

CHAPTER 41
CITY OF MAPLE LAKE

**ORDINANCE REGULATING THE LICENSING AND KEEPING OF DOGS,
RESTRAINING THEIR RUNNING AT LARGE, PROVIDING FOR
IMPOUNDING OF SUCH DOGS, AND PROVIDING A PENALTY FOR
VIOLATIONS**

41.01 DEFINITION

Used in this ordinance, the following terms have the following meanings, and when used in the singular also include the plural:

1. **Person** - Any person or a person's parents or guardians if he/she is under 18 years of age, firm or corporation who owns, harbors, keeps a dog or holds a license for a dog.
2. **At large** - A dog is at large when it is off the property of the person owning, harboring or keeping said dog and it is not under restraint.
3. **Restraint** - A dog is under restraint if it is on the premises of the person harboring or keeping the dog; or if it is at heel beside a person having custody of it, or obedient to that person's command, or if it is within a private motor vehicle of a person owning, harboring or keeping the dog, or is controlled by a leash not exceeding six feet in length.
4. **Commercial Kennel** - A commercial kennel is a place where three or more dogs over six months of age are kept for purposes of breeding, training, sale or boarding for a profit. A commercial kennel must have a Conditional Use Permit and a valid commercial kennel license, renewable annually. Dogs so kept shall be licensed.
5. **Hobby Kennel** - A hobby kennel is a place where three or more dogs over six months of age are kept primarily outside in a kennel but not for the purposes of breeding, training, sale, or boarding for a profit. A hobby kennel must have a Conditional Use Permit and valid hobby license, renewable annually. Dogs so kept shall be licensed.

41.02 RUNNING AT LARGE PROHIBITED

No dog shall be permitted to run at large at any time within the City of Maple Lake. Any female dog in heat or season shall be confined indoors or in a kennel run or pen so constructed as to keep other dogs out.

41.03 **DOGS ON LEASH**

The restrictions imposed by Section 41.02 shall not prohibit the appearance of a dog upon the streets or other public place when such dog is on a leash or under restraint except a female dog in heat or season.

41.04 **REMOVAL OF DOG EXCREMENT FROM PROPERTY NOT OF AN OWNER**

It shall be unlawful for any person to cause or permit a dog under his ownership or control to be on any property, public or private, not owned by such person, unless such person shall have in his possession a device for the removal of any excrement which might be deposited by such dog. Any person who owns or controls a dog which deposits excrement on any property, public or private, shall promptly remove such excrement to a proper receptacle located on property owned or possessed by such person. This provision shall not apply to blind or physically handicapped persons while walking with their guide dog.

41.05 **ABANDONING OF DOGS**

It shall be unlawful for any person to abandon any dog or other animal within the City of Maple Lake.

41.06 **LICENSE REQUIRED**

No person shall own, harbor or keep a dog over six months of age within the City unless a current dog license for such dog has been obtained. Licenses shall be valid for two years from the date of issue.

Temporary licenses shall also be available on a three month basis.

41.07 **LICENSE AND APPLICATION**

It shall be required of each person owning, keeping or harboring a dog to pay a license fee, as imposed by this section, to the City Clerk, except as provided in Section 41.13. License fees shall be set by resolution of the City Council. Applications for such licenses must be accompanied by a Certificate of Inoculation for rabies with killed vaccine which is not more than 12 months old, or not more than 36 months old when modified live virus vaccine is used. Upon the receipt of the license fee and the Certificate of Inoculation, the Clerk shall execute a receipt in duplicate, the original of

which shall be given the person who pays the fee, the duplicate shall be retained in the records of the City. This receipt shall describe the dog as to color, breed, age, sex, and weight. Any owner shall produce for inspection the permit receipt upon the request of the animal control officer or sheriff's deputy.

41.08 **TAGS**

A metallic tag shall be delivered to the person paying the license fee. It shall be the responsibility of the owner of the dog for which such tag was obtained to permanently attach the tag to the collar of the dog in a manner so that the tag may be readily seen. The tag is not transferable to any other dog or to a new owner of the dog. If a tag is lost or stolen the owner may obtain a new tag by surrendering the receipt for the first tag and by paying an additional fee of two dollars.

41.09 **PERMITS FOR KENNELS**

No person shall operate a commercial or hobby kennel in this city without first obtaining a Conditional Use Permit. Application for such permit shall be made to the City Clerk and shall be accompanied by the permit fee as set by the Council. The application shall contain information pertaining to the proximity of the applicant's property surrounding the neighbors, the number and types of dogs to be kept on the property, and the proposed housing of the dogs, together with other factors which the City Council may deem pertinent from time to time. Upon a favorable recommendation of a Conditional Use Permit from the Planning & Zoning Commission to the City Council, the Clerk shall refer the application to the City Council which may grant or deny the permit after review. Applicant shall furnish proof of compliance with all applicable Minnesota Statutes and regulations. Permits shall be reviewed upon receipt of any complaints. Kennels shall be kept in a clean and healthful condition at all times and excrement shall be removed regularly. Kennels shall be open for inspection by City authorities at any time. A kennel permit may be revoked by the City Council by reason of the violation of this ordinance or any health or nuisance order, laws or regulations.

41.10 **PERMITS FOR THREE OR MORE INSIDE DOGS**

No person shall own, harbor, keep, or hold a license for three or more dogs over the age of six months which are kept primarily inside in this city without first obtaining a Conditional Use Permit. An exception shall apply for any person who owns, harbors, or keeps three or more dogs if the

additional dog(s) have a temporary license and the person no longer owns, harbors, or keeps the additional dog(s) at the expiration of the temporary license or application for a Conditional Use Permit is made upon the expiration of the temporary license. Application for such permit shall be made to the City Clerk and shall be accompanied by the permit fee as set by the Council. The application shall contain information pertaining to the proximity of the applicant's property surrounding the neighbors, the number and types of dogs to be kept on the property, and the proposed housing of the dogs, together with other factors which the City Council may deem pertinent from time to time. Upon a favorable recommendation of a Conditional Use Permit from the Planning & Zoning Commission to the City Council, the Clerk shall refer the application to the City Council which may grant or deny the permit after review. Applicant shall furnish proof of compliance with all applicable Minnesota Statutes and regulations. Permits shall be reviewed upon receipt of any complaints. Yards shall be kept in a clean and healthful condition at all times and excrement shall be removed regularly. A permit granted under this section may be revoked by the City Council by reason of the violation of this ordinance or any health or nuisance order, laws or regulations.

41.11

IMPOUND FACILITY AND ANIMAL CONTROL OFFICER

The City Council shall, from time to time, designate the place as City impound facility for keeping and maintaining any dogs which may be seized or impounded pursuant to this ordinance. Such City impound facility may be within or outside the City limits. The City Council may appoint an official animal control officer who shall have the authority of the City insofar as the enforcement of this ordinance is concerned. Such animal control officer shall display on her/his person her/his proper identification as prescribed by the City Council.

41.12

IMPOUNDING DOGS

The City's animal control officer shall seize and impound any dogs found in the City without the tag provided for by this ordinance, or dogs running at large in violation in 41.02 herein. To enforce this ordinance, said animal control officer may enter upon any private premises in pursuit of a dog running at large.

41.13

REDEEMING DOGS

The City, upon the impounding of any dog, shall, through the City's animal control officer, immediately notify the owner personally or through the

United States Mail, if the owner is known. If the owner is unknown, then the City's animal control officer shall post a written notice at the City Hall describing the dog, stating where it is impounded, and that it can be redeemed within five (5) days after impounding by payment of an impounding fee set by resolution of the City Council, plus the cost of boarding for each day said dog has been confined in said pound, together with the payment of a current license for said dog if the dog is unlicensed. In the case of the impounding of a dog displaying a current license of the City of Maple Lake, the animal control officer shall not impound the dog if the owner is available. The City Clerk's office shall issue a receipt pursuant to the requirements of this Section for the impounding fee and license (if currently unlicensed), this receipt to be furnished to the impound facility before dog is released. The boarding fee shall be paid directly to the impound facility. If, at the end of five (5) days after said notice, the dog has not been redeemed by the owner, the dog may be sold to any person for a sufficient amount to pay the impounding fee and the cost of boarding, and upon such person applying for and securing a license pursuant to the terms of 41.06 herein if such person is a resident of the City of Maple Lake and if the dog is to be kept within the city limits of the City of Maple Lake. If the dog is not redeemed or sold as provided herein, the animal control officer may dispose of the dog in a proper and humane manner, or pursuant to the terms of Minnesota Statutes, Section 35.71.

41.14

DISPOSAL OF DOGS

Any dog suspected of rabies or that has bitten a person may be seized on the premises of the owner or elsewhere and be confined in a veterinary hospital with appropriate isolation facilities or other state approved isolation facilities, for a period of at least fourteen (14) days, at the expense of the owner and at the discretion of the animal control officer. Such dog may be released at the end of the 14-day period if healthy and free from symptoms of rabies and by the payment costs by the owner. If the owner of such dog applies in writing, he may, under circumstances where proper facilities are available, obtain permission from the Wright County Sheriff to impound such dog at his home. It shall be the responsibility of any person or persons bitten by a dog, wherein such bite requires the services of a physician, to report such an incident to the Wright County Sheriff's Department. Any dog which is diseased, vicious, dangerous, rabid or exposed to rabies and which dog cannot be taken up and impounded without serious risk to the person or persons attempting to take up the dog, may be killed upon written permission of two City officers, one of whom shall be a member of the Wright County Sheriff's Department and a second who shall be the City Health Officer.

41.15

REPORTS BY ANIMAL CONTROL OFFICER

The animal control officer shall account for and pay over to the City each month all monies received by her/him pursuant to this ordinance along with an accurate written report showing all fees collected, all dogs impounded, the duration of the impoundment, all sales made or otherwise disposed of under the terms of this ordinance.

41.16

NUISANCES

It shall be a nuisance to keep three or more dogs over the age of six months in a commercial or hobby kennel or three or more dogs over the age of six months primarily inside without a Conditional Use Permit, and such nuisance shall be abated upon order of the City Council within ninety (90) days or the owner of the premises upon which such nuisance is maintained shall be subject to the penalties imposed by 41.18 hereof.

The keeping of a dog or dogs that annoy other persons by habitually barking, howling or barking shall be deemed a public nuisance and unlawful and upon the written complaint of two or more neighbors shall be abated upon order of the City Council within 48 hours or the owner thereof shall be subject to the penalties of 41.18 hereof.

41.17

PARTIAL INVALIDITY

Should any section, clause, sentence or provision of this ordinance be declared to be invalid by a Court of proper jurisdiction, the same shall not affect the validity of this ordinance as a whole or any part thereof other than the part so declared to be invalid.

41.18

PENALTIES

Any person convicted of violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor.

41.19

CIVIL LIABILITY FOR DAMAGE

All owners or keepers of dogs allowing such dogs to run at large upon the premises of another person in the city shall be liable for any damage committed by such dogs, and nothing in this chapter shall be construed as limiting the right of citizens to recover the value of such damages in any action at law.

Adopted 8/19/03