

ORDINANCE NO. 45, 2ND SERIES

**AN ORDINANCE REGULATING THE OWNERSHIP, HARBORING AND
KEEPING OF ANIMALS IN THE CITY OF EVELETH AND REPEALING
SECTIONS 10.04, 10.05 AND 10.06 OF THE CITY CODE OF THE CITY OF
EVELETH**

Be it ordained by the City Council of the City of Eveleth that Sections 10.04, 10.05 and 10.06 of the Eveleth City Code be repealed in their entirety and be replaced with the following language.

Section 10.04. Animal Licensing and Regulation

Subd. 1. **Definitions.** For the purposes of this section, unless the context otherwise indicates, the following words shall be defined to mean:

- A. **“Animal”** shall mean any mammal, reptile, amphibian, fish, bird (including all fowl and poultry) or other member commonly accepted as a part of the animal kingdom. Animals shall be classified as follows:
1. **“Domestic Animals”** shall mean those animals commonly accepted as domesticated household pets. Unless otherwise defined, such animals shall include dogs, cats, caged birds, gerbils, hamsters, guinea pigs, fish, non-poisonous, non-venomous and not inherently dangerous reptiles or amphibians, and other similar animals.
 2. **“Non-Domestic Animals”** shall mean those animals 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. Unless otherwise defined, such animals shall include:
 - (a) Any member of the large cat family (family felidae) including lions, tigers, cougars, bobcats, leopards and jaguars, but excluding commonly accepted domesticated house cats.
 - (b) Any naturally wild member of the canine family (family canidae) including wolves, foxes, coyotes, dingoes and jackals, but excluding commonly accepted domesticated dogs.
 - (c) Any crossbreeds such as the crossbreed between a wolf and a dog, unless the crossbreed is commonly accepted as a domesticated house pet.
 - (d) Any member or relative of the rodent family including any skunk (whether or not de-scented), raccoon or squirrel, but excluding those members otherwise defined as domestic animals.

- (e) Any poisonous, venomous or inherently dangerous member of the reptile or amphibian families (whether de-fanged or not de-fanged, de-venomed or not de-venomed) including, but not limited to, rattlesnakes, boa constrictors, pit vipers, adders, cobras, coral snakes, sea snakes, crocodiles and alligators.
 - (f) Any other animal which is not explicitly listed above, but which can be reasonably defined by the terms of this subpart, including but not limited to bears, deer, monkeys and game fish.
- 3. “Farm Animals”** shall mean those animals commonly associated with a farm or performing work in an agricultural setting. Unless otherwise defined, such animals shall include members of the equestrian family (horses, mules), bovine family (cows, bulls), sheep, poultry (chickens, turkeys), fowl (ducks, geese), swine (pigs), goats, bees and other animals associated with a farm, ranch or stable.
- B. “Animal Containment Facility”** shall mean the facility designated by the City as an animal pound or temporary shelter for animals.
- C. “Animal Control Officer”** shall mean any city police officer, or that person or agency designated by the City as the control agent of the City relating to the keeping of animals in the City.
- D. “Animal Hospital”** means a place where the business of examination or treatment of animals for illness, injury or other health care purposes is conducted.
- E. “At Large”** pertaining to an animal, means on or about public streets, alleys, other public places or private properties in the city, unless otherwise permitted in this chapter, when the animal is not under restraint.
- F. “Cat”** means both male and female and includes any animal of the felidae species commonly accepted as domesticated household pets.
- G. “City”** shall mean the City of Eveleth situated in Saint Louis County, Minnesota.
- H. “Dog”** means both male and female of the canine species, commonly accepted as domesticated household pets.
- I. “Own”** means to have a property interest in, or to harbor, board, keep, possess or repeatedly feed.
- J. “Owner”** means any person harboring, boarding, keeping, possessing or repeatedly feeding any animal.
- K. “Person”** means any person, firm, corporation, organization, department or other legal entity.

- L. **“Pet Shop”** means a place where the business of selling animals for pets is conducted.
- M. **“Proper Enclosure”** means securely confined indoors or in a securely enclosed and locked pen or structure suitable to prevent an animal from escaping and providing protection from the elements for the animal. A proper enclosure does not include a porch, patio, or any part of a house, garage or other structure that would allow an 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 obstacles that prevent the animal from exiting.
- N. **“Regular Business Day”** means any day during which the city offices are open for the transaction of public business for at least four consecutive hours between the hours of 8:00 a.m. and 7:00 p.m. Generally, regular business days will include Monday through Friday from 8:00 a.m. to 4:30 p.m., except holidays.
- O. **“Stray”** means any animal that is not under restraint or is at large in the city.
- P. **“Under Restraint”** and **“Restrained”** mean any one or more of the following:
1. The animal is controlled by a durable leash not exceeding six feet in length, by a reel type leash or electronic control collar and under control of an accompanying person of suitable age and discretion.
 2. The animal is securely contained within a vehicle that is parked or being driven, providing that the animal is being kept within the vehicle in a humane manner.
 3. The animal is within the property limits of its owner and is securely leashed to an immovable object so as to prevent the animal from leaving the property.
 4. The animal is within the property limits of its owner and is securely contained within a suitable structure, kennel or fence sufficiently constructed so as to prevent the animal from leaving the property.

Subd. 2. **Dogs and Cats – License Required.** It is unlawful for any owner of a dog or cat over fourteen (14) weeks of age, to fail to obtain a proper City license therefor. All dogs and cats over the age of fourteen (14) weeks kept, harbored or maintained by their owners in the City, shall be licensed and registered with the City. The licensing provisions of this subdivision shall not apply to dogs or cats whose owners are non-residents temporarily within the City for a period of time less than 30 days, nor to dogs and cats temporarily brought into the City to participate in any dog or cat show.

Subd. 3. **License Issuance, Term and Renewal.** Dog and cat licenses shall be issued by the City Clerk/Administrator upon satisfactory completion of a written license application, submission of a vaccination certificate and payment of the license fee. The

owner shall state, at the time application is made for the license and upon forms provided for such purpose, his or her name and address and the name, breed, color and sex of each dog and cat owned by him or her. The owner shall also submit a certificate issued by a veterinarian licensed to practice veterinary medicine, showing rabies immunization of the animal for at least the term of the license. All animal licenses shall be renewed annually, and the effective term of all licenses shall commence on January 1. All animal licenses shall expire on December 31. Application for license renewal, accompanied by a veterinarian's certificate, shall be made at least thirty (30) days prior to expiration of the license.

Subd. 4. **Adoption of Fees.** All fees for the licensing, impounding and maintenance of animals may be fixed and determined by the City Council, adopted by resolution and uniformly enforced. Such fees may from time to time be amended by the Council, by resolution. A copy of the resolution setting forth currently effective fees shall be kept on file in the office of the City Clerk/Administrator and open to inspection during regular business hours.

Subd. 5. **Tag Required.** All licensed animals shall wear a collar and have a tag firmly affixed thereto evidencing a current license. Upon owner's payment of the license fee and compliance with the other requirements set forth herein, the City Clerk/Administrator shall issue to the owner a separate license certificate and separate identifying tag for each dog and cat licensed. The tag shall have stamped on it the year for which it is issued and the number corresponding with the number on the license. In case a license tag is lost or destroyed, a duplicate shall be issued by the City Clerk/Administrator upon payment of a duplicate license fee as set by Council resolution. Dog and cat tags are not transferable from one dog or cat to another, and no refunds shall be made on any dog or cat license fee because of the death of the licensed dog or cat or the removal of the dog or cat from the City before the expiration of the license period.

Subd. 6 **Vaccinations.**

- A. All dogs and cats kept, harbored, maintained or transported within the City shall be vaccinated at least once every three (3) years by a licensed veterinarian, for rabies and distemper.
- B. A licensed veterinarian's certificate of vaccination must be kept by the animal's owner, on which is stated the date of vaccination, owner's name and address, animal's name (if applicable), animal's sex and description, the type of vaccine and the veterinarian's signature. Said certificate must at all times be available for display on demand. Upon demand made by the City Clerk/Administrator or the Animal Control Officer, the owner shall present for examination, the required certificate. In cases where certificates are not presented, the owner of the animal shall have seven (7) days to present the certificate to the demanding entity. Failure to do so shall be deemed a violation of this ordinance, in which case the subject dog or cat shall be

subject to impoundment and the owner shall be subject to the penalties set forth herein.

Subd. 7 Non-Domestic Animals Prohibited. It shall be unlawful for any person to own, possess, harbor or offer for sale, any non-domestic animal within the city limits. An exception may be made to this prohibition for those animals specifically trained for and actually providing assistance to the handicapped or disabled, and for those animals brought into the city as part of an authorized operating zoo or circus, veterinarian clinic, scientific research laboratory, or a licensed show or exhibition. This prohibition shall not apply to the outdoor feeding of wild birds that are not kept in captivity.

Subd. 8 Farm Animals Regulated. Farm animals shall be kept only in agricultural or rural zones or areas of the city, in accordance with the city's zoning ordinance, rules and regulations. It shall be unlawful for any person to own, possess, harbor or offer for sale, any farm animals within the residential areas of the city. An exception may be made to this prohibition for those animals brought into the city as part of an authorized operating zoo or circus, veterinarian clinic, scientific research laboratory or a licensed show or exhibition.

Subd. 9 Animal Impoundment. Any animals found to be in violation of this ordinance, or any animals owned, possessed, harbored or kept in violation of this ordinance shall be subject to impoundment as described herein.

A. Impoundment, generally.

(1) The animal control officer shall apprehend and impound any animal found under circumstances that are in violation of any of the provisions of this ordinance, or upon reasonable belief that the animal is diseased, rabid or exposed to rabies. Any animal impounded by the animal control officer shall be delivered to the Animal Containment Facility.

(2) Any animal control officer may enter upon private property for the purpose of impounding an animal believed to be in violation of the terms of this ordinance, except that no animal control officer may enter a dwelling without first obtaining the consent of the owner or a search warrant from District Court.

(3) An animal owner shall produce their animal for inspection as well as the license receipt and/or tag for a dog or cat, when requested to do so by the animal control officer.

(4) The animal control officer, upon receiving any animal, shall make a complete registry thereof by entering the type of animal, breed, color and sex of such animal and, if required, whether the animal is licensed. If licensed, the officer shall enter the name and address of the owner and the number of the license tag. Impoundment records shall be kept no less than one year.

B. Notice of Impoundment. The animal control officer impounding an animal pursuant to the provisions of this ordinance, shall give written notice of the impounding to the owner of such animal, if known. The written notice shall be mailed or hand-delivered to the owner, if the name, address and/or location of the owner are known, or may be posted at the location where the animal is taken into custody. The notice shall state: (a) a description of the impounded animal; (b) the location at which the animal was seized, (c) the reasons and/or circumstances as to why the animal was impounded; (d) the location, address, telephone number and name of the person to contact where the impounded animal is located; (e) a statement that all actual costs of the keeping, maintenance and disposal of the animal during impoundment are the responsibility of the owner of the animal; (f) a statement that if the animal is not claimed by the owner within ten regular business days from the date of the written notice, the animal shall then be sold, destroyed or otherwise disposed of in accordance with this ordinance. In the event that the animal's owner and/or the owner's address or location are not known, the animal control officer shall post the required written notice at the animal containment facility and city police department for ten regular business days before the animal is sold, destroyed or otherwise disposed of in accordance with this ordinance.

C. Impoundment Fees. Fees for the impoundment of dogs, cats or other animals, which shall include charges for board and shelter for each such animal impounded, shall be in an amount duly established by the city council from time to time as set forth by resolution. The impoundment fees may, at the council's discretion, increase with each occasion the same animal has been impounded by the city. The animal control officer is authorized to accept redemption fees and charges for impoundment as specified by the city council. The city may collect unpaid fees and charges in any manner authorized by law.

Right to hearing and release from impoundment. Upon request of a person claiming an interest in the animal, a hearing shall be held within five days of such request to determine the validity of the seizure and impoundment. A person must request said hearing within ten days from the date of the animal's seizure. If the seizure was done pursuant to a warrant under M.S. § 343.22 (Investigation of Cruelty Complaints), the hearing must be conducted by the judge who issued the warrant. If the seizure was done under M.S. §343.29 (Improper Shelter/Care), the City may either (1) authorize a licensed veterinarian with no financial interest in the matter or professional association with either party or (2) use the services of a hearing officer to conduct the hearing. A person claiming an interest in the animal who is aggrieved by a decision of a hearing officer under this section, may seek a court order governing the seizure or impoundment within five days of the notice of the order. A judge or hearing officer may authorize the return of the animal, if the judge or hearing officer finds that (1) the animal is physically fit and (2) the

person claiming an interest in the animal can and will provide the care required by law for the animal.

D. Animals Biting Human Beings.

1. Duties of Owner. Whenever an owner of an animal within the corporate limits of the city shall learn that his/her animal has bitten a human being, such owner shall immediately confine the animal in a proper enclosure where it cannot escape or have access to any human being or other animal. The owner shall also immediately notify the animal control officer and/or the city police department.

2. Confinement of animals biting humans. Whenever the animal control officer or other officer of the police department shall learn that a human being has been bitten by any animal, the officer shall ascertain the identity of the animal and its owner, and shall immediately direct that the owner forthwith confine such animal in a proper enclosure. Any animal that has not been inoculated by a rabies vaccine, or any animal for which no current rabies inoculation certificate can be shown and which has bitten any person wherein the skin has been punctured or the services of a doctor are required, shall be confined to the Animal Containment Facility for a period of not less than ten regular business days, during which time the animal shall be examined by a licensed veterinarian for symptoms of rabies. If it is determined, upon examination, that the animal is afflicted with rabies or is found to be diseased in such a manner as to be a danger to the health and/or safety of the public, then the animal shall be humanely euthanized and the city shall properly and safely dispose of the animal's remains, after any necessary confirmatory tests are performed on the animal's carcass. After the ten day period has elapsed, if it is determined, upon examination, that the animal is healthy and free from symptoms of rabies, then the animal may be reclaimed by and released to the owner in accordance with the procedures and requirements set forth in this section. In all applicable circumstances, the owner of the animal shall be responsible for the payment of all costs associated with the confinement, impoundment, examination, euthanization and disposal of the animal.

E. Humane Care While Impounded. All animals conveyed to the Animal Control Facility shall be kept, with humane treatment and sufficient food, water and shelter for their comfort, at least ten regular business days, unless sooner reclaimed by their owners as provided in this subdivision.

F. Reclaiming Animals. In order for an owner to reclaim an animal from impoundment, the owner shall comply with the following requirements, unless otherwise provided for in this ordinance:

- (1) Payment of a release fee as previously provided for in this subdivision, and
- (2) Payment of all costs associated with the confinement and/or impoundment of the animal and all costs associated with the care and maintenance of the animal during the period of confinement and/or impoundment, and
- (3) If a dog or cat is unlicensed, payment of a regular license fee and compliance with all licensing requirements, including proof of vaccination, as previously provided for in this ordinance.

- G. **Unclaimed Animals.** At the expiration of the time periods established in this subdivision, if the animal has not been reclaimed in accordance with the provisions of this ordinance, the animal control officer may allow any person to adopt the animal, or may cause the animal to be euthanized in a proper and humane manner and shall properly dispose of the animal's remains.
- H. **Summary Destruction.** If, under the circumstances, it is reasonably believed that an animal is diseased, vicious, dangerous, rabid or exposed to rabies and such animal cannot be impounded after a reasonable effort or cannot be impounded without serious risk to the person or persons attempting to impound the animal, then the animal may be immediately and summarily destroyed in a humane manner.
- I. **Seizure by Citizen.** It is lawful for any person to seize and impound an animal so found running at large and shall within six hours thereafter notify the Animal Control Officer of such seizure. It shall be the duty of the Animal Control Officer to place said animal in the Animal Containment Facility. If the name of the owner of such animal so seized is known to the person who first takes such animal into custody, he or she shall inform the Animal Control Officer of the name of the owner, and the address if known.
- J. **Immobilization of Animals.** For the purpose of enforcement of this section, an Animal Control Officer may use a so-called tranquilizer gun or other instrument for the purpose of humanely immobilizing and catching an animal.

Subd. 10 **Violations.** In addition to violations in the previous and subsequent sections of this Ordinance, the following shall be considered violations of this Ordinance and are hereby declared and classified as public nuisances:

- A. **Running at Large Prohibited.** It shall be unlawful for the owner of any animal to permit such animal to run at large as defined in Subdivision 1 (A) (E).
- B. **Exceeding Limited Number of Animals.** It shall be unlawful for any person to own, possess, harbor or keep more than four domestic animals at any premises, household or dwelling unit, except that a fresh litter of puppies or kittens may be kept for a period of three months before such keeping shall be

deemed a violation of this Ordinance. No more than three of the four domestic animals may be dogs. This provision shall not apply to an animal kennel which is properly licensed and operating in accordance with Minnesota Statutes, the City Code and any other applicable laws, rules, regulations and/or ordinances. This provision shall not apply to the keeping of domestic fish that are contained within a fish tank.

- C. **Animal Nuisances.** It shall be unlawful for the owner or caretaker of any dog or other domestic animal to fail, keep or prevent the animal from continuously and repeatedly barking, crying, whining, howling or emitting other disturbing noises so as to cause unreasonable annoyance, disturbance or discomfort to any person. Barking, crying, whining, howling or the emission of other disturbing noises that persist for more than five minutes shall be considered “continuous and repeated” for purposes of establishing a violation of this subdivision. Further, to be considered a violation of this subdivision, such noises must be audible off of the owner’s or caretaker’s premises.

- D. **License Tags.** It shall be unlawful for the owner of any animal licensed under the provisions of this chapter to fail to have the license tag issued by the City firmly attached to a collar worn at all times by the licensed animal.

- E. **Animal Waste.** It shall be unlawful for the owner or caretaker of any animal to:
 - (1) Suffer or permit an animal to defecate upon public property, or the private property of another, without immediately removing the excrement and disposing of it in a sanitary manner.
 - (2) Suffer or permit an animal to be upon public property, or the private property of another, unless such animal is in the custody of a person of suitable age and discretion having in his/her possession equipment and supplies necessary for the removal of excrement.
 - (3) Permit animal excrement to accumulate upon their premises to an extent that the accumulation unreasonably annoys or creates discomfort for any person. In no event shall excrement be permitted to accumulate upon the owner or caretaker’s premises for a period of time in excess of five days without removal and sanitary disposal.

EXCEPTIONS: The provisions of parts (1) and (2) of this section shall not apply to a guide dog accompanying a blind person, a service dog accompanying a disabled person or a dog while engaged in police or rescue activity.

- F. **Damage to Private Property.** It shall be unlawful for the owner or caretaker of any animal to permit the animal to damage the lawn, garden or other property of another person or entity.
- G. **Interference with Enforcement.** No person shall intentionally interfere with, hinder, molest or refuse to comply with the lawful orders of any Animal Control Officer who is engaged in the performance of their duty in the enforcement of this ordinance.
- H. **City Parks.** No person shall allow any domestic animal to be present in any city park, unless the city park has been previously designated by the City Council as a dog park/pet park or unless such animal is within a permitted area of the park.
- (1) **Permitted Areas:** Pets shall be permitted on designated trails and in parking lots at all parks, provided that:
- (a) The pet is properly licensed, and
 - (b) The pet is under restraint, as previously defined.
- (2) **Exceptions:** The provisions of this section shall not apply to a guide dog accompanying a blind person, a service dog accompanying a disabled person or a dog while engaged in police or rescue activity.
- (3) **Dog/Pet Park Rules:** The City shall adopt rules and regulations governing the use of any city park that has been designated as a dog park/pet park, by resolution of the City Council. A copy of the rules and regulations shall be maintained at the City Hall, accompanying this ordinance. Any such rules and regulations may be periodically changed or amended by resolution of the City Council.
- I. **Dangerous Animals.** No person shall own, harbor, possess or keep any animal that has been classified as a “dangerous animal.”
- (1) **Dangerous Animal** means any animal that has:
- (a) without provocation, inflicted substantial bodily harm on a human being on public or private property;
 - (b) killed a domestic animal without provocation while off the owner’s property;
 - (c) been found to be potentially dangerous, and after the owner has notice that the animal is potentially dangerous, the animal aggressively bites, attacks or endangers the safety of humans or domestic animals.
- (2) **Potentially Dangerous Animal** means any animal that:

- (a) when unprovoked, inflicts bites on a human or domestic animal on public or private property;
- (b) when unprovoked, chases or approaches a person, including a person on a bicycle, upon the streets, sidewalks, or any public or private property other than the animal owner's property, in an apparent attitude of attack; or
- (c) has a known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.

(3) **Classification of Potentially Dangerous Animals:** Upon an Animal Control Officer's investigation of an incident involving conduct by an animal that could be considered indicative that the animal in question is a potentially dangerous animal, the Chief of Police or the Chief of Police's designate shall have the authority to review the facts and circumstances and make a determination whether or not the animal should be classified as a potentially dangerous animal. If an animal is classified as a potentially dangerous animal, written notice of the finding shall be given to the animal's owner by mailing or hand-delivering the notice to the owner. At a minimum, the written notice shall contain (a) a description of the reasons for the classification, (b) a warning that if the animal aggressively bites, attacks or endangers the safety of humans or domestic animals, the animal will then be classified as a dangerous animal, (c) a notice that if the animal is classified as a dangerous animal, the animal then cannot be owned, possessed, harbored or kept in the City of Eveleth and (d) a notice that the owner has a right to appeal the classification to a hearing before the City Council by providing the City Clerk/Administrator with written notice of the appeal within fifteen days from the date of the written notice of the finding.

(4) **Animals Presenting an Immediate Danger to Health and Safety:** If in the reasonable belief of a police officer, an animal presents an immediate danger to the health and safety of any person, or the animal is threatening harm to any person, or the animal is in the process of attacking any person, the police officer may destroy the animal.

J. **Diseased Animals.** No person shall keep, harbor, possess or allow to run at large, any animal which is diseased so as to be a danger to the health and safety of the public, even if the animal is properly licensed under this Ordinance. Any animal reasonably suspected of being diseased and presenting a threat to the health and safety of the public, may be apprehended and confined in the Animal Containment Facility, whereupon a qualified veterinarian must examine the animal. If the animal is found to be a danger to the health and safety of the public, an Animal Control Officer shall cause such animal to be humanely destroyed and shall properly dispose of the remains. The owner of the animal shall be liable for the costs of maintaining

and disposing of the animal, plus the costs of any veterinarian examinations. If the animal, upon examination, is not found to be diseased within the meaning of this Section, the animal shall be released to the owner.

- K. **Basic Animal Care.** All animals shall receive kind and humane treatment from their owners, which shall include proper and adequate housing and/or shelter from the elements, and sufficient food and water for their comfort. Any person not treating their animal in a humane manner, or any person not providing adequate housing and/or shelter from the elements and sufficient food and water for the animal's comfort shall be subject to the penalties provided in this Ordinance.
- L. **Disposal of Dead Animals.** The owner or caretaker of any animal that dies shall, within 24 hours of death, dispose of the animal's body by cremation or by removing the body from the City. The term "body" does not include the ashes of a cremated animal.
- M. **Breeding Moratorium.** Except for controlled breeding purposes, every female animal in heat shall be confined in a building or other proper enclosure in such manner that it cannot come in contact with another animal.

Subd. 11 **Penalties.** Any violation of this Ordinance shall constitute a misdemeanor, punishable to the statutory maximum allowed for a misdemeanor under Minnesota Statute. Each day a violation of this Ordinance is committed or permitted to continue shall constitute a separate offense and shall be punishable as such under this Section. Nothing in this Section shall prohibit the City from imposing administrative penalties in lieu of criminal charges. If the City elects to seek misdemeanor prosecution, no administrative penalty shall be imposed. All administrative penalties for specified violations of this Ordinance may be fixed and determined by the City Council, adopted by resolution and uniformly enforced. Such penalties may from time to time be amended by the City Council, by resolution. A copy of the resolution setting forth currently effective administrative penalties shall be kept on file in the office of the City Clerk/Administrator and open to inspection during regular business hours.

Subd. 12 **Repeated Violations – Loss of License and Privileges.** Any person who is convicted of three or more separate violations of Subdivision 10 of this Ordinance in a two year period, shall be considered a repeat offender and therefore subject to loss of license and privileges.

- A. **Procedures:** For purposes of this Ordinance, the term "conviction" shall include a plea of guilty to a charge under this Ordinance, the admission to an Administrative Offense for a charge under this Ordinance or a finding of guilty to a charge under this Ordinance made by the District Court, City Council or other authorized Hearing Officer. Upon the offender's third conviction within a two year period, the City Clerk/Administrator shall mail or hand deliver written notice to said repeat offender stating

that (a) the repeat offender's animal license has been revoked for the nuisance animal(s) in question; (b) that the City will not grant the repeat offender any new animal licenses for a period of two years from the date of the written notification; and (c) that, during the two year revocation period, the repeat offender is prohibited from owning, possessing, harboring or keeping any animal of the same type as the nuisance animal within the municipal boundaries of the City of Eveleth. The written notice shall also direct that, within thirty days, the repeat offender shall terminate and discontinue their ownership, possession, harboring or keeping of said nuisance animal(s) within the City of Eveleth. Further, that if the repeat offender does not voluntarily comply, that at the expiration of the thirty day period, an Animal Control Officer will seize and impound any such animal(s) owned, possessed, harbored or kept by the repeat offender.

- B. **Right of Appeal by Repeat Offender.** Any written notice given to a repeat offender under the provisions of subpart A above shall also include notification of the repeat offender's right to appeal the revocation to a hearing before the City Council by providing the City Clerk/Administrator with written notice of the appeal within fifteen days from the date of the written notice of revocation.
- C. **Procedures Upon Failure To Comply.** Upon the repeat offender's third conviction in a two year period, and within thirty days from the date of the written notice received from the City Clerk/Administrator, the repeat offender shall terminate and discontinue his/her ownership, possession, harboring or keeping of the nuisance animal(s) within the City of Eveleth. If the repeat offender does not voluntarily do so within the thirty day period, then, at the expiration of the thirty day period, the nuisance animal(s) owned, possessed, harbored or kept by the repeat offender anywhere in the City of Eveleth shall be seized by the Animal Control Officer and impounded at the Animal Containment Facility. The animal(s) may then be released to another person, providing that the person taking possession of the animal(s) is not a repeat offender under this Ordinance and is not residing with a repeat offender or living in the same household or dwelling unit with a repeat offender. If the impounded animal(s) is not claimed, the animal may be destroyed in a proper and humane manner.
- D. **Appeal Procedures.** The repeat offender shall have the right to appeal the revocation of his/her privileges hereunder, to a hearing before the City Council or before a Hearing Officer appointed by the City Council. To perfect his/her appeal, the repeat offender must provide the City Clerk/Administrator with written notice of the appeal within fifteen days from the date of the written notice of revocation. A hearing before the City Council or before a Hearing Officer appointed by the City Council

shall take place within thirty days of the date of a repeat offender's written notice of appeal. At the appeal hearing, the City Council or Hearing Officer shall hear and consider all evidence and information from the repeat offender as to why the revocation should not occur. If the hearing is before a Hearing Officer appointed by the City Council, then the Hearing Officer, within five days from the conclusion of the hearing, shall present to the City Council a written report of his/her factual findings based upon the evidence presented at the hearing. Within sixty days from the repeat offender's notice of appeal, the City Council shall take final action on the appeal and either affirm or reverse the revocation. If the revocation is reversed, the City Council has complete authority and discretion to set any conditions and parameters that the City Council deems proper as to the repeat offender's ongoing ownership, possession, harboring or keeping of animals within the City of Eveleth. During the period that the repeat offender's appeal to the City Council is ongoing, the revocation of the repeat offender's licenses and privileges hereunder shall be stayed.

Subd. 13 **Effective date.** This Ordinance shall be effective seven (7) working days after the publication of Ordinance.

Adopted on motion of Councilor Kallevig supported by Councilor Koivunen by the following vote:

Ayes: Councilor Kuoppala, Councilor Kallevig, Councilor Koivunen, Councilor Hoag, Mayor Matos

Nays: None

Bill Matos, Mayor

Attest:

Jackie Monahan-Junek
City Clerk/Administrator

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