

**CITY OF LISMORE
ODINANCE #60**

**AN ORDINANCE REGULATING ANIMALS WITHIN THE CITY, LICENSING
REQUIREMENTS, KEEPING AND IMPOUNDING, AND PENALTIES FOR
VIOLATIONS.**

THE CITY COUNCIL OF THE CITY OF LISMORE DOES ORDAIN AS FOLLOWS:

§ SECTION 1: DEFINITIONS.

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

ANIMAL. 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.** Those animals commonly accepted as domesticated household pets. Unless otherwise defined, domestic animals shall include dogs, cats, caged birds, gerbils, hamsters, guinea pigs, domesticated rabbits, fish, non-poisonous, non-venomous and non-constricting reptiles or amphibians, and other similar animals.

(2) **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.

(3) **NON-DOMESTIC ANIMALS.** 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, non-domestic 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 descended), raccoon, squirrel, or ferret, but excluding those members otherwise defined or commonly accepted as domesticated pets.

(e) Any poisonous, venomous, constricting, or inherently dangerous member of the reptile or amphibian families including rattlesnakes, boa constrictors, pit vipers, crocodiles and alligators.

(f) Any other 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.

AT LARGE. Off the premises of the owner and not under the custody and control of the owner or other person, either by leash, cord, chain, or otherwise restrained or confined.

CAT. Both the male and female of the felidae species commonly accepted as domesticated household pets.

DOG. Both the male and female of the canine species, commonly accepted as domesticated household pets, and other domesticated animals of a dog kind.

OWNER. Any person or persons, firm, association or corporation owning, keeping, or harboring an animal.

RELEASE PERMIT. A permit issued by the Animal Control Officer or other person in charge of the pound for the release of any animal that has been taken to the pound. A release permit may be obtained upon payment of a fee to the City Clerk. All maintenance costs incurred in capturing and impounding the animal will be the responsibility of the owner. The release fee shall be as established in the Ordinance Establishing Fees and Charges adopted pursuant to § Ordinance #59, as it may be amended from time to time.

§ SECTION 2: DOGS AND CATS.

(A) **Running at large prohibited.** It shall be unlawful for the dog or cat of any person who owns, harbors, or keeps a dog or cat, to run at large. A person, who owns, harbors, or keeps a dog or cat, which runs at large shall be guilty of a misdemeanor. Dogs or cats on a leash and accompanied by a responsible person or accompanied by and under the control and direction of a responsible person, so as to be effectively restrained by command as by leash, shall be permitted in streets or on public land unless the city has posted an area with signs reading “Dogs or Cats Prohibited.”

(B) **Cats.** Cats shall be included as controlled by this division insofar as running-at-large, pickup, impounding, boarding, and proof of anti-rabies vaccine is concerned. All other provisions of this section shall also apply to cats unless otherwise provided.

(C) **Vaccination.**

(1) All dogs and cats kept harbored, maintained, or transported within the city shall be vaccinated at least once every three years by a licensed veterinarian for:

- (a) Rabies with a live modified vaccine; and
- (b) Distemper.

(2) A certificate of vaccination must be kept which states the date of vaccination, owner’s name and address, the animal’s name (if applicable), sex, description and weight, the type of vaccine, and the veterinarian’s signature. Upon demand made by the City Clerk, the

Animal Control Officer or a police officer, the owner shall present for examination the required certificate(s) of vaccination for the animal(s). In cases where certificates are not presented, the owner or keeper of the animal(s) shall have seven days in which to present the certificate(s) to the City Clerk or officer. Failure to do so shall be deemed a violation of this section. Penalty, see § Section 99.

§ SECTION 3: NON-DOMESTIC ANIMALS.

It shall be illegal for any person to own, possess, harbor, or offer for sale, any non-domestic animal within the city. Any owner of a non-domestic animal at the time of adoption of this code shall have 30 days in which to remove the animal from the city after which time the city may impound the animal as provided for in this section. An exception shall be made to this prohibition for 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 operating zoo, veterinarian clinic, scientific research laboratory, or a licensed show or exhibition.

Penalty, see § Section 99

§ SECTION 4: FARM ANIMALS.

Farm animals shall only be kept in an agricultural district of the city, or on a residential lot of at least ten acres in size provided that no animal shelter shall be within 300 feet of an adjoining piece of property. An exception shall be made to this section for those animals brought into the city as part of an operating zoo, veterinarian clinic, scientific research laboratory, or a licensed show or exhibition. An exception shall also apply to residents at the time this ordinance is adopted, and no allowance will be made to bring into the city limits any more farm animals that are on the property when the owner is notified of this ordinance. Furthermore, any change in ownership of the property will result in this ordinance being in full effect and no farm animals will be permitted on any property of less than 10 acres.

§ SECTION 5: IMPOUNDING.

(A) Running at large. Any animal running at large is hereby declared a public nuisance. Any Animal Control Officer or police officer may impound any dog or other animal found running at large and shall give notice of the impounding to the owner of the dog or other animal, if known. In case the owner is unknown, the officer shall post notice at the city office that if the dog or other animal is not claimed within the time specified in division (C) of this section, it will be sold or otherwise disposed of. Except as otherwise provided in this section, it shall be unlawful to kill, destroy, or otherwise cause injury to any animal, including dogs and cats running at large.

(1.) Warning Letter. A warning letter may be sent stating the animal was sited off leach of the owner's property and if observed again off leash and off the owner's property by a City employee within the next 30 days, a citation will be issued, carrying a fine as set by the State of Minnesota.

(2) Fine. It is a petty misdemeanor, punishable by a fine as set by the Stat of

Minnesota up to a maximum of one-hundred dollars (\$100.00), or maximum available by current law for a petty misdemeanor, for any person who is the owner, or other person in possession, of a dog or cat, to permit such dog or cat to run at large. Any dog or cat running at large that cannot be caught shall be treated as follows:

- (a) An attempt will be made to determine the owner
- (b) The owner will be issued a dated, written warning describing the details of the violation and animal description.
- (c) If a pet belonging to the same household is again running at large within thirty (30) days the owner will be mailed a citation.
- (d) If the thirty (30) days have passed before another violation occurs, at the next violation another written warning will be issued.
- (e) If after a citation has been issued, another violation occurs prior to thirty (30) days from the previous violation a second citation will be issued.
- (f) If after a citation has been issued and another violation occurs but more than thirty (30) days have passed since the last violation a written warning will be sent and the process will start over.
- (g) If more than four (4) citations have been issued to a household in one (1) year period the violation shall be a misdemeanor.

(B) **Biting animals.** Any animal that has not been inoculated by a live modified rabies vaccine and which has bitten any person, wherein the skin has been punctured or the services of a doctor are required, shall be confined in the city pound for a period of not less than ten days, at the expense of the owner. The animal may be released at the end of the time if healthy and free from symptoms of rabies, and by the payment of all costs by the owner. However, if the owner of the animal shall elect immediately upon receipt of notice of need for the confinement by the officer to voluntarily and immediately confine the animal for the required period of time in a veterinary hospital of the owner's choosing, not outside of the county in which this city is located, and provide immediate proof of confinement in the manner as may be required, the owner may do so. If, however, the animal has been inoculated with a live modified rabies vaccine and the owner has proof of the vaccination by a certificate from a licensed veterinarian, the owner may confine the dog or other animal to the owner's property.

(C) **Reclaiming.** All animals conveyed to the pound shall be kept, with humane treatment and sufficient food and water for their comfort, at least five regular business days, unless the animal is a dangerous animal as defined under § Section 11 in which case it shall be kept for seven regular business days or the times specified in § Section 11, and except if the animal is a cruelly-treated animal in which case it shall be kept for ten regular business days, unless sooner reclaimed by their owners or keepers as provided by this section. In case the owner or keeper shall desire to reclaim the animal from the pound, the following shall be required, unless otherwise provided for in this code or established from time to time by resolution of the City Council:

- (1) Payment of the release fee and receipt of a release permit as established by the Ordinance Establishing Fees and Charges adopted pursuant to § Ordinance #59 of this code, as that ordinance may be amended from time to time.
- (2) Payment of maintenance costs, as provided by the pound, per day or any part of day while animal is in the pound; and
- (3) Establishing Fees and Charges adopted pursuant to § Ordinance #59 of this code, as that ordinance may be amended from time to time, and valid certificate of vaccination for

rabies and distemper shots is required.

(D) **Unclaimed animals.** At the expiration of the times established in division (C) of this section, if the animal has not been reclaimed in accordance with the provisions of this section, the officer appointed to enforce this section may let any person claim the animal by complying with all provisions in this section, or the officer may sell the animal to the University of Minnesota, or cause the animal to be destroyed in a proper and humane manner and shall properly dispose of the remains thereof. Any money collected under this section shall be payable to the City Clerk.

Penalty, see § Section 18

§ SECTION 6: KENNELS.

(A) **Definition of kennel.** The keeping of three or more dogs 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 pups may be kept for a period of three months before that keeping shall be deemed to be a “kennel.”

(B) **Kennel as a nuisance.** Because the keeping of three or more dogs on the same premises is subject to great abuse, causing discomfort to persons in the area by way of smell, noise, hazard, and general aesthetic depreciation, the keeping of three or more dogs on the premises is hereby declared to be a nuisance and no person shall keep or maintain a kennel within the city.

Penalty, see § Section 18

§ SECTION 7: NUISANCES.

(A) **Habitual barking.** It shall be unlawful for any person to keep or harbor a dog which habitually barks or cries. Habitual barking shall be defined as barking for repeated intervals of at least five minutes with less than one minute of interruption. The barking must also be audible off of the owner’s or caretaker’s premises.

(B) **Damage to property.** It shall be unlawful for any person’s dog or other animal to damage any lawn, garden, or other property, whether or not the owner has knowledge of the damage.

(C) **Cleaning up litter.** 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 the feces in a sanitary manner whether on their own property, on the property of others or on public property.

(D) **Other.** Any animals kept contrary to this section are subject to impoundment as provided in § Section 5.

Penalty, see § Section 18

§ SECTION 8: SEIZURE OF ANIMALS.

Any police officer or Animal Control Officer may enter upon private property and seize any animal provided that the following exist:

(A) There is an identified complainant other than the police officer or Animal Control Officer making a contemporaneous complaint about the animal;

(B) The officer reasonably believes that the animal meets either the barking dog criteria set out in § Section 7(A); the criteria for cruelty set out in § Section 13; or the criteria for an at large animal set out in § Section 1(E);

(C) The officer can demonstrate that there has been at least one previous complaint of a barking dog; inhumane treatment of the animal; or that the animal was at large at this address on a prior date;

(D) The officer has made a reasonable attempt to contact the owner of the dog and the property to be entered and those attempts have either failed or have been ignored;

(E) The seizure will not involve the forced entry into a private residence. Use of a pass key obtained from a property manager, landlord, innkeeper, or other authorized person to have that key shall not be considered unauthorized entry; and

(F) Written notice of the seizure is left in a conspicuous place if personal contact with the owner of the dog is not possible.

§ Section 9: ANIMALS PRESENTING A DANGER TO HEALTH AND SAFETY OF CITY.

If, in the reasonable belief of any person or the Animal Control Officer or police officer, an animal presents an immediate danger to the health and safety of any person, or the animal is threatening imminent harm to any person, or the animal is in the process of attacking any person, the person or officer may destroy the animal in a proper and humane manner. Otherwise, the person or officer may apprehend the animal and deliver it to the pound for confinement under § Section 5. If the animal is destroyed, the owner or keeper of the animal destroyed shall be liable to the city for the cost of maintaining and disposing of the animal, plus the costs of any veterinarian examination. If the animal is found not to be a danger to the health and safety of the city, it may be released to the owner or keeper in accordance with § Section 5(C).

§ SECTION 10: DISEASED ANIMALS.

(A) **Running at large.** No person shall keep or allow to be kept on his or her premises, or on premises occupied by them, nor permit to run at large in the city, any animal which is diseased so as to be a danger to the health and safety of the city, even though the animal be properly licensed under this section.

(B) **Confinement.** 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 pound by any person, the Animal Control Officer or a police officer. The officer shall have a qualified veterinarian examine the animal. If the animal is found to be diseased in a manner so as to be a danger to the health and safety of the city, the officer shall cause the animal to be painlessly killed and shall properly dispose of the remains. The owner or keeper of the animal killed under this section shall be liable to the city for the cost of maintaining and disposing of the animal, plus the costs of any veterinarian examinations.

(C) **Release.** If the animal, upon examination, is not found to be diseased the animal shall be released to the owner or keeper free of charge.

Penalty, see § Section 18

§ SECTION 11: DANGEROUS ANIMALS.

(A) **Attack by an animal.** It shall be unlawful for any person’s animal to inflict or attempt to inflict bodily injury to any person or other animal whether or not the owner is present. This section shall not apply to an attack by a dog under the control of an on-duty law enforcement officer or to an attack upon an uninvited intruder who has entered the owner’s home with criminal intent.

(B) **Destruction of dangerous animal.** The Animal Control Officer shall have the authority to order the destruction of dangerous animals in accordance with the terms established by this chapter.

(C) **Definitions.** For the purpose of this division, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (1) **DANGEROUS ANIMAL.** An animal which has:
 - (a) Caused bodily injury or disfigurement to any person on public or private property;
 - (b) Engaged in any attack on any person under circumstances which would indicate danger to personal safety
 - (c) Exhibited unusually aggressive behavior, such as an attack on another animal;
 - (d) Bitten one or more persons on two or more occasions; or
 - (e) Been found to be potentially dangerous and/or the owner has personal knowledge of the same, the animal aggressively bites, attacks, or endangers the safety of humans or domestic animals.

- (2) **POTENTIALLY DANGEROUS ANIMAL.** An animal which has:
 - (a) Bitten a human or a domestic animal on public or private property;
 - (b) When unprovoked, chased or approached a person upon the streets, sidewalks, or any public property in an apparent attitude of attack; or
 - (c) Has engaged in unprovoked attacks causing injury or otherwise threatening the safety of humans or domestic animals.

(3) **PROPER ENCLOSURE.** 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. A proper enclosure does not include a porch, 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. The enclosure shall not allow the egress of the animal in any manner without human assistance. A pen or kennel shall meet the following minimum specifications:

- (a) Have a minimum overall floor size of 32 square feet.
- (b) Sidewalls shall have a minimum height of five feet and be constructed of 11-gauge or heavier wire. Openings in the wire shall not exceed two inches, support posts shall be 1 1/4-inch or larger steel pipe buried in the ground 18 inches or more. When a concrete floor is not provided, the sidewalls shall be buried a minimum of 18 inches in the ground.
- (c) A cover over the entire pen or kennel shall be provided. The cover shall be constructed of the same gauge wire or heavier as the sidewalls and shall also have no openings in the wire greater than two inches.

(d) 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 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.

(4) **UNPROVOKED.** The condition in which the animal is not purposely excited, stimulated, agitated or disturbed.

(D) **Designation as potentially dangerous animal.** The Animal Control Officer shall designate any animal as a potentially dangerous animal upon receiving evidence that the potentially dangerous animal has, when unprovoked, then bitten, attacked, or threatened the safety of a person or a domestic animal as stated in division (C)(2). When an animal is declared potentially dangerous, the Animal Control Officer shall cause one owner of the potentially dangerous animal to be notified in writing that the animal is potentially dangerous.

(E) **Evidence justifying designation.** The Animal Control Officer shall have the authority to designate any animal as a dangerous animal upon receiving evidence of the following:

- (1) That the animal has, when unprovoked, bitten, attacked, or threatened the safety of a person or domestic animal as stated in division (C)(1).
- (2) That the animal has been declared potentially dangerous and the animal has then bitten, attacked, or threatened the safety of a person or domestic animal as stated in division (C)(1).

(F) **Authority to order destruction.** The Animal Control Officer, upon finding that an animal is dangerous hereunder, is authorized to order, as part of the disposition of the case, that the animal be destroyed based on a written order containing one or more of the following findings of fact:

- (1) The animal is dangerous as demonstrated by a vicious attack, an unprovoked attack, an attack without warning or multiple attacks; or
- (2) The owner of the animal has demonstrated an inability or unwillingness to control the animal in order to prevent injury to persons or other animals.

(G) **Procedure.** The Animal Control Officer, after having determined that an animal is dangerous, may proceed in the following manner: The Animal Control Officer shall cause one owner of the animal to be notified in writing or in person that the animal is dangerous and may order the animal seized or make orders as deemed proper. This owner shall be notified as to dates, times, places and parties bitten, and shall be given 30 days to appeal this order by requesting a hearing before the City Council for a review of this determination.

- (1) If no appeal is filed, the orders issued will stand or the Animal Control Officer may order the animal destroyed.
- (2) If an owner requests a hearing for determination as to the dangerous nature of the animal, the hearing shall be held before the City Council, which shall set a date for hearing not more than three weeks after demand for the hearing. The records of the Animal Control or City Clerk's office shall be admissible for consideration by the Animal Control Officer without further foundation. After considering all evidence pertaining to the temperament of the animal, the City Council shall make an order as it deems proper. The City Council may order that the Animal Control Officer take the animal into custody for destruction, if the animal is not currently in custody. If the animal is ordered into custody for destruction, the owner shall immediately make the animal available to the Animal Control Officer.
- (3) No person shall harbor an animal after it has been found by to be dangerous and ordered into custody for destruction.

(H) **Stopping an attack.** If any police officer or Animal Control Officer is witness to an attack by an animal upon a person or another animal, the officer may take whatever means the officer deems appropriate to bring the attack to an end and prevent further injury to the victim.

(I) **Notification of new address.** The owner of an animal which has been identified as dangerous or potentially dangerous shall notify the Animal Control Officer in writing if the animal is to be relocated from its current address or given or sold to another person. The notification shall be given in writing at least 14 days prior to the relocation or transfer of ownership. The notification shall include the current owner's name and address, the relocation address, and the name of the new owner, if any.

Penalty, see § Section 18

§ SECTION 12: DANGEROUS ANIMAL REQUIREMENTS.

(A) **Requirements.** If the City Council does not order the destruction of an animal that has been declared dangerous, the City Council may, as an alternative, order any or all of the following:

- (1) That the owner provide and maintain a proper enclosure for the dangerous animal as specified in § Section 11(C)(3);
- (2) Post the front and the rear of the premises with clearly visible warning signs, including a warning symbol to inform children, that there is a dangerous animal on the property as specified in M.S. § 347.51 as may be amended from time to time;
- (3) Provide and show proof annually of public liability insurance in the minimum amount of \$300,000;
- (4) 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 feet in length) and under the physical restraint of a person 16 years of age or older. The muzzle must be of a 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;
- (5) If the animal is a dog, it must have an easily identifiable, standardized tag identifying the dog as dangerous affixed to its collar at all times as specified in M.S. § 347.51 as it may be amended from time to time;
- (6) All animals deemed dangerous by the Animal Control Officer shall be registered with the county in which this city is located within 14 days after the date the animal was so deemed and provide satisfactory proof thereof to the Animal Control Officer.
- (7) If the animal is a dog, the dog must be up to date on rabies vaccination. If the animal is a cat or ferret, it must be up to date with rabies vaccination.

(B) **Seizure.** The Animal Control Officer shall immediately seize any dangerous animal if the owner does not meet each of the above requirements within 30 days after the date notice is sent to the owner that the animal is dangerous. Seizure may be appealed to district court by serving a summons and petition upon the city and filing it with the district court.

(C) **Reclaiming animals.** A dangerous animal seized under § Section 12(B), may be

reclaimed by the owner of the animal upon payment of impounding and boarding fees and presenting proof to animal control that each of the requirements under § Section 12(B), is fulfilled. An animal not reclaimed under this section within 14 days may be disposed of as provided under § Section 11(F), and the owner is liable to the city for costs incurred in confining and impounding the animal.

(D) **Subsequent offenses.** If an owner of an animal has subsequently violated the provisions under § Section 11 with the same animal, the animal must be seized by animal control. The owner may request a hearing as defined in § Section 11(F). If the owner is found to have violated the provisions for which the animal was seized, the Animal Control Officer shall order the animal destroyed in a proper and humane manner and the owner shall pay the costs of confining the animal. If the person is found not to have violated the provisions for which the animal was seized, the owner may reclaim the animal under the provisions of § Section 12(C). If the animal is not yet reclaimed by the owner within 14 days after the date the owner is notified that the animal may be reclaimed, the animal may be disposed of as provided under § Section 11(F) and the owner is liable to the animal control for the costs incurred in confining, impounding and disposing of the animal.

§ SECTION 13: BASIC CARE.

Amended June 9, 2009

All animals shall receive from their owners or keepers kind and humane treatment. This includes but is not limited to adequate housing, any dog or cat kept outside the property owners' house for more than an hour at a time shall be required to have an insulated dog house of adequate size to accommodate the growing size of the dog or cat. Any animal kept outside for any length of time is required to have sufficient food and water at all times. Food and water are required to be put in a spill proof container and secured if necessary to prevent chewing or tipping over. All animals kept outside are required to be in a kennel or secured on a leash or cable long enough to allow them to protect themselves from harsh weather elements, including snow, rain, and hail or summer heat. Any person not treating their pet in a humane manner will be subject to the penalties and fines set forth in Section 18 of this ordinance.

Failure to comply with this section of the ordinance will result in a notice of mistreatment to be sent to the property owner and occupant advising them of the violation of this ordinance and to immediately address the issue. Failure to comply with this ordinance within a 48 hour period will result in another notice and a fine of \$100.00, which is due within 7 business days from the date of receipt. The City will assess the charges to the property if the fine is not paid. Failure to comply within 7 days of the first notice, the City's animal control officer will take custody of the animal at the owners' expense. Legal charges will then be filed in the Nobles County Courts against the owner of said animals.

§ SECTION 14 BREEDING MORATORIUMS.

Every female dog or female cat in heat shall be confined in a building or other enclosure in a manner that it cannot come in contact with another dog or cat except for planned breeding. Upon capture and failure to reclaim the animal, every dog or cat shall be neutered or spayed prior to being transferred to a new owner.

§ SECTION 15: ENFORCING OFFICER.

The Council is hereby authorized to appoint an animal control officer(s) to enforce the provisions of this section. In the officer’s duty of enforcing the provisions of this section, he or she may from time to time, with the consent of the City Council, designate assistants.

§ SECTION 16: POUND.

Unless otherwise amended the pound shall be located in a location maintained by the city which animals found in violation of this chapter shall be taken for safe treatment, and if necessary, for destruction.

§ SECTION 17: INTERFERENCE WITH OFFICERS.

No person shall in any manner molest, hinder, or interfere with any person authorized by the City Council to capture dogs, cats or other animals and convey them to the pound while engaged in that operation. Nor shall any unauthorized person break open the pound, or attempt to do so, or take or attempt to take from any agent any animal taken up by him or her in compliance with this chapter, or in any other manner to interfere with or hinder the officer in the discharge of his or her duties under this chapter.

Penalty, see § Section 99

§ Section 18 PENALTY.

(A) **Separate offenses.** Each day a violation of this chapter is committed or permitted to continue shall constitute a separate offense and shall be punishable under this section.

(B) **Misdemeanor.** Unless otherwise provided, violation of this chapter shall constitute a misdemeanor punishable as provided in § Ordinance #59 and will result in a fine of \$100 per occurrence.

(C) **Petty misdemeanor.** Violations of § Sections 2, 7, 13 and 14 are petty misdemeanors punishable as provided in § Ordinance #59.

This ordinance shall be effective upon passage and publication and repeals any and all ordinances inconsistent herewith including Ordinances #7, #45 and #49.

PASSED BY THE CITY COUNCIL OF THE CITY OF LISMORE THIS 29TH DAY OF DECEMBER, 2003.

Timothy A. Henning, Mayor

ATTEST: Kate McCann, City Clerk