

**June 12th, 2025**

**5:30 pm**

**Council Meeting**

**Check Bills – Ryan**

**2025 COUNCIL CHECKING BILLS**

Jan. - Wayne  
Feb. - Jake  
March - Scott  
April - Ron  
May - Jake  
June - Ryan  
July - Scott  
August - Wayne  
September - Ron  
October - Jake  
November - Ryan  
December - Scott



The City of Ashby is an equal opportunity provider & employer.

## CITY COUNCIL MEETING AGENDA

*Thursday, June 12th, 2025*

**Ashby City Hall – 5:30 P.M.**

(Items Underlined are Additions)

### Call to Order

### Pledge of Allegiance

### Additions to Agenda/Approval of Agenda

### Visitors

- ☀ Logan Nelson
  - Accessibility Fee Questions
  
- ☀ Darrin Froemming (TFC Poultry)
  - Nursing Home Offer

### Public Comment

- Must sign in prior to beginning of Council Meeting, 3 minute time limit

### Consent Agenda

- ☀ Approval of Minutes
- ☀ Approval of Bills

### Mayor's Report

- ☀ Open

### Council Reports

- ☀ Open

### Administration

- ☀ Group Cares Camp June 23<sup>rd</sup>-June 27<sup>th</sup>

### Public Safety

- ☀ Grant County Law Enforcement Report
- ☀ Fire/Ambulance Department Report

### Public Works

- ☀ Public Works Report

### Old Business

- ☀ Request Approval: Fee Ordinance Amendment
- ☀ Nursing Home Direction

### New Business

- ☀ Hawkins Street
- ☀ Handicap parking signs by Post Office and Bank
- ☀ Request Approval: Fire and Ambulance Donations
- ☀ Ordinance 91: Regulating Animals
  - Kennel definition size increase

### Adjourn

**July Council Meeting: July 10<sup>th</sup>, 2025**



May 5, 2025

TFC Poultry  
103 Melby Ave  
Ashby, MN 56309

City of Ashby  
203 Main St  
Ashby, MN 56309

City of Ashby Council Members,

TFC Poultry is a committed community partner and has been the leading private investor in both infrastructure and jobs throughout all of Grant County. We pride ourselves on thinking differently with a high standard of quality to ensure our culture is world-class. We are continually searching for new and innovative ways to bring value to our community and team overall. The ability to develop additional housing in our community is a great opportunity to do so.

We are pleased to formally offer \$35,000 cash for 305 Melby Ave, known as the former Pelican Lake Healthcare Center nursing home. The City of Ashby will have a 30 day option beginning three years after the date of closing to repurchase the property from TFC Poultry for the same purchase price paid by TFC Poultry if no construction or remodeling is completed or active prior to or as of the three-year anniversary date after closing.

We look forward to continuing to invest in and grow a resilient Ashby community.

Sincerely,

Darrin Froemming, CEO  
TFC Poultry



Ashby City Hall

203 West Main

Ashby, MN 56309

Phone 218-747-2876 Fax 218-747-2886

**CITY OF ASHBY REAL ESTATE SALE – OLD NURSING HOME**

**OFFER FORM**

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

\_\_\_\_\_

TELEPHONE: \_\_\_\_\_

EMAIL: \_\_\_\_\_

OFFER: I, \_\_\_\_\_, offer the aggregate sum of \$\_\_\_\_\_ for the following described real estate located in Grant County, Minnesota:

Lots 5 and 6 of Block H, K.N. Olson's First Addition to the Village of Ashby, Minnesota.

Date: \_\_\_\_\_

Signature

**ACKNOWLEDGEMENT**

I, by submitting the offer herewith, acknowledge the terms and conditions set forth in the offer packet, including the Seller's right to reject any and all offers.

Date: \_\_\_\_\_

Signature



Ashby City Hall

203 West Main

Ashby, MN 56309

Phone 218-747-2876 Fax 218-747-2886

## **CITY OF ASHBY REAL ESTATE SALE – OLD NURSING HOME**

### **Bid Packet**

#### **General Description**

The City of Ashby is accepting offers for the purchase of the old Pelican Lake Nursing Home located at 305 Melby Avenue, Ashby, Minnesota (PIN 17-0128-000). The property will be sold “as-is where-is” without any guaranties and will be conveyed by Quit Claim Deed. The sale will also be subject to certain requirements imposed by the city that will need to be met within eighteen months of closing.

#### **Legal Descriptions**

Lots 5 and 6 of Block H, K.N. Olson’s First Addition to the Village of Ashby, Minnesota.

#### **Terms and Conditions of Sale**

- The Property is sold “as is – where is” without any guarantees for fitness for any particular use. Purchaser is advised that there may be environmental issues with the property and agrees to abate such issues if required.
- The transfer of the property shall be by Quit Claim Deed, and the city makes no warranties with respect to the marketability of title.
- Upon acceptance of an offer and the signing of an earnest money contract, the highest bidder shall pay earnest money equal to ten percent (10%) of the accepted offer. The balance of the purchase price shall be paid in cash on or before **June 30, 2025**. Seller shall provide a Quit Claim Deed and makes no guarantees with respect to the marketability of title. Possession will be delivered after closing.
- The successful bidder shall commence development of the Property within **eighteen (18) months** of the Purchase Date.

- Commencement of development shall be defined as the issuance of a valid Building Permit for the primary structure of the proposed development by the City of Ashby.
- All development on the Property must be fully completed within **four (4) years** from the Purchase Date.
  - The completed development must comply with all relevant zoning ordinances, building codes, environmental regulations, and any specific conditions or approvals granted by the City of Ashby during the planning and permitting process.
  - Completion shall be defined as the successful repurposing of the building, including finished apartment units, updated building systems meeting residential codes, accessibility compliance, and all associated site improvements.

### **Consequences of Non-Compliance**

In the event that the successful bidder fails to commence development of the Property within eighteen (18) months of the Purchase Date, or fails to fully complete all development within four (4) years from the Purchase Date, the City of Ashby reserves the right to **repurchase the Property for the sum of one hundred dollars (\$100.00)**.

### **Contact**

Further information regarding this sale may be obtained from Ashby City Clerk Mike Thormodson at the address above, by telephone at (218) 747.2876 or by email at [ashbycit@prtel.com](mailto:ashbycit@prtel.com).

**MINUTES**  
**May Regular Council Meeting**  
**Thursday, May 8th, 2025**

<b>Regular Meeting</b>	A regular council meeting of the City of Ashby, MN was held at Ashby City Hall with the following members present: Mayor Scott Ellingson, Jake Dahle, Ryan Kari, Wayne Stierlen and Ron Jaenisch. Absent: Clerk Thormodson. Also present: Deputy Clerk Klinkner and Public Works Superintendent Johnson. Agenda visitors: Robby Risbrudt. Also in attendance: Nick Olson, Alden and Winnie Thompson. Mayor Ellingson called the meeting to order at 5:30 pm.
<b>Agenda Approval</b>	Upon motion from Jaenisch, seconded by Dahle, and unanimously carried, the agenda was approved.
<b>Visitors:</b> <b>*Robby Risbrudt</b>	Robby Risbrudt expressed his concern over the city's decision of snow removal near the legion. Mayor Ellingson stated that the city will follow a standard 6 foot rule with clearing snow. No residential property will have snow pushed further in than 6 feet from the curb. This will not pertain to County roads.
<b>Public Comment</b> <b>*Nick Olson</b>	Nick Olson gave council an update on the park improvements for Thorson/Larson. The Ashby Legacy Fund has raised \$110,000 of their \$145,000 budget. The goal is to have the park improvements completed by Ashby Appreciation Days in July.
<b>Consent Agenda Minutes/Claims</b>	Upon motion from Jaenisch, seconded by Stierlen and unanimously carried, council approved the consent agenda which included minutes of the Board of Appeals Meeting and Regular Council Meeting of April 10th, 2025, the Town Hall on April 17 <sup>th</sup> , 2025, and the claims and prepaid disbursements of May 8 <sup>th</sup> , 2025 as presented and reviewed by Dahle.
<b>Mayor's Report</b>	Nothing new to report.
<b>Council Report</b>	Nothing new to report.
<b>Administration</b> <b>-Clerk's Report</b>	The Clerk's report was reviewed. There will be 2 roll-off dumpsters brought in for City Clean-up day. One will be used for metal and one for refuse.
<b>Public Safety</b> <b>-Law Enforcement</b> <b>-Fire/Ambulance Department Report</b>	The Grant County Law Enforcement and Fire/Ambulance Department reports were reviewed. Robby Risbrudt reported that the Fire Department is expecting a new radio for the Tanker truck and Johnson-Nelson Masonry is planning of redoing the city sign by city hall next year.
<b>Public Works</b>	A temporary fence has been placed at the Compost Site and it is open for Ashby and Pelican Lake Township residents. A permanent fence will be constructed once we get the go ahead from MNDOT on placement.
<b>Old Business</b> <b>-Set curb stop fee</b>	Upon motion from Jaenisch, seconded by Kari and unanimously carried, council approved to add an availability charge of \$50 per month to any buildable lot within city limits. Council recognizes the need for housing in Ashby.
<b>New Business:</b> <b>-Set rent for farmable city owned acres</b>	Upon motion from Jaenisch, seconded by Stierlen and unanimously carried, council approved to charge a flat annual fee of \$250 to the Evavold's to farm the approximately 4 acres the city purchased for future city expansion.
<b>-Nursing Home Demolition Bids</b>	The bids were reviewed by council. Outside parties have expressed interest in purchasing the Nursing Home as is. City Attorney Anderson recommended that the city advertise the building/site for sale (with conditions) in our official paper for 2 weeks. Upon motion from Jaenisch, seconded by Stierlen and unanimously carried, council approved to accept offers for the Nursing Home with conditions that construction will begin within 18 months and be completed within 4 years.

**-1<sup>st</sup> Quarter Solid Waste Report**

The 1<sup>st</sup> Quarter Solid Waste Report from Grant County was reviewed. Jaenisch moved to table discussion on the report till the June meeting, siting that more information from Engebretson & Sons Disposal concerning roll-off weight is needed. Mayor Ellingson seconded and it was unanimously carried.

**June Council Meeting**

The next regular city council meeting will be on June 12<sup>th</sup>, 2025 starting at 5:30 pm.

**Adjourn**

Upon motion by Jaenisch, seconded by Dahle and unanimously carried, the meeting was adjourned at 6:35 pm.

ATTEST: \_\_\_\_\_  
Mike Thormodson, City Clerk

\_\_\_\_\_  
Scott Ellingson, Mayor



## May 2025 - June 2025 Council Bills

Date	Claim #	Check #	Paid to:	Amount
<b>Total Prepays (Attached Disbursement Register)</b>				<b>\$77,239.99</b>
<b>Total Claims for Approval (Attached)</b>				<b>\$43,651.83</b>

**\$120,891.82**

*Disbursement Register lists all bills paid since last council meeting.  
Claims List for Approval are bills to be paid after council approval.*

City of Ashby 2023				City of Ashby 2024				City of Ashby 2025			
Moth	Total SW	TFC	% of Total	Moth	Total SW	TFC	% of Total	Moth	Total SW	TFC	% of Total
January	59640	16920	28%	January	73480	35080	48%	January	55500	24340	44%
February	43720	10140	23%	February	35260	0	0%	February	43080	11800	27%
March	44580	11380	26%	March	54680	25300	46%	March	53180	12980	24%
April	47280	10320	22%	April	55800	12360	22%	April	58980	25040	42%
May	49060	10140	21%	May	56660	12080	21%				
June	65320	23600	36%	June	50110	12460	25%	2025 Total	210740	74160	
July	45160	10580	23%	July	59460	13100	22%	2025 Average	17562	6180	35%
August	63520	27660	44%	August	49120	13000	26%				
September	48560	12700	26%	September	72980	28240	39%				
October	61580	16120	26%	October	58290	25860	44%				
November	49000	12800	26%	November	51440	14380	28%				
December	50840	13560	27%	December	55780	11320	20%				
Total	628260	175920		Total	673060	203180					
2024 Average	52355	14660	27%	2024 Average	56088	16932	29%				

TFC Poultry was paying 24% of the total weight for the city, they will charged 29% going forward. TFC Poultry is averaging 35% in 2025

## ***2025 Clerk/Treasurer's Report***

**May 9<sup>th</sup> - June 12<sup>th</sup>, 2025**

*The following is a list of work items in addition to regular monthly activities which includes all financial aspects of the City, utility billing, preparing and delivering council packets, updating web-site, posting and publishing notices, economic development tasks, maintaining work order system, publish and make changes to ordinances, keep policy book and resolution book updated and handle several items for the fire and ambulance department.*

- Nursing Home Offer Packet
- Solar Selection Bid Evaluation
- Garbage Rate work
- FEMA grant closeout paperwork for Fire Department
- Graduated from the Clerk's Institute
- Rural Child Care meetings on 5-14-25 and 5-27-25
- Notice to CVE owners about mowing and city ordinance change
- Annual Worker's Comp Audit
- New website design implemented
- Pre Treatment Agreement work
- Clean-up Day May 15<sup>th</sup>
- Set City Wide Rummage Sale May 10<sup>th</sup>
- West Central Safety Group meeting on 5-28-25
- MN paid leave webinar 6-4-25

**Ashby City Activity Report  
May 2025**

Title		Reported Date
Police Information		5/2/2025
Domestic		5/5/2025
Agency Assist		5/6/2025
Traffic Stop		5/10/2025
Traffic Stop		5/10/2025
Police Information		5/13/2025
Agency Assist		5/17/2025
Police Information		5/19/2025
Burglary		5/25/2025
Public Assist		5/26/2025
Police Information		5/28/2025



# Ashby Officer Activity Report - May 2025

Employee	Date	Activity	Start	End	Time	Comment	Veh #	Miles	Weather
Froemming, Ken	5/3/2025	CT	01:41	02:11	00:30		408	0	
	<b>Total</b>				<b>0:30:00</b>			<b>0</b>	
Mickelsen, Kyle	5/6/2025	CT	04:21	05:51	01:30	ASHBY PATROL	405	0	
	5/20/2025	CT	22:51	23:41	00:50	ashby patrol	405	0	
	5/24/2025	CT	02:01	04:01	02:00	ashby patrol	405	0	
	5/26/2025	CT	22:43	00:33	01:50	ashby patrol	405	0	
	<b>Total</b>				<b>8:10:00</b>			<b>0</b>	
Nelson, Logan	5/1/2025	CT	01:20	03:00	01:40	1 HOUR AND 40 MINUTES PATROL	411	0	
	5/2/2025	CT	00:45	03:00	02:15	2 HOURS AND 15 MINUTES PATROL	411	0	
	5/19/2025	CT	17:20	18:40	01:20	1 HOUR AND 20 MINUTES PATROL	411	0	
	5/23/2025	CT	17:25	18:15	00:50	50 MINUTES PATROL	411	0	
	5/26/2025	CT	09:45	11:45	02:00	2 HOURS PATROL AND ICR - 25001983	411	0	
	5/27/2025	CT	16:58	17:58	01:00	1 HOUR PATROL	411	0	
Obright, Jeremy	5/30/2025	CT	00:17	01:57	01:40	1 HOUR AND 40 MINUTES PATROL	411	0	
	<b>Total</b>				<b>10:45:00</b>			<b>0</b>	
Obright, Jeremy	5/9/2025	CT	19:35	20:35	01:00	1 HOUR PATROL	403	0	
	5/10/2025	CT	01:20	02:35	01:15	1 HOUR 15 MINUTES PATROL	403	0	
	5/11/2025	CT	04:45	06:00	01:15	1 HOUR 15 MINUTES PATROL	403	0	
	5/12/2025	CT	05:20	06:00	00:40	40 MINUTES PATROL	403	0	
	5/12/2025	CT	02:10	03:25	01:15	1 HOUR 15 MINUTES PATROL	403	0	
	5/13/2025	CT	05:00	06:00	01:00	1 HOUR PATROL	403	0	
	5/13/2025	CT	17:45	18:15	00:30	30 MINUTES PATROL	403	0	
	5/13/2025	CT	21:25	21:55	00:30	30 MINUTES PATROL	403	0	
	5/13/2025	CT	05:01	06:01	01:00	1 hour patrol	403	0	
	5/15/2025	CT	17:00	19:00	02:00	2 HOURS ASHBY TOUCH A TRUCK EVENT	403	0	
	5/15/2025	CT	03:29	03:59	00:30	30 MINUTES PATROL	403	0	
	5/16/2025	CT	19:22	20:22	01:00	1 HOUR PATROL	403	0	
	5/16/2025	CT	01:30	03:00	01:30	90 MINUTES PATROL	403	0	
	5/19/2025	CT	03:30	06:00	02:30	2 HOURS 30 MINUTES PATROL	403	0	

# Ashby Officer Activity Report - May 2025



Officer	Date	Time	Activity	Start	End	Duration	Code	Count
Olson, Wyatt	5/24/2025	05:20	40 MINUTES PATROL	06:00	00:40		403	0
	5/27/2025	04:46	1 HOUR PATROL	05:46	01:00		403	0
	5/28/2025	04:38	1 HOUR PATROL	05:38	01:00		403	0
	<b>Total</b>				<b>18:35:00</b>			<b>0</b>
	5/3/2025	20:15		23:00	02:45		412	0
	5/7/2025	21:30		23:30	02:00		412	0
	5/9/2025	01:15		02:55	01:40		412	0
	5/23/2025	02:25		02:55	00:30		412	0
	<b>Total</b>				<b>6:55:00</b>			<b>0</b>
	Rude, Andy	5/3/2025	20:00	SCHOOL PROM	20:50	00:50		410
		22:15	SCHOOL PROM	22:55	00:40		410	0
5/14/2025		23:36	PATROL	00:26	00:50		410	0
5/16/2025		21:55	PATROL	23:55	02:00		410	0
5/17/2025		21:45	PATROL	23:45	02:00		410	0
5/18/2025		22:35	PATROL	00:35	02:00		410	0
5/21/2025		22:15	PATROL	23:45	01:30		410	0
5/30/2025		22:15	PATROL	23:45	01:30		410	0
<b>Total</b>					<b>11:20:00</b>			<b>0</b>
Skadsem, Jordan		5/2/2025	11:30	ICR 25001643	12:45	01:15		406
	5/3/2025	06:15		07:15	01:00		406	0
	5/10/2025	09:15		10:45	01:30		406	0
	5/16/2025	08:05		08:35	00:30		406	0
	5/22/2025	04:02		05:02	01:00		406	0
	5/28/2025	04:38		05:38	01:00		406	0
<b>Total</b>				<b>6:15:00</b>			<b>0</b>	
<b>Total</b>				<b>62:30:00</b>			<b>0</b>	



# Fire Department & Ambulance Activity

Activity- May - 2025		
Ambulance Calls:	19	4 in City
Fire & Rescue Calls:	4	1 in City



## Ordinance 2

### An Ordinance Adopting a Schedule of Fees and Charges for Various Services, Licenses and Permits for the City of Ashby, Minnesota for 2025

Whereas, the City Council of the City of Ashby, Minnesota ordains: All Fees and charges in effect as of the date of this ordinance for the city shall remain in effect unless otherwise modified by the provisions of this ordinance.

<b>Utilities</b>		
Water	\$28/User fee plus-\$7.25/1000 gallons. After 150,000 gallons per month – rate is \$5.50/1000 gallons	Residential/Commercial
Water	\$37/User fee plus \$7.25/1000 gallons	Out of City Limits
Sewer	\$28/User fee plus \$5.75/1000 gallons. After 150,000 gallons per month – rate is \$4.25/1000 gallons	Residential/Commercial
Sewer	\$32/User fee plus \$5.75/1000 gallons	Out of City Limits
Garbage	\$19.80/Small Containers \$26.75/Large Containers Senior Discount -\$2.00/month	Plus 9.75% Solid Waste Service Charge or 17% for Commercial Accounts
Garbage-Dumpsters	\$53.80 per Yard (Monthly)	Plus 17% Solid Waste Service Charge
Commercial Dumpsters – (Excluding Public Schools)	-Commercial Users who possess dumpsters, which in the aggregate, exceed four yards, shall be charged the current county rate per ton. -Ordinance 50, Section 50.11 – City Council establishes container size and frequency based on history/type of garbage generated by customer.	Plus 17% Solid Waste Service Charge
Garbage Bags	\$16.50 per 10 bags	
Recycling	\$3.75 per month	Residential/Commercial
Storm Sewer	\$4.00 per month	For all sewer connections
<b>Utility Hook-up Fees</b>		
Water Hook-up	\$750	New Connection
Sewer Hook-up	\$750	New Connection
New Utility Account Fee	\$50	(Charged to all newly established accounts)
Non-sewered Water Meters	\$100	(Attached to a water hose for watering and the cost of sewer is subtracted from bill.)
Water Meter Replacement/Repair Fee due to Negligence of Home Owner	Cost of parts and labor	
Turn Water on after disconnection	\$50	Due to nonpayment or seasonal
Assessing Unpaid Utilities Fee	\$100	Charged to any delinquent utility account that has to be certified to property taxes
Late fee on Utility Billing	10% penalty	Monthly
Water Meter Testing	Actual cost of having it tested	No Charge if meter is found to be in error over 5%
<b>Business Licenses</b>		
Liquor – On-Sale License	\$900	Yearly
Liquor – Off-Sale License	\$100	Yearly
Club On-Sale Liquor License	\$300	Yearly
Set-up Liquor License	\$50	Yearly
On-Sale Wine License	\$100	Yearly
Sunday Special Club Liquor License	\$30	When needed
Sunday Liquor License	\$100	Yearly
On-Sale Tap Room License	\$300	Yearly
3.2% Beer/Wine License	\$75	Yearly
Outdoor Liquor Permit	\$25	Fee Applies to Each Event
Outdoor Dance Permits	\$50	Fee Applies to Each Event

<b>Miscellaneous</b>		
Land Use Permit	\$5.00 per \$10,000	
Variance/Conditional Use Permit	\$150 plus County Filing Fee	each
Special Council Meeting	\$550	This will be charged to anyone requesting a special/emergency council meeting for their own personal request.
Release Permit for Dogs & Cats	\$50.00 each	
Dog and Cat License	\$5 for neutered/spayed animals \$10 for animals not neutered or spayed	Yearly
Contractor/ROW Application	\$25.00 per Application	Right-of-Way Application for Excavation or Obstruction, Connection to Water or Sewer
Right-of-Way Delay Penalty	\$75.00 per incident	Delay in Right-of-Way Uses
Peddler's License	\$50	Yearly
Accessibility Fee	\$50 per vacant residential lot	Monthly
Mowing	\$100/Hour	Per Time
Shoveling/Snow Removal	\$100/Hour with Tractor or \$75/hour for shoveling or snow blowing	Per Time
Copies/Faxes	\$.10/copy and \$1.00/fax	Per Item
NSF Checks	\$30	
Parking Fines	\$20	
Election Filing Fee	\$2	
General Administrative Fine	\$75	Applies to Ordinance Violations (Each)

Passed on this date by the Ashby City Council – May 8<sup>th</sup>, 2025

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk/Treasurer

Summary for Publication:

City of Ashby, County of Grant, State of Minnesota

**Ordinance 2**

**An Ordinance Adopting an Amended Schedule of Fees and Charges for Adding an Accessibility Fee for the City of Ashby, Minnesota for 2025**

**Vacant buildable residential lots will be charged a \$50 monthly fee**

Whereas, the City Council of the City of Ashby, Minnesota ordains:

All Fees and charges in effect as of the date of this ordinance for the city shall remain in effect unless otherwise modified by the provisions of this ordinance.

*This publication is a summary of the actual Ordinance. A printed copy of the ordinance is available for inspection at the office of the City Clerk, Monday through Thursday, 9:00 a.m. to 4:00 p.m.*

To summarize this Ordinance, it states all the fees for city services, licenses fines, etc. for 2025. All Fees and charges in effect as of the date of this ordinance for the city shall remain in effect unless otherwise modified by the provisions of this ordinance.

**CITY OF ASHBY  
COUNTY OF GRANT  
STATE OF MINNESOTA**

**RESOLUTION NO. 2025-7  
Resolution Acknowledging Donations**

**WHEREAS**, the City of Ashby has received donations from Leaf Mountain Township in the amount of \$1500, Urbank Lions for \$1000 and Ashby Legacy Fund for \$50. \$2050 donated to the Ashby Ambulance Department and \$500 donated to the Ashby Fire Department.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ASHBY, MINNESOTA THAT:** The City acknowledges and accepts the donations.

**BE IT FURTHER RESOLVED THAT:** The Ashby City Council expressed its thanks and appreciation for the donations.

Dated: June 12<sup>th</sup>, 2025

Adopted:

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Scott Ellingson, Mayor

ATTEST:

---

Mike Thormodson, Clerk

I the above-signed Clerk of the City of Ashby, hereby certify that the above Resolution is a true copy of the Resolution duly passed, adopted and approved by the City of Ashby on the 12<sup>th</sup> day of June 2025.

City of Ashby, County of Grant, State of Minnesota  
**Ordinance 91**

**An Ordinance Regulating Animals**

*This Ordinance shall replace Ordinance #6 "An Ordinance Providing for the Licensing and Regulation of Dogs, Cats and Other Animals Kept within the City of Ashby, Minnesota" and It Also Shall Replace Ordinance #21 "An Ordinance Prohibiting Dogs and Cats in the Ashby City Park and Imposing Penalties for Violation."*

- 91.01 Definitions
- 91.02 Dogs and cats
- 91.03 Non-domestic animals
- 91.04 Farm animals
- 91.05 Impounding
- 91.06 Kennels
- 91.07 Nuisances
- 91.08 Seizure of animals
- 91.09 Animals presenting a danger to health and safety of city
- 91.10 Diseased animals
- 91.11 Dangerous animals
- 91.12 Dangerous animal requirements
- 91.13 Basic care
- 91.14 Breeding moratorium
- 91.15 Enforcing officer
- 91.16 Pound
- 91.17 Interference with officers
- 91.18 Pets in the City Park
  
- 91.99 Penalty

**91.01 DEFINITIONS.**

For the purpose of this Ordinance, 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 equine 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 in accordance with the regular license requirement if the animal is unlicensed, payment of a release fee, and any maintenance costs incurred in capturing and impounding the animal. The release fee shall be as established in the Ordinance Establishing Fees and Charges adopted pursuant to Ordinance 30.11, as it may be amended from time to time. If this release fee is not paid within 7 day, a state citation will be issued.

**CITY PARKS.** All City owned parks located within the City of Ashby.

## 91.02 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) *License required.*

(1) All dogs over the age of six months kept, harbored, or maintained by their owners in the city, shall be licensed and registered with the city. Dog licenses shall be issued by the City Clerk upon payment of the license fee as established by the Ordinance Establishing Fees and Charges, as that ordinance may be amended from time to time. The owner shall state, at the time application is made for the license and upon forms provided, his or her name and address and the name, breed, color, and sex of each dog owned or kept by him or her. No license shall be granted for a dog that has not been vaccinated against distemper and rabies, as evidenced by a certificate by a veterinarian qualified to practice in the state in which the dog is vaccinated.

(2) It shall be the duty of each owner of a dog subject to this section to pay to the City Clerk the license fee established in the Ordinance Establishing Fees and Charges, as it may be amended from time to time.

(3) Upon payment of the license fee as established by the Ordinance Establishing Fees, as that ordinance may be amended from time to time, the Clerk shall issue to the owner a license certificate and metallic tag for each dog licensed. The tag shall have stamped on it the number corresponding with the number on the certificate. 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, a duplicate shall be issued by the City Clerk. A charge shall be made for each duplicate tag in an amount established in the Ordinance Establishing Fees and Charges, as it may be amended from time to time. 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 death of a dog or the owner's leaving the city before the expiration of the license period.

(4) The licensing provisions of this division (B) shall not apply to dogs whose owners are nonresidents temporarily within the city, nor to dogs brought into the city for the purpose of participating in any dog show. If the

animal owned is a service animal which is capable of being properly identified as from a recognized school for seeing eye, hearing ear, service or guide animals, and the owner is a blind or deaf person, or a person with physical or sensory disabilities, then no license shall be required.

(5) The funds received by the City Clerk from all dog licenses and metallic tags fees as established by the Ordinance Establishing Fees and Charges, as that ordinance may be amended from time to time, shall first be used to defray any costs incidental to the enforcement of this ordinance; including, but not restricted to, the costs of licenses metallic tags, and impounding and maintenance of the dogs.

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

(D) *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 on which is stated 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 91.99

### **91.03 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 ordinance. 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 91.99

### **91.04 FARM ANIMALS.**

Farm animals shall not be kept in any district within the city limits. An exception shall be made to this ordinance for those animals brought into the city as part of an operating zoo, veterinarian clinic, scientific research laboratory, or a licensed show or exhibition.

### **91.05 IMPOUNDING.**

(A) *Running at large.* Any unlicensed 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 unlicensed or any animal found running at large and shall give notice of the impounding to the owner of the dog or other animal, if known. The Animal Control Officer or police officer shall not enter the property of the owner of an animal found running at large or the owner of an unlicensed animal unless the officer has first obtained the permission of the owner to do so or has obtained a warrant issued by a court of competent jurisdiction, as provided for in Ordinance 10.20, to search for and seize the animal. 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 Ordinance, it shall be unlawful to kill, destroy, or otherwise cause injury to any animal, including dogs and cats running at large.

(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 91.11 in which case it shall be kept for seven regular business days or the times specified in section 91.11, 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 ordinance 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, as that ordinance may be amended from time to time. If this release fee is not paid within 7 day, a state citation will be issued.

(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) If a dog is unlicensed, payment of a regular license fee as established by the Ordinance Establishing Fees and Charges, 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 ordinance, if the animal has not been reclaimed in accordance with the provisions of this ordinance, 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 91.99

#### **91.06 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 91.99

#### **91.07 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) *Warrant required.* The Animal Control Officer or police officer shall not enter the property of the owner of an animal described in this section unless the officer has first obtained the permission of the owner to do so or has obtained a warrant issued by a court of competent jurisdiction, as provided for in Ordinance 10.20, to search for and seize the animal.

(E) *Other.* Any animals kept contrary to this section are subject to impoundment as provided in section 91.05. Penalty, see section 91.99

#### **91.08 SEIZURE OF ANIMALS.**

Any police officer or Animal Control Officer may enter upon private property and seize any animal with the permission of the owner of the property, if that person is also the owner of the 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 91.07(A); the criteria for cruelty set out in section 91.13; or the criteria for an at large animal set out in section 91.01(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 animal and the property to be entered and those attempts have either failed or have been ignored;

(E) The Animal Control Officer or police officer shall not enter the property of the owner of an animal described in this section unless the officer has first obtained the permission of the owner to do so or has obtained a warrant issued by a court of competent jurisdiction, as provided for in Ordinance 10.20, to search for and seize the animal. If the officer has the permission of the owner, a property manager, landlord, innkeeper, or other authorized person to enter the property or has obtained a pass key from a property manager, landlord, innkeeper, or other authorized person to have that key shall not be considered unauthorized entry, and a warrant to search for and seize the animal need not be obtained; and

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

#### **91.09 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 whether or not the animal is on the property of its owner. Otherwise, the person or officer may apprehend the animal and deliver it to the pound for confinement under section 91.05. 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 91.05(C).

#### **91.10 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, and a warrant to search for and seize the animal is not required.

(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 91.99

### 91.11 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 13-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 14 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 Animal Control Officer shall obtain an order or warrant authorizing the seizure and the destruction of the animal from a court of competent jurisdiction, unless the animal is already in custody or the owner consents to the seizure and destruction of the animal.

(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. If the owner does not immediately make the animal available, the Animal Control Officer shall obtain an order or warrant authorizing the seizure and the destruction of the animal from a court of competent jurisdiction.

(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 91.99

## **91.12 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 91.11(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, and shall have a microchip implant as provided by M.S. 347.151, 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 licensed and 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.* As authorized by M.S. 347.54, as it may be amended from time to time, the Animal Control Officer shall immediately seize any dangerous animal if the owner does not meet each of the above requirements within 14 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 91.12(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 91.12(B), is fulfilled. An animal not reclaimed under this section within 14 days may be disposed of as provided under section 91.11(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 91.11 with the same animal, the animal must be seized by animal control. The owner may request a hearing as defined in section 91.11(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 91.12(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 91.11(F) and the owner is liable to the animal control for the costs incurred in confining, impounding and disposing of the animal.

### **91.13 BASIC CARE.**

All animals shall receive from their owners or keepers kind treatment, housing in the winter, and sufficient food and water for their comfort. Any person not treating their pet in a humane manner will be subject to the penalties provided in this section.

### **91.14 BREEDING MORATORIUM.**

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.

### **91.15 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.

**91.16 POUND.**

The City Council designates Lake Region Veterinarian Clinic in Elbow Lake as the official pound for the City to which animals found in violation of this Ordinance shall be taken for safe treatment, and if necessary, for destruction.

**91.17 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 Ordinance, 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 91.99

**91.18 PETS IN THE CITY PARKS**

It is unlawful for any person to allow a dog or cat over which they exercise ownership or control to enter or be found within the boundaries of the city parks located within the City of Ashby.

Penalty, see section 91.99

**91.99 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 ordinance shall constitute a misdemeanor punishable as provided in ' 10.99.

(C) *Petty misdemeanor.* Violations of ' ' 91.02, 91.07, 91.13 and 91.14 are petty misdemeanors punishable as provided in ' 10.99.

*Passed by the Ashby City Council on this date May 3, 2005.*

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*Mayor*

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*Clerk*