

**AMENDING CHAPTER 13 ENTITLED
“ANIMALS”**

THE CITY COUNCIL OF THE CITY OF LUCAN DOES ORDAIN:

This Chapter is adopted to regulate the licensing and control of dogs, cats, and other animals within the City of Lucan.

13.101. DEFINITIONS. As used in this part, the terms shall mean the following:

- A. **Animals - Domestic:** Domestic animals shall mean those animals (male or female) commonly accepted as domesticated household pets. Unless otherwise defined, such animals shall include but is not limited to dogs, cats, caged birds, gerbils, hamsters, domesticated rabbits, fish and other similar animals.

- B. **Animals – Non-Domestic:** Non-domestic animals shall mean those animals (male or female) 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.
 - 1. Any member of the large cat family (family felidae) including lions, tigers, cougars, bobcats, leopards, and jaguars, but excluding commonly accepted domesticated house cats.
 - 2. Any naturally wild member of the canine family (family canidae) including wolves, foxes, coyotes, dingoes, and jackals, but excluding commonly accepted domesticated dogs.
 - 3. Any crossbreeds such as the crossbreed between a wolf and a dog, unless the crossbreed is commonly accepted as a domesticated house pet.
 - 4. Any member or relative of the rodent family including any skunk, raccoon, squirrel, or ferret, but excluding those members otherwise defined or commonly accepted as domesticated pets.
 - 5. Any poisonous, venomous, constricting, or inherently dangerous member of the reptile or amphibian families including rattlesnakes, boa constrictors, pit vipers, crocodiles and alligators.
 - 6. Any 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.

- C. **Animal Control Officer:** Any designated city official appointed by the Mayor and/or City Council of the City of Lucan.

- D. **At Large:** Any animal shall be considered “at large” when it is off the premises of the owner and not under the custody or control of the owner or other person, either by leash, cord, chain or otherwise restrained or confined.

- E. **Dangerous Animal:** A dangerous animal is an animal that has:
1. without provocation, inflicted substantial bodily harm on a human being on public or private property;
 2. killed a domestic animal without provocation while off the owner's property; or
 3. bitten one (1) or more persons on two (2) or more occasions.
- F. **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.
- G. **Kennels:** The keeping of more than 3 dogs, cats, or a combination of both over the age of 6 months 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 puppies or kittens may be kept for a period of six months before such keeping shall be deemed a "kennel".
- H. **Owner:** "Owner" shall be intended to mean any person(s), firm, association, or corporation owning, keeping, or harboring an animal.
- I. **Proper Enclosure.** Proper enclosure means 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. The enclosure shall not allow for the egress of the animal in any manner without human assistance. A proper enclosure does not include a portion, 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. A pen or kennel for a dog shall meet the following specifications:
1. Have a minimum overall floor size of thirty-two (32) square feet.
 2. Sidewalls shall have a minimum height of five (5) feet and be constructed of 11-gauge or heavier wire. Openings in the wire shall not exceed two (2) inches, support posts shall be one-and-one-quarter-inch or larger steel pipe buried in the ground eighteen (18) inches or more. When a concrete floor is not provided, the sidewalls shall be buried a minimum of eighteen (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 heavy gauge wire or heavier as the sidewalls and shall also have openings in the wire not greater than two (2) 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 (2) 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.

13.201. DOMESTIC ANIMALS REGULATIONS.

- A. Licensing. All dogs are required to have a valid license. New residents to the City must license their animals within thirty (30) days after moving to the City. Tags shall be issued upon payment of the license fee, which is set by the City Council from time to time, and upon receipt of a certification from a licensed veterinarian showing that the animal has been vaccinated against rabies and/or distemper shots. Each license shall be issued for a one year period to expire on January 1st of each year.
- B. Tag and Collar.
 - 1. Upon receipt of required certificates and payment of the license fee, the City Clerk shall provide the owner of the new licensed dog a tag upon which there shall be stamped or engraved the registered number of the dog.
 - 2. Every dog 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 the event that the tag is lost or destroyed, a new tag will be issued by the City Clerk.
 - 3. No tags shall be transferrable from one dog to another.
 - 4. No refunds shall be made on any dog license fee under any circumstances.
- C. Running at Large Prohibited. It shall be unlawful for the owner, or other person in possession of a domestic animal to permit such animal to run at large. Domestic animals on a leash and accompanied by and under the control and direction of a responsible person, so as to be effectively restrained by leash, shall be permitted in streets or on public land unless the city has posted an area with signs reading Animals Prohibited. Any person violating this Section shall be guilty of a petty misdemeanor.
- D. Animal Waste. 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 such feces in a sanitary manner whether on their own property, on the property of others, or on public property. Any person violating this section shall be punishable by a fine of ten dollars (\$10.00), and if found guilty of subsequent violations shall be punished by a fine of at least twenty-five dollars (\$25.00) but not more than fifty dollars (\$50.00).
- E. Excessive Barking. It shall constitute a nuisance and be unlawful if any dog barks, whines, howls, bays, cries or makes other noise excessively so as to cause annoyance, disturbance or discomfort to any individual provided that such noise continues for a period of more than three (3) minutes or intermittent barking that continues for more than one (1) hour and is plainly audible off of the owner's premises or the premises of the person having the

custody and control of the dog. It shall not be a violation of this section if the dog is barking, crying or making other noise due to harassment or injury to the dog or a trespass upon the premises whereupon the dog is located.

- F. Number of Domestic Animals Allowed Per Household. No more than a total combination of 3 domesticated animals are to be maintained on any lot or in any residence except for one litter of pups or kittens in excess of the number above may be kept up to the age of three months.

13.301. IMPOUNDING.

- A. Dog Pound. The designated dog pound for the city of Lucan is located near the water plant.
- B. Apprehension of Dogs and Cats. An animal control officer and/or other designee of the Lucan City Council may apprehend and take possession of any animal in violation of this ordinance. Any animal apprehended may be conveyed to the city pound to be there confined until release or disposal of as hereinafter provided.
1. Licensed Animals. The City of Lucan shall make reasonable efforts to contact the owner at the address/telephone number listed when the dog was last licensed.
 2. Unlicensed Animals. The City of Lucan shall post notices at the City Office and the Lucan Post Office alerting the public to contact the City if they are missing an animal.
- C. Reclaiming Impounded Animals. All animals conveyed to the pound shall be kept, with humane treatment and sufficient food and water for their comfort, at least five business days, unless reclaimed by their owner sooner. To reclaim the animal from the pound, the following shall be required:
1. Payment of any impounding fee together with boarding costs, as may be amended from time to time.
 2. If an animal is unlicensed, owner must produce a valid certificate of vaccination for rabies and/or distemper shots, payment of a regular license fee, and any impounding fee together with boarding costs, as may be amended from time to time.
 3. If dog owner resides outside the city limits of Lucan, owner may claim the dog:
 - a) after payment of impounding fees and boarding costs; and
 - b) after having the dog vaccinated during impoundment for rabies and distemper by a licensed veterinarian; and
 - c) after presenting a Certificate of Vaccination for rabies and distemper by a licensed veterinarian; and
 - d) after payment of regular license fees.
- D. Unclaimed Animals. If an animal is unclaimed, such animal shall be:

1. Humanely destroyed and the carcass disposed of, unless it is requested by a licensed education or scientific institution under the authority of Minnesota Statutes, Section 35.71; or
2. Given to the local humane society; or
3. After at least six (6) days of being detained, sold by the Redwood County Sheriff as is required in sales of personal property, on execution, pursuant to Minnesota Statutes Section 346.14.

13.401. IMMOBILIZATION and CAPTURE of ANIMALS. For the purpose of enforcement of this Section, any police officer, animal control officer or other person assisting the police officer or animal control officer, may use standard catching instruments, including snare/capture sticks, nets, live catch traps, or electro-muscular stun devices, for the purpose of immobilizing and catching nuisance or at large animals.

13.501. FARM ANIMALS

- A. Keeping of fowl is prohibited. No person shall keep any chickens, turkeys, ducks or geese within the city limits.

- B. Livestock and horses. No person shall keep any swine, cattle, sheep or horses within the city limits.

13.601. NON-DOMESTIC ANIMALS. Non-domestic animals are not permitted within the city limits of Lucan.

13.701. DANGEROUS DOMESTIC ANIMALS. The owner shall provide a proper enclosure for a dangerous domestic animal. If the animal is a dog and is outside the proper enclosure, the dog must be muzzled and restrained by a substantial chain or leash, not to exceed six (6) feet in length, and under the physical restraint of a person eighteen (18) years of age or older. The muzzle must be of such 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.

13.702. DANGEROUS DOGS.

- A. Registration of Dangerous Dogs. No person may own, or have the custody and control of a dangerous dog in the City of Lucan unless it is registered. The Animal control Officer shall issue a certificate of registration to the owner of a dangerous dog if the owner presents sufficient evidence that:
 1. A proper enclosure exists for the dangerous dog and a posting on the premises with a clearly visible warning sign that there is a dangerous dog on the property, including a warning symbol to inform children; and
 2. The owner has had microchip identification implanted in the dangerous dog as required under Minnesota statute section 347.515.

Dogs may not be declared dangerous if the injury or damage was sustained by a person:

1. who was committing at the time, a willful trespass or other tort upon the premises occupied by the owner of the dog;
2. who was provoking, tormenting, abusing, or assaulting the dog or who can be shown to have repeatedly, in the past, provoked, tormented, abused, or assaulted the dog; or
3. who was committing or attempting to commit a crime.

A dangerous dog registered under this section must have a standardized, easily identifiable tag identifying the dog as dangerous and containing a uniform dangerous dog symbol affixed to the dog's collar at all times. An owner of a dangerous dog must renew the registration of the dog annually until the dog is deceased.

If an Animal Control Officer issues a certificate of registration to the owner of a dangerous dog, the Animal Control Officer must provide for posting on the owners property a copy of a warning symbol to inform children that there is a dangerous dog on the property. The warning symbol must be the uniform symbol provided by the Commissioner of Public Safety and the Animal Control Officer may charge the registrant a reasonable fee to cover its administrative costs and the cost of the warning symbol.

- B. Proper Enclosure Requirement. An owner of a dangerous dog, or the person who has the custody and control of a dangerous dog, shall keep the dog in a proper enclosure.
- C. Seizure of a Dangerous Dog. The Animal Control Officer having jurisdiction shall immediately seize any dangerous dog if:
1. after 14 days the owner has notice that the dog is dangerous, the dog is not validly registered under this section;
 2. the dog is not maintained in the proper enclosure; or
 3. the dog is outside the proper enclosure and not under physical restraint of a responsible person as required under this section.
- D. Reclaiming a Dangerous Dog. A dangerous dog seized under this provision may be reclaimed by the owner of the dog upon payment of impounding and boarding fees, and presenting proof to the Animal Control Officer that the requirements of this section will be met. A dog not reclaimed under this subdivision within seven (7) days may be disposed of as provided under Minnesota Statutes section 13.301(d), and the owner is liable to the Animal Control Officer for costs incurred in confining and disposing of the dog.
- E. Penalties.
1. A person who violates the provisions of this section is guilty of a misdemeanor.
 2. It is a misdemeanor to remove a microchip from a dangerous dog, to fail to renew the registration of a dangerous dog, to notify the Animal Control Officer of a change of location where the dangerous dog will

reside, or fail to disclose the ownership to a property owner from whom the person rents property.

3. A person who is convicted of a second or third subsequent violation of this section is guilty of a gross misdemeanor.

13.703. KENNELS. Kennels are not permitted within the Lucan city limits.

13.801. ABUSE/NEGLECT of ANIMALS.

- A. No owner shall fail to provide any animal with sufficient wholesome food and water, proper shelter and protection from the weather, veterinary care when needed, and humane care and treatment.
- B. It shall be unlawful for any person to allow food or water receptacles, yards, or the premises where the animal is kept to be or to remain in an unhealthy, unsanitary, or obnoxious condition or to permit the premises to be in such condition that obnoxious odors can be plainly detected on adjacent public or private property.
- C. No person shall torture, cruelly beat, neglect or unjustifiably injure, maim, or kill any animal whether it belongs to that person or another. No person shall willfully instigate or in any way further any act of cruelty to any animals, or any act tending to produce cruelty to animals.

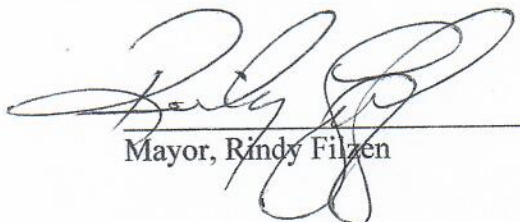
13.901. PENALTIES. Unless otherwise specified, violations of this ordinance are declared to be misdemeanor offences and are punishable by a fine of up to \$3000.00 and/or ninety (90) days in jail.

13.902. AMENDMENT AND REPEAL. Sections 13.101 to 13.902, Chapter 13 ANIMALS, of the Lucan City Code are hereby amended, and all Ordinances inconsistent with this Ordinance are hereby repealed.


13.903. EFFECTIVE DATE. This Ordinance shall be in full force after its passage and publication according to law.

Passed by the Lucan City Council on this the 7th day of October, 2013.

Attested By:



Mayor, Rindy Filzen



Clerk, Elaine Moore

Summary published in the Wabasso Standard on October 16, 2013.

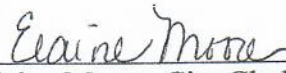
**SUMMARY OF AMENDMENTS TO CHAPTER 13 ANIMALS,
LUCAN CITY CODE OF 1990**

The following is an official summary of the amendments to section 13.101 – 13.902, Chapter 13 ANIMALS, of the Lucan City Code of 1990 approved by the Lucan City Council on October 7, 2013.

The amendments defined various terms, including but not limited to, “At Large”, “Dangerous Animal”, and “Proper Enclosure”; prohibits animals from running at large; excessive barking by dogs, and limits the number of domestic animals allowed per household; prohibits non-domestic livestock, horses, and fowl within the city limits of Lucan; requires the licensing of dogs; provides for the impounding of animals; requires the registration of dangerous dogs; requires proper enclosures for dangerous domestic animals, including dogs; regulates the ownership and keeping of dangerous dogs; and provides penalties for violations of the Ordinance.

A complete text of the amendments to sections 13.101 – 13.902, Chapter 13 ANIMALS, of the Lucan City Code is available for inspection by any person during regular office hours at the office of the City Clerk.

Passed by the Council on this 7th day of October, 2013.



Elaine Moore, City Clerk

Summary published in the Wabasso Standard on October 16th, 2013.

AFFIDAVIT OF PUBLICATION

Wabasso Standard

Wabasso, Minnesota
State of Minnesota
County of Redwood

Duane L. Durheim, being duly sworn on oath, says that he is the publisher and employee of the newspaper known as *The Wabasso Standard*, and has full knowledge of the facts which are stated below:

(A) The newspaper has complied with all of the requirements constituting qualifications as a qualified newspaper, as provided by Minnesota Statute 331A.02, 331A.07, and other applicable laws, as amended.

(B) The printed notice which is attached, was cut from the columns of said newspaper, and was printed and published once each week, for 1 successive week(s); it was first published on ~~WEDNESDAY~~, the 16th day of OCTOBER, 2013.

By: Duane L. Durheim
Publisher

Subscribed and sworn before me
on the 16th day of OCTOBER, 2013.

By: Leanne Kaufenberg
Notary Public

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