

ORDINANCE NO. 2019-__

AN ORDINANCE TO AMEND AND REENACT SECTION 3-7-1 AND 3-7-9 OF THE MOORHEAD CITY CODE RELATING TO ANIMAL CONTROL DEFINITIONS AND PROHIBITED ACTS AND CONDITIONS.

BE IT ORDAINED by the City Council of the City of Moorhead as follows:

SECTION 1. Section 3-7-1 of the Moorhead City Code is hereby amended and reenacted to read as follows:

Terms used in this chapter have the following meanings:

AT LARGE: Off the premises of the owner or caretaker, and not under the control of the owner or caretaker by leash which a person has physical control over.

FEED: Making food available for consumption outdoors, either on the ground or at a height of less than five feet (5'). For purposes of this chapter, a person does not feed wildlife by maintaining live vegetation, such as fruit trees, gardens, or flower beds.

OWNER: Any person or persons, firm, association or corporation owning, keeping or harboring a dog or a cat.

PROPER ENCLOSURES: Shall have sidewalls with a minimum height of five feet (5') and be constructed of 11-gauge or heavier wire. Openings in the wire shall not exceed two inches (2"). Support posts shall be one and one-fourth inch (1 1/4") or larger steel pipe buried in the ground eighteen inches (18") or more. When a concrete floor is not provided, the sidewalls shall be buried a minimum of eighteen inches (18") in the ground. (Ord. 2005-1, 2-22-2005; amd. Ord. 2005-27, 10-17-2005; Ord. 2008-23, 11-24-2008)

WILDLIFE: Undomesticated animals living in the wild. This definition includes feral cats and dogs.

SECTION 2. Section 3-7-9 of the Moorhead City Code is hereby amended and reenacted to read as follows:

- A. Premises Kept Clean: Any person operating or maintaining a kennel for any number of dogs or cats, either commercially or privately, or maintaining a dog or cat on a leash, or chained in a back yard or elsewhere, or allowed to roam in a fenced in yard of any size, shall clean waste material daily. All waste material shall be stored in steel containers, covered fly and watertight and to prevent any noxious odor therefrom.
- B. Animal Wastes On Public And Private Property: No person shall allow a dog or cat owned by them or in their possession to deposit animal waste in city parks, on public property or on the property of other citizens or residents of the city. Any person charged and convicted of a violation of this subsection shall be subject to a fine or administrative penalty not to exceed

ten dollars (\$10.00) for the first offense and thereafter not to exceed fifty dollars (\$50.00) for further offenses.

- C. **Animals Disturbing The Peace¹:** No person shall keep or harbor any animal, which habitually barks, cries or howls. Any such animals, which habitually bark, cry or howl are hereby declared to be a public nuisance. "Habitually barking, crying or howling" shall be defined as barking, howling or crying for repeated intervals of at least five (5) minutes, with less than one minute of interruption. Such barking, crying or howling must be audible off of the owner's or keeper's premises. Any person desiring to make an administrative or criminal complaint against the owner or keeper of a habitually barking, crying or howling animal must contact the police department and state facts supporting the alleged nuisance. The police department, upon receipt of a sufficient complaint, shall then notify the person owning, harboring or keeping the animal that a complaint has been received and that such nuisance must be abated, and remain abated for a period of two (2) months. Notice shall be sufficient for purposes of this section if the alleged violator is informed orally of the complaint or if notice of the complaint is posted upon a door of the residence where the alleged violation occurred. If the animal is not quieted within the above time period and for the above described time period, an administrative or criminal complaint may be made out against the alleged violator.
- D. **Feeding Of ~~Deer Wildlife~~ Prohibited:** No person shall feed ~~or allow the feeding of any deer/wildlife~~ within the city limits, unless that person is doing so in the course of that person's employment as a veterinarian, city employee, or Minnesota Department of Natural Resources employee. ~~For purposes of this section, "feeding" shall mean the provision of one-half (¹/₂) cubic foot or more of grain, fruit, vegetables, nuts, hay or other edible material, either on the ground or at a height of less than five feet (5') above the ground, in a manner that attracts deer on a regular basis. Living food sources, such as fruit trees and other live vegetation, shall not be considered as deer feeding. This prohibition shall not apply to veterinarians, city animal control officers and park maintenance staff, or county, state or federal game officials who in the course of their duties have deer in their custody or under their management. (Ord. 2005-1, 2-22-2005)~~

SECTION 3. This ordinance shall take effect upon publication in accordance with the Moorhead City Charter.

PASSED by the City Council of the City of Moorhead this ____ day of _____, 2019.