodian's premises; or
3. The animal is vicious or exhibits vicious or ferocious tendencies, or molests pedestrians, or interferes with vehicles on public streets or highways; or
4. The owner of a declared dangerous, or potentially dangerous dog, has failed to meet the requirements of state statute or city ordinance.

(B) **Hearing.** The animal control authority may not euthanize a domestic animal until the owner has had the opportunity for a hearing before an impartial decision maker. Any hearing must be held within 14 days of the request. The hearing officer must be an impartial employee of the City of Columbia Heights, or an impartial person retained by the city to conduct the hearing. The hearing officer shall issue a decision on the matter within ten days after the hearing. The decision must be delivered to the animal's owner by hand delivery or registered mail as soon as practical and a copy must be provided to the animal control authority.

(C) **Notice.** The city shall provide written notice of the intent to euthanize to the owner of the animal by delivering or mailing it to the owner of the animal, or by posting a copy of it at the place where the animal is kept, or by delivering it to a person residing on the property, and telephoning, if possible. The notice shall include:

1. A description of the seized animal; the authority for and purpose of the seizure and intent to euthanize; and the telephone number and contact person where the animal is kept;
2. A statement that the owner of the animal may request a hearing contesting the city's intent to euthanize the animal, and that failure to do so within 14 days of the date of the notice will terminate the owner's right to a hearing under this section;
3. A statement that all actual costs of the care, keeping, and disposition of the animal are the responsibility of the person claiming an interest in the animal, except to the extent that a court or hearing officer finds that the seizure or impoundment was not substantially justified by law.

(E) The costs of any proceeding brought pursuant to this section shall be assessed against the non-prevailing party up to \$1,500. The remedies provided by this section are supplemental to other provisions of this chapter.

(F) Any animal which presents a clear and immediate danger to city residents because it is infected with rabies (hydrophobin) or because it is of a clearly demonstrated vicious or ferocious nature, may be summarily euthanized after the Poundmaster has made reasonable attempts to impound such animal.

(`77 Code, § 8.104) (Am. Ord. 1658, passed 1-27-20; Am. Ord. 1673, passed 4-25-22)

§ 8.104 QUARANTINE.

(A) No person shall own, keep, harbor or have custody of any animal over six months of age within the city which does not have a current anti-rabies vaccine provided by a qualified veterinarian.

(B) (1) The City may quarantine any animal which bites a person for such time as is directed. During the quarantine, the animal shall be securely confined and kept from contact with any other animal.

(2) The place of quarantine may be on the premises of the owner in the discretion of the Chief of Police or designee. Confinement shall otherwise be at an animal shelter or a veterinary hospital, at the expense of the owner of such animal.

(`77 Code, § 8.105) (Am. Ord. 1658, passed 1-27-20; Am. Ord. 1673, passed 4-25-22) Penalty, see § 8.105

§ 8.105 PENALTY.

Any person, firm, or corporation who violates the provisions of this article shall be punished as provided in § 1.999.

(`77 Code, § 8.106) (Am. Ord. 1658, passed 1-27-20; Am. Ord. 1673, passed 4-25-22)


Section 2

This ordinance shall be in full force and effective from and after 30 days after its passage.


First Reading: November 13, 2023
Offered by: Jacobs
Seconded by: Spriggs
Roll call: All Ayes

Second Reading: November 27, 2023
Offered by: James
Seconded by: Jacobs
Roll Call: All Ayes

Date of Passage: November 27, 2023


Amáda Márquez Simula, Mayor

Attest:


Sara Ion, City Clerk/Council Secretary

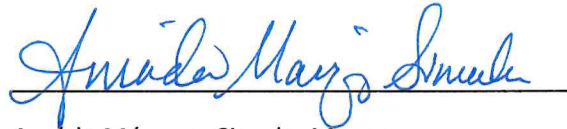
SUMMARY OF ORDINANCE NO. 1691

BEING AN ORDINANCE AMENDING CHAPTER 8 ARTICLE I OF THE COLUMBIA HEIGHTS CITY CODE TO UPDATE REGULATIONS REGARDING ANIMAL CONTROL AND TO ALIGN THE HEARING AND APPEAL PROCESS WITH STATE STATUTE.

The City Council for the City of Columbia Heights, Minnesota adopted Ordinance No. 1691 on November 27, 2023.

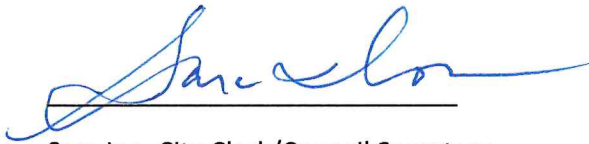
The purpose of the ordinance is to update the animal control regulations within the city and to align the appeal and hearing process with state statute as it relates to dangerous and potentially dangerous dogs and destruction of animals.

This is a summary of Ordinance No. 1691. A copy of the entire text of the Ordinance is available for public inspection during regular business hours at the City Hall, by standard or electronic mail, or at www.columbiaheightsmn.gov.



Amada Márquez Simula, Mayor

Attest:



Sara Ion, City Clerk/Council Secretary

