

Motion by DeBates, seconded by Bell, to approve RESOLUTION #10-47 outlining the rules and regulations for Ordinance No. 91. All ayes, motion carried.

ORDINANCE NO. 91

AN ORDINANCE TO REGULATE THE KEEPING OF ANIMALS WITHIN THE CITY LIMITS OF JASPER. THIS ORDINANCE SUPERSEDES JASPER CITY CODE, SECTION 9.20, ANIMAL LICENSING AND REGULATION IN ITS ENTIRETY.

1. Allowed Animals. No animals shall be kept or housed by any person or entity within the city limits of Jasper except as those allowed under the terms of this ordinance. Household pets, being those animals commonly bred and used as domesticated household pets, and which are of a size and nature as to be reasonably fit for such purpose, are allowed in all areas of the City, subject to the other restrictions set out in this Ordinance. Household (domestic) pets would include, but are not limited to, dogs, cats, caged rodents such as white mice and gerbils, ferrets, rabbits, small aquarium fish such as goldfish, and non-hunting birds such as pigeons, parakeets and parrots.
2. Farm Animals and Horses. Farm animals, defined as animals usually held for agricultural or commercial production, including, but not limited to, cattle, hogs (including miniature "pot-bellied" pigs), sheep, goats, mink, ermine, chickens, ducks, geese, alpacas, or turkeys, and also horses, shall only be allowed to be kept or housed in portions of the city zoned as R-2 or agricultural zones, subject to any further restrictions contained in other City ordinances.
3. Wild or Predator Animals. No wild animal of any kind taken from its natural habitat shall be kept or harbored in the City limits. These may include, but are not limited to, raccoons, squirrels, beavers, badgers, or muskrats. No predator animal, defined as any animal normally considered a predator in the wild, even if bred in captivity, including, but not limited to bears, wolves, coyotes, lions, tigers, cougars, panthers, lynx, and other members of the large hunting cat family, eagles, hawks, falcons and other large hunting bird species, alligators, crocodiles, iguanas, and any poisonous or constrictor snakes, shall be allowed to be kept or housed within the City of Jasper.
4. Exotic Animals. Certain species of animals that are sometimes kept in captivity for exhibit, controlled hunting purposes, or agricultural production, may fit some or all of the other categories listed above. These exotic animals are of such a size and nature as to not be reasonably considered as appropriate domesticated household pets. Such animals include, but are not limited to, buffalo, elk, deer, llamas, ostriches and emus. No such exotic animals may be kept or housed within the City of Jasper, except by special use permit in agricultural zones.
5. Pet Number Limitation. No person or entity shall keep or house in the City of Jasper more than three adult household pet animals total. An adult animal is defined as an animal of breeding age (6 months old). The immature offspring of the allowed adult animals may be kept or housed until they reach 6 months old, at which time they must be immediately removed from the premises. For purposes of this section, neutered or spayed animals that have reached breeding age shall be considered adult animals, even though they have been altered and cannot actually breed. This section shall not apply to small animals subject to close confinement at all times in a cage or aquarium, such as small birds or fish.

As an exception to the limitation of three adult household pet animals of any species in the preceding paragraph, a person or entity may request a *special annual animal* permit from the

city council for \$20 each year to keep or house each animal beyond three. To qualify for the special animal permit, it must be demonstrated to the satisfaction of the city that said fourth and more animals have been owned by the petitioner for no less than 30 days prior to the petitioner moving to the city. In the alternative, the petitioner may qualify for such special annual animal permit if the petitioner proves to the satisfaction of the city that the petitioner resided in Jasper with said fourth or more animals prior to the adoption of Ordinance 91, which imposed these numbers restrictions. Any such animal permit shall be granted in the sole discretion of the city, which shall have the right to apply conditions to the permit appropriate to the situation, to carry out the goals of the city to protect persons, property and pets, avoid nuisances, and maintain property values. Any violation of the animal permit conditions may result in revocation of the permit. If the fourth or more animals authorized under such permit is sold, gifted, dies, or for any other reason ceases to reside at the address designated on the permit, that pet cannot be replaced and thereafter the person or entity to whom the special annual animal permit was granted shall revert back to the standard restriction of three adult household pet animals.

As an exception to the limitations under this Section 5, the limitation on the number of household pet animals shall not apply to a veterinary clinic, pet hospital, or a pet shop duly licensed and permitted to operate in a business zone within the City of Jasper.

6. Licensing. All dogs and cats kept or held within city limits must obtain a license from the city and pay the required license fee, \$10 for each spayed or neutered animal, \$15 for each unsprayed or not neutered animal. Proof that the dog or cat has been vaccinated for rabies must be presented at the time the license application is made; proof that the animal has been neutered also needs to be presented at the time the license is paid. Licenses are to be obtained no later than 30 days after the animal is first acquired to be kept or housed within city limits. Licenses will be available for purchase from March 1 to March 31, will expire on March 31 each year, and owners are given a month grace period in which to renew said licenses--no later than April 30 of each year. After April 30th, a late charge of \$5 per license will be charged until May 31st. After May 31st, owner will be in violation of the ordinance for each animal. The full year license fee is payable for any part year the animal is kept or held in city limits, and there shall be no refund of the yearly license fee for any animal that dies or is removed from city limits prior to the expiration of the 12 month license issued.

7. Animal Care and Control. All animals kept or held within city limits must be physically controlled by the person or entity keeping or holding said animal, and in a manner to provide proper care for said animal. This control can be exercised as follows:
 - A) by keeping the animal caged, housed within a building that does not allow the animal free exit through a pet door or other uncontrolled opening, or
 - B) by a fenced enclosure of sufficient construction and dimensions to prevent the animal from escape by jumping or climbing over or digging through under said enclosure. Escape by digging shall be prevented by providing a floor to the cage or enclosure consisting of concrete, plastic, wood of sufficient thickness, or other material that the animal cannot dig or chew through to escape from the enclosure. (Electronic control measures such as "invisible fencing" and electronic collars are not acceptable physical controls under this ordinance) or
 - C) by controlling the animal by a leash (leash law should be in effect no matter when a dog is out of the house) of sufficient composition to prevent the animal from breaking free of said leash, and with said leash held at all times by a person of sufficient size and strength to control the animal, or by anchoring the leash to a stake, ring, bolt or other

device of sufficient strength and composition to prevent the leash from detaching from said connection.

- D) in addition, any cage, building, enclosure or leash arrangement must be of sufficient composition, dimensions and location so as to reasonably prevent the animal from injuring any person or property.
- E) Any animal restraint or enclosure shall be set up in such a way as to properly care for the health of the animal. This shall include providing the animal with sufficient source of food and water available to the animal, shade in the summer and shelter from the elements in the winter.
- F) Animals will be restrained or leashed as required under this ordinance in the City of Jasper only 10' from the city sidewalk; if no sidewalk—15' from the curb. No animals shall be leashed or housed at a location that would allow the animal to trespass onto the property of any other owner or onto public street, sidewalk or alley rights of way.
- G) Animals may be given exercise walks along the public streets, sidewalks and alleyways, as long as the animal is held by a leash controlled by a person of sufficient size and strength to restrain the animal. No animal shall be allowed to trespass onto private property without the express permission of the property owner. If the animal conducts a bowel elimination during any such exercise walk, the person controlling the dog must immediately pick up and remove said bowel movement and dispose of it in a covered garbage container located where the animal resides.

8. Noise Control. Any person or entity who keeps or harbors a pet or other animal, or allows another to keep or harbor a pet or other animal on his property, in the case where the pet or animal is of such a nature or disposition or is kept in such confinement or condition that the animal disrupts the peace of the neighboring property owners by emitting barking or other noises during normal sleep hours, shall be considered as maintaining a public nuisance in violation of this ordinance. Normal sleep hours for purpose of this section shall be defined as any time after 10:00 P.M. and before 7 A.M. It shall also be a violation of this ordinance if any person keeps or harbors a pet or other animal that emits barking or other noises at any time of the day or night in a continuous or persistent manner. The phrase "continuous or persistent manner" for purpose of this section shall be defined as any barking or loud noises created by the pet continuously for a period of 10 minutes or more, or on an average of more than once each hour.
9. Manure Control. No person or entity shall keep or house any animal within the city limits in such a manner or in such a condition as to allow a build up of manure on the property where the animal is housed, which could reasonably be considered offensive to any neighbor. It shall automatically be considered a violation of this section if the person or entity keeping or holding the animal allows more a week of bowel eliminations to remain on the premises for a period of more than 24 hours. Such manure must properly be disposed of in a garbage container, sealed sufficiently to avoid odors from escaping from the container, and to avoid the accumulation of flies and other insects. Such garbage containers must be picked up for disposal outside City limits at least once each week. During disposal or sanitation of a confined area for an animal, manure sludge and urine cannot leave your property and run onto others. This section does not apply to animals kept in an agricultural zone.
10. Vicious Animals. No person will keep or harbor an animal within the city limits if said animal is known to have vicious tendencies. Any animal that attacks and causes serious injury to a person is automatically considered to be a vicious animal. Any animal that is found to have attacked or attempted to attack a person or another household pet animal at least two occasions shall

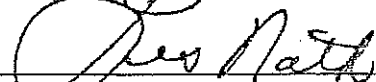
automatically be considered a vicious animal. If such animal is not immediately removed from city limits by the person keeping or holding said animal after the second such attack, the police are authorized and directed to seize said animal and have it destroyed in a humane manner by a veterinarian. This section shall not apply to trained police dogs directed to attack in a law enforcement situation by their handler, or to an animal attacking a person or other animal in legitimate defense of itself, its owner or the owner's property.

11. Pipestone County Law Enforcement. For purposes of this ordinance, the Pipestone County Law Enforcement is designated as an agent of the city; Pipestone County Law Enforcement determines the official impoundment site for stray and unlicensed animals. Law Enforcement is authorized to collect fees and fines, as they deem necessary regarding pickup, boarding, and fines.
12. Penalty. Any person or entity keeping or housing an animal in violation of any provision of this ordinance shall be charged annually \$25 for the 1st violation, \$50 for the 2nd violation, \$100 for the 3rd violation.
13. Exceptions. This ordinance shall not prohibit the keeping of farm animals in appropriate places and appropriately controlled. In addition, the City Council, may, in its discretion, issue a special permit from time to time to allow the presence of animals within city limits that would normally be restricted by this ordinance, in conjunction with parades or other community celebrations, but in such case the city shall have the right to place conditions on the presence of such animals, to include provisions that will ensure that the animals are properly controlled and that the public health and safety are protected. Seeing Eye dogs or other trained guide dogs that wear a harness are allowed but their owners must follow all other provisions for care, manure, and noise control.

All ordinances or portions of ordinances inconsistent with this ordinance are hereby amended.

This ordinance shall become effective March 1, 2010, if approved at the Public Hearing.

For City of Jasper:



Les Nath, Mayor



Kristine Rodman, Clerk-Treasurer

1st Public Hearing: December 8, 2009
Final Public Hearing: February 16, 2010, 7:30 PM
Effective March 1, 2010.