

ORDINANCE NO. 1658

BEING AN ORDINANCE AMENDING CHAPTER 8, ARTICLE 1 OF THE COLUMBIA HEIGHTS CITY CODE RELATING TO ANIMALS AND ELIMINATION OF DOG AND CAT LICENSES.

The City of Columbia Heights does ordain:

Section 1:

Sections § 8.101, § 8.102, § 8.103, § 8.104, § 8.105, and § 8.106 of the Columbia Heights City Code as they currently reads are amended as follows:

~~§ 8.101 DOG AND CAT LICENSE.~~

- ~~(A) No person shall own, keep, harbor or have custody of any dog or cat over six months of age within the city unless such dog or cat is currently licensed as is provided hereunder.~~
- ~~(B) License applications shall include the following information:
 - ~~(1) The name and address of the owner of the animal, and the name and address of the applicant if other than the owner.~~
 - ~~(2) The breed, sex and age of the dog or cat for which a license is sought.~~
 - ~~(3) A statement shall accompany any application for a spayed female animal from a qualified veterinarian that such animal has been spayed or otherwise rendered sterile.~~
 - ~~(4) Such other information as the Council shall reasonably require to determine animal census information or in compiling other records.~~~~
- ~~(C) Licenses shall be issued for such period of time and upon payment of such fees as the Council shall determine by resolution. Provided, however, that:
 - ~~(1) The Council may, in its discretion, provide for a pro rata payment of license fees where the applicant provides written evidence indicating immunity from rabies will terminate prior to the normal expiration date of any license hereunder.~~
 - ~~(2) The Council may by resolution provide for a lower fee for spayed female and neutered male dogs and cats than for unspayed female and unneutered male dogs or cats.
 - ~~(a) The owner, keeper, or custodian of any dog or cat shall pay the license fee for an unspayed or unneutered dog or cat unless said applicant provides a veterinarian's certificate verifying that said animal has been spayed or neutered. Presentation of the dog or cat for inspection shall not constitute adequate proof that the said dog or cat has been spayed or neutered in accordance with this section.~~
 - ~~(b) Any owner, keeper, or custodian who shall pay the license fee for an unspayed or unneutered dog or cat as provided above may be refunded the difference between that license fee and the fee for a spayed or neutered dog or cat if he shall provide, within 30 days of the issuance of said license, a veterinarian's certificate verifying that the said licensed dog or cat has been spayed or neutered.~~~~~~
- ~~(D) The licensing requirements of this section shall not apply to non-residents of the city, provided that animals belonging to non-residents shall not be kept in the city longer than 30 days without a license.~~
- ~~(E) Upon payment of the prescribed license fee to the Treasurer, a written license and a metallic tag shall be issued for the licensed animal. The tag shall indicate the registration number for such animal, and be of such design so as to be worn or attached to a collar for said animal. A duplicate metallic tag may be obtained to replace a lost or stolen tag in the following prescribed manner:
 - ~~(1) The owner of the animal shall present the original license together with an affidavit reciting the fact that such tag has been lost or stolen and not in the possession of the applicant.~~~~

~~(2) A duplicate tag shall be issued upon payment of a duplicate tag fee in an amount set by resolution of the Council.~~

~~(F) The owner or person having custody of any animal licensed under this chapter shall ensure that the metallic tag license shall be worn by such animal at all times.~~

~~(G) No license may be issued for any dog or cat unless the owner or keeper thereof shall furnish a veterinarian's certificate showing that the said dog or cat has been inoculated for the prevention of rabies and showing the estimated termination date of immunity from rabies of such dog or cat as a result of its inoculation for the prevention of rabies. Should such certificate disclose that the said rabies inoculation shall cease to become effective prior to the expiration of the licensing period, the license may be issued with a license expiration date which coincides with the termination of the effective immune period from rabies of such dog or cat.~~

§ 8.1012 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 (4) or more dogs or four (4) 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 (4) or more dogs or four (4) 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 (3) dogs, or more than three (3) cats, or a combination of more than five (5) animals exceeding six months of age in the family dwelling unit or on the family premises.

(D) ~~(A)~~ 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) Chase vehicles or otherwise run at large within the city.

(E) ~~(B)~~ No person who owns or has custody of an animal exhibiting ferocious or vicious propensities shall allow such animal to be kept, stored, or to run at large within the city, either on public or private property, including property that is owned or in possession of such person.

- (1) The City of Columbia Heights will follow the provisions of chapter §347 of MN state statute as it relates to Dangerous and Potentially Dangerous Dogs.
- (2) The City of Columbia Heights may impose additional requirements to the owners of Potentially Dangerous Dogs, including all requirements listed for Dangerous Dogs.

~~(F) (G)~~

- ~~(1) No person who is the owner or has custody of any animal shall beat, treat cruelly, torment or otherwise abuse or abandon such animal.~~
- ~~(2) 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.~~

§ 8.1023 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(G)2(A);
 - (3) Has bitten a person; or
 - (4) ~~Is unlicensed in contravention of the provisions of~~ Is not displaying the proper tag listed in the provisions of § 8.101.
- (C) ~~The Poundmaster shall provide notice of any impounded animal, as follows:~~
 - (1) ~~For an animal wearing a license tag as described by this chapter, the owner of such animal shall be notified in writing within 24 hours of such impoundment. 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~~
 - (2) ~~For an animal not bearing a license tag as described by this chapter, written notice of such impoundment shall be posted at City Hall in a conspicuous place, and notice shall be provided to the City Pound and to the Police Department.~~
 - (3) ~~Notice shall be in the following form:~~

NOTICE OF IMPOUNDING ANIMAL

_____ Date: _____

To Whom It May Concern:

I have this day taken up and impounded in the pound of the City at _____ an animal answering the following description:

Type _____, Sex _____, Color _____,

Breed _____, Approximate Age _____, Name of Owner _____.

Notice is hereby given that unless said animal is claimed and redeemed within ten (10) days, and before _____ o'clock __.m. on the ___ day of _____, 19___, the same will be sold or killed as provided by ordinance.

Signed: _____

Poundmaster

- (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 Treasurer or Poundmaster of an impounding fee as set by resolution of the Council, and the payment of such daily boarding fees as shall be determined by the Council for such time as the animal has been confined. The Poundmaster shall not release any animal ~~unless the owner thereof shall first purchase a license for the said animal as provided in §~~ subject to the vaccination requirement in section § 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 painlessly killed and buried by the Poundmaster.
- (F) Nothing in this code shall prevent the Poundmaster from disposing of 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 disposing of the animal.

§ 8.1034- DESTRUCTION.

- (A) A court of proper jurisdiction may order the destruction of any animal, or may order the owner or custodian to keep said animal confined to a designated place, upon a hearing as hereinafter provided.
- (1) A summons shall be issued to the owner of said animal commanding him to appear before said court and show cause why said animal should not be seized by the Poundmaster or otherwise disposed of in the manner authorized by this chapter. Said summons shall issue upon sworn complaint that any of the following facts exist:
 - (a) That the animal has destroyed property or habitually trespassed in a damaging manner on the property of persons other than the owner.
 - (b) That the animal has attacked or bitten a person outside the owner's or custodian's premises.
 - (c) That the animal is vicious or exhibits vicious or ferocious tendencies, or molests pedestrians, or interferes with vehicles on public streets or highways.
 - (d) That the animal is a public nuisance as heretofore defined; or
 - (e) That the animal is running at large in violation of this chapter.
 - (2) Such summons shall be returnable not less than two, nor more than six days from the date thereof and shall be served at least two days before the time of appearance mentioned therein.
 - (3) The court shall make findings of fact regarding the allegations of the sworn complaint.
- (B) The costs of any proceeding brought pursuant to this section shall be assessed against the prevailing party. The remedies provided by this section are supplemental to other provisions of this chapter.
- (C) 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 destroyed after the Poundmaster has made reasonable attempts to impound such animal.

§ 8.1045 QUARANTINE.

- (A) ~~Whenever the prevalence of rabies renders such action necessary, the City Health Officer shall issue a proclamation to be published twice and posted at City Hall ordering every person owning or having custody of an animal to muzzle said animal securely so that it cannot bite.~~

- (1) ~~Any animal unmuzzled when so required shall be subject to impoundment pursuant to the provisions of this chapter~~
- (2) No person shall own, keep, harbor or have custody of any animal over six months of age within the city which ~~has not been vaccinated against rabies within the previous two years by a~~ does not have a current anti-rabies vaccine provided by a qualified veterinarian.

(B)

- (1) The City ~~Health Officer~~ 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 ~~Health Officer~~ 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.

§ 8.1056 PENALTY.

Any person, firm, or corporation who ~~shall own, keep, harbor, or have custody of any dog or cat which is not currently licensed, does not wear a metallic license tag, which commits any of the acts described in § 8.102, inclusive, of this code or who fails to obey an order of the City Health Officer under § 8.105 of this code, upon conviction thereof,~~ violates the provisions of this section shall be punished as provided in § 1.999.

This ordinance will be in full force and effect from and after 30 days after its passage.

First Reading: January 13, 2020
Offered by: Buesgens
Seconded by: Williams
Roll Call: All Ayes

Second Reading: January 27, 2020
Offered by: Buesgens
Seconded by: Williams
Roll Call: All Ayes

Date of Passage: January 27, 2020



Donna Schmitt, Mayor

Attest:



Nicole Tingley, City Clerk/Council Secretary

SUMMARY OF ORDINANCE NO. 1658

BEING AN ORDINANCE AMENDING CHAPTER 8, ARTICLE 1 OF THE COLUMBIA HEIGHTS CITY CODE RELATING TO ANIMALS AND ELIMINATION OF DOG AND CAT LICENSES.

The City Council for the City of Columbia Heights, Minnesota has adopted Ordinance No. 1658. The purpose of this Ordinance is to update the current animal ordinance and practices for managing domestic animals. This includes eliminating the licensing requirement for cats and dogs by requiring the objectives of the license (vaccination and display of owner information on the collar) directly in the city code as well as establishing a limit on the number of cats and dogs permitted per family dwelling unit.

This is a summary of Ordinance No. 1658. A printed copy of the entire text of the Ordinance is available for inspection by any person during regular office hours at the office of the City Clerk, or by standard or electronic mail.

Ordinance No. 1658 was adopted by the City Council of Columbia Heights on January 27, 2020.

Attest:



Nicole Tingley, City Clerk/Council Secretary



Mayor Donna Schmitt

