

**TO:** Mayor Robinson and City Council

**FROM:** Jeffrey L. McCormick, Chief of Police

**SUBJECT:** Proposed changes to City Ordinances for Chapters 94 and 96

**DATE:** 11/27/2018

**BACKGROUND**

The City Council directed that the number of dogs permitted be reviewed after hearing from a resident following public comment. The results of research from the previous City Administrator was reviewed along with the current City Code. Areas identified for changes were presented to the September 18, 2018 Police Commission meeting. The Commissioners considered the current Code and the information provided and unanimously recommended that the maximum number of dogs and the requirement of licenses be changed. Below you will find a red line version of the resulting changes. The changes required that the other areas of Code be reviewed to determine other changes that were needed. During that review process I discovered additional areas that needed to be modified or updated.

I did hear from one resident that was concerned about the number allowed being changed because not all dog owners are responsible. I advised the resident I would include their thoughts for the City Council, but also encouraged them to contact the Council Members directly to personally convey their concerns.

The City Council also approved a Dog Park and the Park Board prepared proposed rules for the Dog Park. I was asked to review the rules and during that process I found that our current City Code does not provide for dog parks. I prepared suggested changes to the City Code and presented those to the Park Board. After they reviewed the proposed changes they unanimously recommended that they be brought to the City Council.

I created the attached red line document of proposed changes to the City Code and sent them to the City Attorney for review. The City Attorney did not have any changes and advised they could be brought to the City Council. Attached to this memo are the documents of Proposed Ordinance Amending Chapter 94 and Chapter 96. Because these are changes to the City Code, two readings and votes of approval are required before publication to become in effect.

**Related to dog section of code: remove license requirement and change total number allowed**

§ 94.02 ~~LICENSE REQUIRED AND~~ NUMBER OF DOG RESTRICTED.

~~It is unlawful for any person, or other possessor of a dog over three months of age, to fail to obtain a proper city license therefor.~~ The number of dogs permitted shall not exceed ~~two~~three

(3) per single family dwelling unit, or ~~four~~ two (2) per residential unit in multi-dwelling structures, ~~whichever is the lesser.~~

(Prior Code, § 10.11, Subd. 2) (Ord. 53, effective 1-4-1985) Penalty, see § 10.99

#### ~~§ 94.03 APPLICATION.~~

~~—Application for a dog license shall be upon a form supplied by the city and accompanied by a certificate of a veterinarian, duly licensed to practice veterinary medicine with the state, which certificate shall state that the dog for which application for a license is made, has been inoculated against rabies for at least the period for which the license is applied.~~

(Prior Code, § 10.11, Subd. 3)

#### ~~§ 94.04 PERIOD AND FEES.~~

~~—All dog licenses shall expire on May 31 of each year. License and impounding fees shall be fixed and determined by the Council, adopted by resolution and uniformly enforced. Fees may, from time to time, be amended by the Council by resolution. A copy of the resolution setting forth currently effective license and impounding fees shall be kept on file in the office of the City Administrator and open to inspection during regular business hours.~~

(Prior Code, § 10.11, Subd. 4)

#### § 94.05 TAG REQUIRED.

All ~~licensed~~ dogs shall wear a collar and have a tag(s) firmly affixed thereto evidencing the dog is currently vaccinated for rabies and the owners information. The owner's information at a minimum will include name, address and phone number. ~~license for the current year. A duplicate for a lost tag may be issued by the City Administrator upon presentation of the receipt showing the payment of the license fee for the current year, and upon payment of a fee to be set by the City Council for issuance of the duplicate. Dog tags shall not be transferable, and no refunds shall be made on any dog license fee because of leaving the city or death of the dog before the expiration of the license.~~

(Prior Code, § 10.11, Subd. 5)

#### § 94.06 DOG POUND.

(A) Any dog found in the city without a tag, or running at large, shall be placed in the dog pound, either a City maintained or private facility operated by a vendor selected by the City, and an accurate record of the time of the placement shall be kept on each dog.

(B) Every dog so placed in the dog pound shall be held for redemption by the owner for a period of not less than five regular business days. A **REGULAR BUSINESS DAY** is one during which the pound is open for business to the public for at least four hours between 8:00 a.m. and 7:00 p.m.

(C) Impoundment records shall be preserved for a minimum of six months and shall show:

(1) The description of the animal by specie, breed, sex, approximate age and other distinguishing traits;

(2) The location at which the animal was seized;

(3) The date of seizure;

(4) The name and address of the person from whom any animal three months of age or over was received; and

(5) The name and address of the person to whom any animal three months of age or over was transferred.

(D) If unclaimed, the dog shall be given to some suitable person or institution or humanely destroyed and the carcass disposed of, unless it is requested by a licensed educational or scientific institution ~~under authority of M.S. § 35.71, as it may be amended from time to time. Provided, however, that if a tag is affixed to the dog, or a statement by the dog's owner after seizure specifies that the dog should not be used for research, the dog shall not be made available to any research institution but may be disposed of after the expiration of the ten-day period as provided by this provision as authorized by M.S. § 346.47, as it may be amended from time to time.~~

(Prior Code, § 10.11, Subd. 6) Penalty, see § [10.99](#)

#### § 94.07 NOTICE OF IMPOUNDING.

Upon the impounding of any dog, the owner shall be notified, or if the owner of the dog is unknown, written notice shall be posted for five days at the ~~City Hall~~[Police Department](#) or other suitable location describing the dog and the place and time of taking.

(Prior Code, § 10.11, Subd. 7)

#### § 94.08 RELEASE FROM DOG POUND.

Dogs shall be released to their owners or persons previously in possession of them as follows:

(A) If the dog is owned or possessed by a resident of the city, after ~~purchase of a license as aforesaid, providing proof of current immunization for rabies, collar displaying the required tags for the dog~~ and payment of the impounding fee; and

(B) If the dog is owned or possessed by a person not a resident of the city, after providing proof of current immunization for rabies and payment of the impounding fee.  
(Prior Code, § 10.11, Subd. 8)

#### § 94.09 OTHER UNLAWFUL ACTS.

(A) It is unlawful for the owner of any dog to:

(1) Fail to have the ~~license~~-tag required by § 94.05 issued by the city firmly attached to a collar worn at all times by the ~~licensed~~ animal;

(2) Interfere with any police officer, or other city employee, in the performance of his or her duty to enforce this section;

(3) Fail to keep his or her dog from barking, howling or whining; or

(4) Fail to ~~prevent~~ pick up the feces from his or her dog ~~from~~ after defecating in or upon public property or the premises of another.

(B) It is also unlawful to abandon a dog. Any dog not claimed by the owner within the five-day holding period shall be considered abandoned. The owner of an abandoned dog shall be responsible for its care during the five-day holding period.

(Prior Code, § 10.11, Subd. 9) (Ord. 110, effective 1-5-1990) Penalty, see § 10.99

#### **Related to park section to add dog park**

#### § 96.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**DOG PARK.** A park wholly contained by a fence perimeter which is specifically designated for off-leash use by dogs and their owners.

**DRIVER.** Every person who drives or is in physical control of a vehicle.

**DRUGS.** Any controlled substance, as defined by M.S. Chapter 152, as it may be amended from time to time and successor statutes.

**NUCLEAR FAMILY.** A family consisting of some or all of the following individuals: husband, wife, son(s), daughter(s), grandparent(s) and grandchildren.

**PARKS.** Parks, parkways, ice skating rink, playgrounds, public accesses, recreation fields, recreation buildings, beaches and water surrounded by parks.

**SNOWMOBILE.** Any engine-driven vehicle of a type which utilizes sled-type runners, or skis or an endless belt tread or any combination of these or other similar means of contact with the surface upon which it is operated and which is designed to operate over ice or snow.

**VEHICLE.** Includes every device in, upon or by which any person or property is or may be transported or drawn upon a highway except devices moved exclusively upon stationary rails or tracks. Further, **VEHICLE** means any bicycle, go-cart, minibike, motorcycle, snowmobile, recreational vehicle, all-terrain vehicles or self-propelled instruments which carry or may carry an occupant or occupants upon land or water.

(Prior Code, § 10.33, Subd. 2)

#### § 96.16 PETS AND ANIMALS.

It is unlawful for any person to take any animal upon any park property, park waters or upon any skating rink or in any park building, unless the animal is caged or kept on a leash, except for dogs in a dog park as defined in § 96.02 and in accordance with section § 96.30.

(Prior Code, § 10.33, Subd. 16) Penalty, see § [10.99](#)

#### § 96.30 DOG PARK GENERAL CONDUCT AND ENFORCEMENT.

The Council shall, by resolution, designate rules pertaining to the use of a dog park as they deem necessary for safe use and public welfare. Said rules will be visibly posted at a Dog Park and enforced as provided by Section § 10.99.

Penalty, see § 10.99

#### **REQUESTED COUNCIL ACTION**

Motion and approval of First Reading of proposed Ordinance changes as attached.

**CITY OF CANNON FALLS  
GOODHUE COUNTY, MINNESOTA**

**ORDINANCE NUMBER 362  
SECOND SERIES**

**AN ORDINANCE AMENDING CHAPTER 94 OF THE CANNON FALLS  
CITY CODE CONCERNING DOG REGULATION AND LICENSES**

THE CITY COUNCIL OF CANNON FALLS ORDAINS:

**Section 1.** Section 94 of the Cannon Falls City Code Title is hereby amended to:  
**DOG REGULATION**

**Section 2.** Section 94.02 of the Cannon Falls City Code is hereby amended to provide:

§ 94.02 NUMBER OF DOG RESTRICTED.

The number of dogs permitted shall not exceed three (3) per single family dwelling unit, or two (2) per residential unit in multi-dwelling structures.

(Prior Code, § 10.11, Subd. 2) (Ord. 53, effective 1-4-1985) Penalty, see § [10.99](#)

**Section 3.** Section 94.03 of the Cannon Falls City Code is hereby deleted.

**Section 4.** Section 94.04 of the Cannon Falls City Code is hereby deleted

**Section 5.** Section 94.05 of the Cannon Falls City Code is hereby amended to provide:

§ 94.05 TAG REQUIRED.

All dogs shall wear a collar and have a tag(s) firmly affixed thereto evidencing the dog is currently vaccinated for rabies and the owners information. The owner's information at a minimum will include name, address and phone number.

(Prior Code, § 10.11, Subd. 5)

**Section 6.** Section 94.06 of the Cannon Falls City Code is hereby amended to provide:

§ 94.06 DOG POUND.

(A) Any dog found in the city without a tag, or running at large, shall be placed in the dog pound, either a City maintained or private facility operated by a vendor selected by the City, and an accurate record of the time of the placement shall be kept on each dog.

(B) Every dog so placed in the dog pound shall be held for redemption by the owner for a period of not less than five regular business days. A **REGULAR BUSINESS DAY** is one during which the pound is open for business to the public for at least four hours between 8:00 a.m. and 7:00 p.m.

(C) Impoundment records shall be preserved for a minimum of six months and shall show:

- (1) The description of the animal by specie, breed, sex, approximate age and other distinguishing traits;
- (2) The location at which the animal was seized;
- (3) The date of seizure;
- (4) The name and address of the person from whom any animal three months of age or over was received; and
- (5) The name and address of the person to whom any animal three months of age or over was transferred.

(D) If unclaimed, the dog shall be given to some suitable person or institution or humanely destroyed and the carcass disposed of, unless it is requested by a licensed educational or scientific institution as authorized by M.S. § 346.47, as it may be amended from time to time.

(Prior Code, § 10.11, Subd. 6) Penalty, see § [10.99](#)

**Section 7.** Section 94.07 of the Cannon Falls City Code is hereby amended to provide:

§ 94.07 NOTICE OF IMPOUNDING.

Upon the impounding of any dog, the owner shall be notified, or if the owner of the dog is unknown, written notice shall be posted for five days at the Police Department or other suitable location describing the dog and the place and time of taking.

(Prior Code, § 10.11, Subd. 7)

**Section 8.** Section 94.08 of the Cannon Falls City Code is hereby amended to provide:

§ 94.08 RELEASE FROM DOG POUND.

Dogs shall be released to their owners or persons previously in possession of them as follows:

- (A) If the dog is owned or possessed by a resident of the city, after providing proof of current immunization for rabies, collar displaying the required tags for the dog and payment of the impounding fee; and
- (B) If the dog is owned or possessed by a person not a resident of the city, after providing proof of current immunization for rabies and payment of the impounding fee.

(Prior Code, § 10.11, Subd. 8)

**Section 9.** Section 94.09 of the Cannon Falls City Code is hereby amended to provide:

§ 94.09 OTHER UNLAWFUL ACTS.

- (A) It is unlawful for the owner of any dog to:
  - (1) Fail to have the tag required by § 94.05 firmly attached to a collar worn at all times by the animal;

- (2) Interfere with any police officer, or other city employee, in the performance of his or her duty to enforce this section;
  - (3) Fail to keep his or her dog from barking, howling or whining; or
  - (4) Fail to pick up the feces from his or her dog after defecating in or upon public property or the premises of another.
- (B) It is also unlawful to abandon a dog. Any dog not claimed by the owner within the five-day holding period shall be considered abandoned. The owner of an abandoned dog shall be responsible for its care during the five-day holding period.

(Prior Code, § 10.11, Subd. 9) (Ord. 110, effective 1-5-1990) Penalty, see § [10.99](#)

**Section 10. Effective Date.** This ordinance shall be effective immediately upon its passage and publication according to law.

**PASSED AND DULY ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ by the City Council of the City of Cannon Falls, Minnesota.

CITY OF CANNON FALLS

BY: \_\_\_\_\_  
Lyman M. Robinson, Mayor

ATTEST:

\_\_\_\_\_  
David Maroney, City Administrator