

Ordinance # 3A

CITY OF STOCKTON

AN ORDINANCE LICENSING AND REGULATING THE KEEPING OF DOMESTIC ANIMALS, REPEALING INCONSISTENT AND PRIOR DOMESTIC ANIMAL ORDINANCES

The City of Stockton does ordain the following:

Section 1) Licenses Required

A) All dogs kept, harbored, or maintained by their owners in the city shall be licensed and registered with the city by June 30 of each year. Only dogs 6 months of age and over need to pay the annual fee for a license. A late charge will be added for licenses purchased after June 30th. New residents to the city must license and register their dogs within thirty (30) days after moving to the city.

The above licensing provisions shall not apply to dogs whose owners are non-residents temporarily within the city. Temporarily shall be defined as 60 days or less.

All fees shall be determined by the Stockton City council on a yearly basis under the fee schedule.

B) Proof of current rabies vaccination by a qualified veterinarian is required before a dog can be licensed.

C) Upon payment of the Dog license Fee, the city clerk will issue a numbered metal dog tag which corresponds to the registration information on file with the city or received on the dog license & registration application.

D) Every owner shall be required to provide each dog with a collar to which the license tag must be affixed, and shall see that the collar and tag are constantly worn. In case a dog tag is lost or destroyed, the City Clerk shall issue a duplicate. Dog tags shall not be transferable from one dog to another and no refunds shall be made on any dog license fee or tag because of the death of a dog or the owner's leaving the City.

Section 2) Nuisances

A) Running at Large: It shall be unlawful for the dog of any person who owns, harbors, or keeps a dog, to run at large. "Running at Large" shall be defined as 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. Dogs leashed, chained or confined on the owners private property must be so confined so that they cannot reach the adjoining property of another property owner or public property. A person who owns, harbors, or keeps a dog that runs at large shall be punishable by fines. Any dog caught running at large may be subjected to being impounded at the Winona Area Humane Society. Dogs on a leash and accompanied by a responsible person shall be permitted on streets and on public property unless the city has posted an area with signs reading "Dogs Prohibited."

B) Habitual Barking: It shall be unlawful for any person to keep or harbor a dog which habitually barks. "Habitual Barking" shall be defined as barking, crying, or howling often in a 24-hour period for consecutive days. The barking must also be audible off of the owner's or caretaker's premises.

C) Damage to Property: It shall be unlawful for any person's dog to damage any lawn, garden or other property, whether or not the owner has knowledge of the damage.

D) Cleaning up Litter: The owner of any dog or person having custody or control of any dog shall be responsible for cleaning up any feces of the dog and disposing of the feces in a sanitary manner, whether on the property of others or on public property. Failure to comply is considered a nuisance and is prohibited.

E) Kennels: The keeping of more than four 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 four months before that keeping shall be deemed to be a "kennel". Because the keeping of more than four 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, it shall be declared to be a nuisance and will be prohibited.

Section 3) Other

A) Basic Care: No person shall beat, treat cruelly, torment or otherwise abuse any dog or other domesticated animal, or cause or permit any dog fight. All dogs and any other domesticated animals shall receive from their owners or keepers humane care and treatment, proper shelter and protection from the weather, sufficient food and water for their comfort, and veterinary care when needed. Any person not treating their pet in a humane manner and abandonment of any animal is prohibited.

B) Attack by a Dog: It shall be unlawful for any person's dog to inflict or attempt to inflict bodily injury to any person or other animal whether or not the owner is present. The Winona County Sheriff's Department will be called to investigate any attacks by a dog. 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.

Section 4) Violations and Penalties

A) Anyone wishing to file a complaint will need to fill out and sign a complaint form, which is available from the City Clerk, or bring in a signed and dated written complaint.

B) Every person who violates any portion of this Ordinance when he or she performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, shall be subject to the following:

a) First time violators of this Ordinance shall receive a warning letter from the City Clerk, along with a copy of the Ordinance. The City Clerk's letter will outline the process to follow should they be in violation. The first written complaint received will be considered a first violation. If it is discovered that a first time violators' dog is not licensed, the owner will have ten days to license the dog at the regular fee. If the dog is not licensed within 10 days of the violation notice, a late fee will be assessed according to the fee schedule.

b) Second time violators of the Ordinance will be issued a fine from the City Clerk's office according to the fee schedule. Any written complaint received within a 2 month period following the first complaint, will be considered a second violation.

c) Third time violators of the Ordinance will be issued a fine from the City Clerk's office according to the fee schedule. Any written complaint received within one (1) year after the first violation, will be considered a third violation.

Section 5) PENALTY

Any person violating any provision of this Ordinance is guilty of a misdemeanor and upon conviction shall be punished by a fine or imprisonment in the County Jail for not more than 90 days, or both, plus the cost of prosecution in any case.

Section 6) REPEAL

This Ordinance, as written, shall supersede all previous Ordinances concerning the licensing and regulations of the keeping of dogs and other domesticated animals.

Section 7) EFFECTIVE DATE

This Ordinance shall be effective upon its enactment and publication according to law.

Passed by the Stockton City Council this 13th day of March, 2012.

David Johannes, Acting Mayor

ATTEST: _____
Bethany Winchester, City Clerk-Treasurer