

TO: Mayor Robinson and City Council

FROM: Jeffrey L. McCormick, Chief of Police

SUBJECT: Second Reading - Proposed changes to City Ordinances for Chapters 94 and 96

DATE: 12-14-18

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 were reviewed along with the current City Code. Areas identified for changes were presented at 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. Those changes required that the other areas of Code be reviewed to determine any 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 exceptions 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. The City Attorney reviewed the 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.

First reading of Ordinance numbers 362 and 363 occurred at the December 4, 2018 City Council Meeting.

REQUESTED COUNCIL ACTION

Motion and approval of Second Reading of proposed Ordinance number 362 and 363 changes to sections 94 and 96 of the City Ordinances 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 18th day of December, 2018 by the City Council of the City of Cannon Falls, Minnesota.

CITY OF CANNON FALLS

BY: _____
Lyman M. Robinson, Mayor

ATTEST:

Lanell Endres, Interim City Administrator

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

SUMMARY ORDINANCE NUMBER 362

**AN ORDINANCE AMENDING CHAPTER 94 OF
THE CANNON FALLS CITY CODE CONCERNING
DOG REGULATIONS**

This ordinance amends Chapter 94 of the Cannon Falls City Code concerning dog regulations and licenses. The ordinance restricts the number of dogs per single family, deletes the requirement for dog licenses, requires dog tags that contain certain information, and changes dog pound requirements. A printed copy of the entire ordinance is available for inspection by any person during the City Administrator's regular office hours.

APPROVED for publication by the City Council of the City of Cannon Falls, Minnesota this 18th day of December, 2018.

CITY OF CANNON FALLS

BY: _____
Lyman M. Robinson, Mayor

ATTEST:

Lanell Endres, Interim City Administrator