

CHAPTER 93: ANIMALS

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GENERAL PROVISIONS; DOG AND CAT LICENSING AND REGULATIONS

§ 93.001 DEFINITIONS.

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

ANIMAL. Cattle, horses, ponies, mules, sheep, goats, swine, feathered fowl such as ducks, geese, turkeys, chickens, guinea hens; dogs, cats and other animals; and honey bees.

ANIMAL CONTROL AUTHORITY. See § 93.080(A) for definition.

DANGEROUS ANIMAL. See § 93.080(A) for definition.

OWNER. Any person who owns, harbors, feeds, boards, keeps or otherwise possesses an animal, and who is the head of the household of the residence, or the owner or manager in charge of the establishment or premises at which an animal remains, or to which it returns.

POTENTIALLY DANGEROUS ANIMAL. See § 93.080(A) for definition.

PROPER ENCLOSURE. See § 93.080(A) for definition.

UNPROVOKED. See § 93.080(A) for definition.

WILD OR EXOTIC ANIMALS. Any wild mammal, reptile or fowl which is not naturally tame or gentle, but is of a wild nature or disposition and which, because of its size, vicious nature or other characteristics would constitute a danger to human life or property if it is not kept or maintained in a safe manner or in secure quarters. Examples of wild or exotic animals include, but are not limited to, skunks, foxes, coyotes, raccoons, minks, weasels, ostriches, emus, snakes, reptiles, lizards, lions, tigers, cougars, leopards, cheetahs, bears, lemurs, monkeys, chimpanzees, gorillas, etc.
(Ord. 152, 2nd Series, passed 10-12-2015)

§ 93.002 LICENSING REQUIRED.

It is unlawful for any person to keep a dog over six months or a cat over three months of age without a license therefor from the city. Application for a dog or cat license shall be on a form supplied by the city and will contain certificate from a veterinarian, who is duly licensed to practice veterinary medicine in the state. The certificate shall state that the dog or cat, for which application for a license is made, has been inoculated against rabies for at least the period for which a license is applied.

(Ord. 152, 2nd Series, passed 10-12-2015) Penalty, see § 93.999

§ 93.003 LICENSE FEE.

All dog and cat licenses shall expire on December 31 of each year. The fee for these licenses shall be prescribed by the Council, but shall not be less than \$3. All licenses applied for and issued in the last three months of the calendar year shall be issued to cover those months as well as the following calendar year.

(Ord. 152, 2nd Series, passed 10-12-2015)

§ 93.004 COLLAR TAGS.

The City Administrator issuing a license, shall, at the same time, deliver to the licensee a metal tag which shall bear the same serial number as the license. The licensee shall securely attach the tag to a collar (or harness) which shall at all times be kept on the dog or cat for which the license is issued. A duplicate for a lost tag may be issued by the City Administrator upon presentation of the receipt showing the payment of the license fee for the current year and upon payment of a reissue fee for the duplicate. Dog and cat tags shall not be transferable and no refunds shall be made on any dog or cat license fee because of leaving the city or death of the dog or cat before expiration of the license.

(Ord. 152, 2nd Series, passed 10-12-2015)

§ 93.005 VIOLATIONS, FINES AND PENALTIES.

Any person who shall not have obtained a license for any dog or cat as required by this section shall be liable for a fine as set forth in § 93.999, together with the cost of the license fee.

(Ord. 152, 2nd Series, passed 10-12-2015)

§ 93.006 LIMITATION ON OWNERSHIP.

(A) (1) It is unlawful for any person to own, keep, care for, have custody of or knowingly permit at any time more than three dogs and/or three cats in or about his or her residence or any other location under the person's control within the city.

(2) A residence or other location may contain up to three dogs and/or three cats. Impoundment procedures shall be implemented as described in this subchapter.

(B) This section shall not apply to the following:

(1) One litter of pups or kittens under 90 days of age born to a licensed dog or cat;

(2) Residents of newly-annexed areas; provided that, the owners have the animals licensed within 90 days after annexation occurs, and until the time as one or more of the illegal animals dies or for some other reason is not owned or possessed by the resident;

(3) A kennel licensed by the State Board of Animal Health that is located in an appropriately-zoned area;

(4) A licensed veterinarian; or

(5) An animal shelter owned and operated by a city or a humane society.
(Ord. 152, 2nd Series, passed 10-12-2015)

§ 93.007 SEEING-EYE DOGS PERMITTED IN PUBLIC PLACES.

Wherever a blind person accompanied by a "seeing-eye" or guide dog presents himself or herself for accommodation or service at any public conveyance, vehicle or to any café or restaurant, store or other place of business open to the public, it is unlawful for any owner, or his or her agent, to refuse admission to the dog or service to the blind person.

(Ord. 152, 2nd Series, passed 10-12-2015) Penalty, see § 93.999

§ 93.008 ANIMAL RESTRAINT.

(A) The license holder, owner or keeper of any dog or cat shall be responsible for the effective restraint of the dog or cat and shall not permit the dog or cat to run at large.

(B) It is unlawful for the owner or the keeper of any dog or cat to fail to properly and effectively restrain the dog or cat.

(C) Any dog or cat which is not effectively contained within a fenced area, or any dog or cat which is on any unfenced area or lot abutting a street, alley, public park, public place or upon any other private land, without being effectively controlled or restrained from moving beyond the unfenced area or lot, or any dog or cat on any street, public work, school ground or public place without being effectively restrained by chain or leash, shall be deemed "not effectively restrained," and in violation of this subchapter.

(Ord. 152, 2nd Series, passed 10-12-2015) Penalty, see § 93.999

§ 93.009 RUNNING AT LARGE.

It is unlawful for any owner, or any person having control of a dog or cat, to permit the dog or cat to run at large in the city. Any dog or cat upon public property, or upon private property over the protest and against the will of the property owner, not on a leash or otherwise under the control of an accompanying person, shall be deemed as running at large. The term **OWNER**, as used in this section, means any person who owns, harbors or keeps the dog or cat.

(Ord. 152, 2nd Series, passed 10-12-2015) Penalty, see § 93.999

§ 93.010 SEIZURE AND IMPOUNDMENT.

(A) Any dog or cat running at large in the city may be seized and placed in the pound by any police officer, city official or other person designated by the Council for the purpose of enforcing this subchapter. An accurate record of the time of the placement shall be kept on each dog or cat. Each dog or cat so placed in the pound shall be held for redemption by the owner for a period of not less than five regular business days. A **REGULAR BUSINESS DAY** is one during which the pound is open for business to the public for at least four hours between the hours of 8:00 a.m. and 7:00 p.m.

(B) Impoundment records shall be preserved for a minimum of at least six months and shall show:

(1) The description of the animal by species, breed, sex, approximate age and other distinguishing traits;

(2) The location at which the animal was seized;

(3) The date of seizure;

(4) The name and address of the person from whom any dog over six months of age or cat over three months of age was received; and

(5) The name and address of the person to whom any dog over six months of age or cat over three months of age was transferred.

(Ord. 152, 2nd Series, passed 10-12-2015)

§ 93.011 NOTICE OF IMPOUNDMENT.

(A) Upon the impoundment of any dog or cat, the officer to whom the dog or cat is delivered shall notify the owner personally, or by U.S. mail. If the owner of the dog or cat is unknown, written notice shall be posted in three public places within the city for five days, describing the dog or cat, and stating where the dog or cat is impounded, and the condition of release.

(B) If unclaimed, the dog or cat shall be humanely destroyed and the carcass disposed of, unless it is requested by a licensed educational or scientific institution under M.S. § 35.71, as amended from time to time; provided, however, that, if a tag is affixed to the dog or cat, or a statement by its owner after seizure specifies that the animal should not be used for research, the animal shall not be made available to any institution, but may be destroyed after expiration of the five-day notice period. (Ord. 152, 2nd Series, passed 10-12-2015)

§ 93.012 EXCEPTION.

Any dog or other animal seized under M.S. §§ 343.22 or 343.29, as amended from time to time, shall be held for ten regular business days. For the purposes of this section, the term **REGULAR BUSINESS DAY** means any day during which the establishment having custody of the animal is open to the public for not less than four consecutive hours between 8:00 a.m. and 7:00 p.m. A person claiming an interest in an animal in custody under this subchapter may prevent disposition of the animal by posting security in an amount sufficient to provide for the animal's actual costs of care and keeping. The security must be posted within ten days of the seizure inclusive of the date of the seizure. (Ord. 152, 2nd Series, passed 10-12-2015)

§ 93.013 NOTICE OF IMPOUNDING; CLAIMING INTEREST.

(A) Upon impounding an animal under § 93.010, notice shall be given the owner or person claiming interest in the animal by delivering or mailing it to a person claiming an interest in the animal, by posting a copy of it at the place where the animal is taken into custody or by delivering it to a person residing on the property, and telephoning, if possible.

(B) The notice shall include:

(1) A description of the animal seized; the authority and purpose for the seizure, the time, place and circumstances under which the animal was seized; and the location, address, telephone number and contact person where the animal is kept;

(2) A statement that a person claiming an interest in the animal may post security to prevent disposition of the animal and may request a hearing concerning the seizure or impoundment and that failure to do so within ten days of the date of the notice will result in disposition of the animal;

(3) A statement that all actual costs of the care, keeping and disposal of the animal are the responsibility of the person claiming an interest in the animal, except to the extent that a court or Hearing Officer finds that the seizure or impoundment was not substantially justified by law; and

(4) A form that can be used by a person claiming an interest in the animal for requesting a hearing under this subchapter.

(Ord. 152, 2nd Series, passed 10-12-2015)

§ 93.014 RIGHT TO HEARING AND RELEASE FROM ANIMAL POUND.

(A) (1) Upon request of a person claiming interest in the animal, which request must be made within ten days of the date of seizure, a hearing shall be held within five business days of the request to determine the validity of the seizure and impoundment. If the seizure was done pursuant to a warrant under M.S. § 343.22, as amended from time to time, the hearing must be conducted by the judge who issued the warrant.

(2) If the seizure was done under M.S. § 343.29, as amended from time to time, the city may either:

(a) Authorize a licensed veterinarian with no financial interest in the matter or professional association with either party; or

(b) Use the services of a Hearing Officer to conduct the hearing.

(B) A person claiming interest in the animal who is aggrieved by a decision of a Hearing Officer under this subchapter may seek a court order governing the seizure or impoundment within five days of the notice of the order.

(C) The judge or Hearing Officer may authorize the return of the animal, if the judge or Hearing Officer finds that:

(1) The animal is physically fit; and

(2) The person claiming an interest in the animal can and will provide the care required by law for the animal.

(D) The person claiming an interest in the animal is liable for all actual costs of the care, keeping and disposal of the animal, except if a court or Hearing Officer finds that the seizure or impoundment was not substantially justified by law. The costs shall be paid in full or a mutually satisfactory arrangement for payment must be made between the city and the person claiming an interest in the animal before return of the animal to the person.

(1) If an animal is owned by a resident of the city, the cost shall include the purchase of a license, if unlicensed, payment for the animal's maintenance while in custody, and may include an immunization fee of any animal for rabies.

(2) If an animal is owned by a person not a resident of the city, the cost shall include payment for the animal's maintenance while in custody, and may include an immunization fee of any animal for rabies.

(Ord. 152, 2nd Series, passed 10-12-2015)

§ 93.015 RELEASE FROM IMPOUNDMENT.

Dogs or cats shall be released to their owners or persons previously in possession of the dog or cat as follows:

(A) *Resident owner.* After showing proof of purchase of city dog or cat license, proof of inoculation for rabies and payment of all impounding fees, costs, charges and any fines which have occurred up to the time of release; or

(B) *Non-resident owner.* After proof of inoculation for rabies, and payment of all impounding fees, costs, charges and any fines which have occurred up to the time of release.
(Ord. 152, 2nd Series, passed 10-12-2015)

§ 93.016 HABITUAL BARKING AND NOISE.

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. A barking dog shall not constitute a violation of this division if, at the time that the dog is barking or making any other noise, a person is trespassing or threatening to trespass upon the private property upon which the dog is situated or when the dog is teased or provoked. An owner shall be advised in writing or verbally by a city enforcement official that a complaint has been filed charging a violation of this division and ordering that the violation be abated immediately. If the animal continues to disturb the peace and quiet of the city beyond the five days provided in the notice or if there is a reoccurrence of the noise complained of at any time within six months of the date of notice, a citation shall be issued charging the owner of the animal with a violation of this division. No person shall be convicted under the provision, except upon the evidence of two or more persons, each of a different household or upon the evidence of an enforcement official from the city. If the owner of the animal cannot be located, the enforcement official shall have the right to remove the animal at his or her discretion.

(Ord. 152, 2nd Series, passed 10-12-2015)

§ 93.017 REMOVAL OF NUISANCE WHEN OWNER NOT FOUND.

A peace officer or Animal Control Authority who witnesses a continual nuisance of a barking dog or excessively noisy cat, and the owner cannot be located within a reasonable time, may remove and temporarily shelter and care for the dog or cat in order to abate the nuisance. The peace officer or Animal Control Authority may remove only cats and dogs that are kept outside the owner's residence and, in doing so, the peace officer or Animal Control Authority may enter upon the owner's property for the purpose of seizing the animal. In all cases, the owner, if known, shall immediately be notified and the person having possession of the animal shall have a lien thereon for its actual cost of care in keeping and expenses of notice.

(Ord. 152, 2nd Series, passed 10-12-2015)

§ 93.018 DISEASED DOGS AND CATS.

It is unlawful for any person having custody or control of any diseased dog or cat to keep or allow the dog or cat to suffer unless the dog or cat is under the care of a veterinarian.
(Ord. 152, 2nd Series, passed 10-12-2015) Penalty, see § 93.999

§ 93.019 QUARANTINE OF DOGS OR CATS.

Whenever any dog or cat has bitten any person, the owner shall immediately quarantine it at home or at some other suitable place within the city, as directed by the City Health Officer, or other designated officer, for a period of ten days and report the bite to the Animal Control Authority. During the quarantine period, the animal shall be securely confined within the building so as to prevent it from contact with other persons or animals. Failure to comply with the quarantine requirements herein shall subject the animal to impoundment under the authority of the Animal Control Authority or city police at the owner's expense. At the end of the ten-day quarantine period, the animal may be released if a licensed veterinarian determines that it is not rabid. If the animal is determined to be rabid, it shall be destroyed humanely after completion of necessary medical procedures.
(Ord. 152, 2nd Series, passed 10-12-2015)

UNLAWFUL ACTS RELATING TO ANIMALS**§ 93.035 UNLAWFUL ACTS RELATING TO ANIMALS.**

(A) It is unlawful for any person to keep any animal, not in transit, in any part of the city not zoned for agricultural purposes, except for domestic pets (dogs, cats, parakeets, aquarium fish, and the like).

(B) It is unlawful for any person to keep domestic fowl, such as ducks, geese, turkeys, chickens, guinea hens, etc. or wild fowl, such as doves, pigeons, pheasants, peacocks, etc. in any part of the city not zoned for agricultural purposes; and in the A-O Zoning District, only in limited quantities and not as a commercial hatchery, feeding, finishing or egg operation.

(C) It is unlawful for any person to sell baby chicks, or sell, offer for sale, barter, give away or be in possession of any artificially colored animals or fowl.

(D) It is unlawful for any person to keep mammals, such as cattle, buffalo, elk, pigs, pot-bellied pigs, sheep, goats, llama, alpaca, and the like in any part of the city not zoned for agricultural purposes; and in the A-O Zoning District, only in limited numbers and not as a commercial calving or farrowing, feeding or finishing operation. Upon approval of the City Council, goats or sheep may be temporarily allowed in municipal parks for the purpose of removing unwanted vegetation.

(E) It is unlawful for any person to keep horses, ponies, mules, or donkeys in any part of the city not zoned for agricultural purposes.

(F) It is unlawful for any person to keep predators or any animals classified as exotic, wild or dangerous, such as skunks, foxes, coyotes, raccoons, minks, weasels, ostriches, emus, snakes, reptiles, lizards, lions, tigers, cougars, leopards, cheetahs, bears, lemurs, monkeys, chimpanzees, gorillas, etc., except after proper licensing with the United States Department of Agriculture and/or registration with the city (depending upon the specific animal), and then only in accordance with all applicable city, state and Federal regulations. (See §§ 93.065 through 93.068; M.S. § 346.155 "Possessing Regulated Animals", as amended from time to time; and applicable Federal regulations.)

(G) It is unlawful for any person to keep or allow to be kept any hive or other facility for the housing of honey bees.

(H) It is unlawful for any person to harbor or keep any stray animal. Animals known to be strays shall be immediately reported to the Police Department.

(I) It is unlawful for any person to suffer or permit animals to run at large in the streets or public places, or to be herded or driven thereon, unless each animal is confined within a vehicle or restrained by means of bridles, halters, ropes or other means of individual restraint. It is also unlawful for any person to permit any animal under his or her care, custody or control to be left standing unattended in any street or public place, whether leashed or unleashed.

(J) It is unlawful for any person to herd, ride or drive any animal over and upon any grass, turf, boulevard, city park, cemetery, garden or lot without specific permission therefor from the owner.

(K) It is unlawful for any person to attach any animal under his or her care, custody or control to any tree, shrub or other planting, or to any post or pole in any street or public place.

(L) It is unlawful for the owner, caretaker or attendant of any animal to allow it to defecate on public or private property other than his or her own, or to permit any accumulation thereof on his or her own property. If the animal does defecate on public or private property other than his or her own, it shall not be a violation of this provision if the owner, caretaker or attendant shall immediately and thoroughly clean the fecal material from the property, and properly dispose thereof.

(M) It is unlawful for any person to keep any animals in any structure infested by rodents, vermin, flies or insects.

(N) It is unlawful for any person to abuse, neglect, or treat any animal in a cruel or inhumane manner.

(O) It is unlawful for any person, not acting under instructions from the owner or the city, to willfully or maliciously administer or cause to be administered poison of any sort whatsoever to any animal, with the intent to injure or destroy the animal, or to willfully or maliciously place any poison or poisoned food where the same is accessible to any animal.

(P) It is unlawful for any person to abandon an animal owned by him or her.

(Q) It is unlawful for any person to give any false information or statement concerning the owner, keeper or attendant of any animal, or concerning any animal brought into the animal shelter or impounded therein.

(Ord. 152, 2nd Series, passed 10-12-2015; Ord. 192, 2nd series, passed 1-18-2022)

REMOVAL OF ANIMALS

§ 93.050 REMOVING ANIMALS SUBJECT TO CRUEL, INHUMANE TREATMENT; DUTY OF OFFICERS.

(A) Any peace officer or Animal Control Authority may remove, shelter and care for any animal which has been found to be treated in a cruel and inhumane manner or which is not properly sheltered from cold, heat or inclement weather or any animal not properly fed or watered or provided with suitable food and drink in circumstances that threaten the life of the animal.

(B) When necessary, a peace officer or Animal Control Authority may deliver the animal to another person to be sheltered and cared for and furnished with suitable food and drink.

(C) In all cases, the owner, if known, shall be immediately notified as provided in M.S. § 343.235(3), as amended from time to time, which is incorporated by reference, and the person having possession of the animal shall have a lien thereon for its actual cost of care in keeping and the expenses of notice.

(Ord. 152, 2nd Series, passed 10-12-2015)

WILD AND EXOTIC ANIMALS

§ 93.065 LICENSE AND REGISTRATION REQUIRED FOR WILD AND EXOTIC ANIMALS.

(A) It is unlawful for any person to keep or maintain any wild or exotic animal without a license therefor from the United States Department of Agriculture (USDA), compliance with the USDA regulations and standards, registration with the local Animal Control Authority, and other requirements as set forth in M.S. § 346.155, as amended from time to time, which is incorporated by reference.

(B) Any wild or exotic animals not covered by M.S. § 346.155, as amended from time to time, shall be subject to special permitting by the city. A permit may be issued for the keeping of no more than two wild or exotic animals at any single location. No permit for such animal(s) shall be issued for a period exceeding one year and the permit shall specify the conditions under which the animal shall be kept. These animals shall also be subject to all regulations, standards, and procedures provided for by the United States Department of Agriculture and also as set forth in M.S. § 346.155, as amended from time to time.

(C) The Chief of Police shall issue a special permit for the purpose of keeping or maintaining a wild or exotic animal, pursuant to division (B), if it is found that:

(1) The animal is, at all times, kept or maintained in a safe manner and confined securely so that the keeping of the animal will not constitute the danger to human life or property of others;

(2) Adequate safeguards are made to prevent unauthorized access to the animals by members of the public;

(3) The health or well-being of the animal is not, in any way, endangered by the manner of keeping or confinement;

(4) The keeping of the animal does not constitute a nuisance and will not harm the surrounding neighborhood or disturb the peace and quiet of the surrounding neighborhood;

(5) The keeping of the animal will not create or cause offensive odors or constitute a danger to public health;

(6) The quarters in which the animal is kept or confined are adequately lighted, ventilated and are so constructed that they may be kept in a clean and sanitary condition;

(7) A sign is prominently displayed on the structure where the animal is housed indicating that a wild or exotic animal is on the premises; and

(8) The applicant for the special permit proves his or her ability to respond to damages to and including the amount of at least \$300,000 for bodily injury to or death of any person or persons or for the damage to property owned by any other persons which may result from the ownership, keeping or maintenance of the animal. Proof of liability to respond to damages may be given by filing with the Chief of Police of a certificate of insurance stating that the applicant is, at the time of his or her application, and will be during the period of the special permit, insured against liability to respond to the damages, or by posting with the city a surety bond, approved by the City Attorney, in the amount of at least \$300,000 conditioned upon the payment of the damages during the period of the special permit. The certificate of insurance or bond shall provide that no cancellation of the insurance or bond will be made unless ten days' written notice is first given to the city's Police Department.

(D) A person may not move a wild or exotic animal from its location unless the person notifies the city's Police Department in writing prior to moving the animal. The notification must include the date and the location where the animal is to be moved, unless the animal is being transported to a licensed veterinarian.

(E) A person who possesses a wild or exotic animal must notify the city's Police Department in writing within ten days of a change in address or location where the wild or exotic animal is kept. The notification of change in address or location shall be made on the form prepared by the Minnesota Animal Control Association and approved by the Board of Animal Health.

(F) A person who possesses a wild or exotic animal must notify local law enforcement officials as soon as possible of any escape of the animal. The person who possesses the wild or exotic animal is liable for any costs incurred by any person, city, county, or state agency resulting from the escape of the wild or exotic animal unless the escape is due to a criminal act by another person or a natural event. (Ord. 152, 2nd Series, passed 10-12-2015)

§ 93.066 INVESTIGATION PERIOD.

The Chief of Police, in investigating any applicant for a permit for a wild or exotic animal (pursuant to § 93.065(C) or any enforcement of this subchapter) is authorized to consult with and seek the advice of the United States Department of Agriculture, Department of Natural Resources, Minnesota Animal Control Association, Board of Animal Health, Society for the Prevention of Cruelty to Animals, the Humane Society, any representative of the Animal Control Center of the county, if there be one, or any other individual, agency, organization or society which may be able to provide information and advice concerning the keeping of wild or exotic animals. (Ord. 152, 2nd Series, passed 10-12-2015)

§ 93.067 SITE INSPECTION FEES AND PERMIT FEE FOR WILD OR EXOTIC ANIMALS.

A fee of up to \$50 may be charged for an initial site inspection by the Animal Control Authority. Upon compliance with all provisions of §§ 93.065(B) and (C) and 93.066, a permit shall be issued for an annual fee as established, and may from time to time be amended, by resolution of the Council; provided that, the permit shall not be issued for the keeping of more than two wild or exotic animals at any single location (See § 93.065(B)). Additional site inspection fees may be charged as set forth in M.S. § 346.155, as amended from time to time. (Ord. 152, 2nd Series, passed 10-12-2015)

§ 93.068 EXCEPTION.

The provisions of this chapter shall not apply to the keeping of wild or exotic animals in the following cases:

(A) The keeping of an animal for exhibition to the public by a traveling circus, carnival or other exhibit or show holding a permit issued by the Commissioner of Natural Resources pursuant to M.S. § 97A.041 and Minn. Rule 6244 ("Captive Wildlife"), as amended from time to time.

(B) The keeping of animals in a licensed veterinary hospital for treatment; and/or

(C) Dangerous or poisonous reptiles may be maintained by a bona fide educational or medical institution for the purpose of instruction or study; provided, the reptiles are securely confined and are properly cared for pursuant to standards and regulations of the United States Department of Agriculture and standards and regulations set forth in M.S. § 346.155, as amended from time to time, and in a manner satisfactory to the Chief of Police.
(Ord. 152, 2nd Series, passed 10-12-2015)

DANGEROUS ANIMALS

§ 93.080 DANGEROUS ANIMALS.

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

ANIMAL CONTROL AUTHORITY. An agency of the county or city which is responsible for animal control operations in its jurisdiction.

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.

OWNER. Any person who owns, harbors, feeds, boards, keeps or otherwise possesses an animal, and who is the head of the household of the residence, or the owner or manager in charge of the establishment or premises at which an animal remains, or to which it returns.

POTENTIALLY DANGEROUS ANIMAL. An animal which has:

- (a) When unprovoked, 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.

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, and support posts shall be 11-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; and

(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.

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

(B) *Attacks by animals.*

(1) *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 division 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.

(2) *Stopping an attack.* If any police officer or Animal Control Authority 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.

(C) *Dangerous dogs designation.*

(1) *Designation.* The Animal Control Authority shall designate any dog as a dangerous dog upon receiving evidence that the dog meets any of the criteria of a "dangerous animal" as set forth in division (A) of this section.

(2) *Notice.*

(a) Upon a designation that a dog is dangerous, the Animal Control Authority shall provide a written notice of dangerous dog to the owner of record. Service upon any owner shall be effective as to all owners. The notice shall include a description of the dog and shall state the dates, times, places and facts of the incidents which form the basis for the determination.

(b) The notice shall also set forth the registration requirements and other restrictions imposed upon a dangerous dog under this chapter and M.S. Ch. 347.

(c) The notice shall also advise the owner(s) that they have 14 days to appeal the determination by requesting a hearing before the hearing officer, and shall include a pre-printed form which the owner can use to request a hearing.

(d) If the owner does not request a hearing within the allotted 14 days, the designation of dangerous dog, as issued in the written notice of dangerous dog, will stand and the owner will be subject to all restrictions and requirements set forth in the notice.

(3) *Hearing.* If an owner, within 14 days of the date of the notice, requests a hearing for determination as to the dangerous nature of the dog, the hearing shall be held before a hearing officer not more than 14 days after the Animal Control Authority is notified of the owner's request for a hearing. Any dog owner who requests such a hearing is liable to the city for all costs and expenses related to the hearing. The records of the Animal Control Authority, any police reports relating to an attack or bite, medical records, and all reliable hearsay shall be admissible for consideration by the hearing officer without further foundation.

(a) Pending the hearing, the dog may be seized and kept at animal control unless the owner shows proof that the dog is properly licensed, if required; has met the requirement for rabies vaccinations; keeps the dog only in a proper enclosure unless restrained on a leash with a muzzle; and otherwise demonstrates to the Animal Control Authority that the dog, under its present circumstances, does not present an unreasonable risk of harm to persons or other domestic animals.

(b) *Burden of proof.* The standard of proof shall be clear and convincing evidence if the Authority seeks to destroy the dog; in all other cases it shall be by a preponderance of the evidence.

(c) After considering all evidence pertaining to the dog, the hearing officer shall make such orders as he/she deems proper, including ordering the Animal Control Authority to take the dog into custody, if the dog is not currently in custody.

(d) Any person who fails or refuses to release a dog to the Animal Control Authority or law enforcement agent upon demand, or after it has been found by a hearing officer to be dangerous and ordered into custody, shall be guilty of a misdemeanor.

(e) *Authority to order destruction.* The hearing officer, upon a finding that a dog is dangerous hereunder, is authorized to order, as part of the disposition of the case, that the dog be destroyed based on a written order containing findings of fact:

1. The dog is dangerous, as demonstrated by a vicious attack, an unprovoked attack, an attack without warning, or multiple attacks; and
2. The owner of the dog has demonstrated an inability or unwillingness to sufficiently control the dog in order to prevent injury to persons or other animals.
3. The owner or person claiming an interest in the dog is liable for all actual costs of seizure, care, and disposal of the dog.

(f) *Release upon conditions.* The hearing officer, upon a finding that a dog is dangerous hereunder and a further finding that the owner has the ability and willingness to ensure that the appropriate safeguards are implemented to ensure the safety of persons and other domestic animals, is authorized to order release of the dog to the owner after the following requirements have been met:

1. Upon inspection by the Animal Control Authority, all requirements for registration of a dangerous dog as set forth in this chapter have been met.
2. All actual costs of seizure and care of the dog have been paid in full or a mutually satisfactory arrangement for payment has been made between the city and the owner or person claiming an interest in the dog before the dog is returned to the person.

(4) *Review of designation.* Beginning one year after a dog is declared a dangerous dog; an owner may request annually that the Animal Control Authority review the designation. The owner must provide evidence that the dog's behavior has changed due to the dog's age, sterilization, environment, completion of obedience training that includes modification of aggressive behavior, or other factors. If the Animal Control Authority finds sufficient evidence that the dog's behavior has changed, the authority may rescind the dangerous dog designation.

(D) *Dangerous dog registration.*

(1) *Registration.* No person may own or possess a dangerous dog unless the dog is registered as provided in this chapter. All dogs deemed dangerous by the Animal Control Authority shall be registered as a dangerous dog with the Animal Control Authority within 14 days after the date the dog was so deemed.

(2) *Registration requirements.* The Animal Control Authority shall issue a certificate of registration to the owner of a dangerous dog only if the owner presents sufficient evidence that all of the following are met:

(a) The owner provides and maintains a proper enclosure for the dangerous dog as defined in division (A) of this section; and

(b) The owner posts clearly visible warning signs, understandable to children, that there is a dangerous dog on the property. These warning signs must be posted on the front and the rear of all buildings on the property and upon the proper enclosure for the dog; and

(c) If the dangerous dog 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; and

(d) An identification microchip was implanted in the dog as required under M.S. § 347.515; and

(e) The dog must have an easily identifiable, standardized tag identifying the dog as dangerous affixed to its collar at all times; and

(f) The owner provides, and annually shows proof of, public liability insurance prepaid in full in the minimum amount of \$300,000; and

(g) The dog must have a lifetime license, if required, and must be up to date on all vaccinations including rabies; and

(h) The owner has paid an annual fee of not more than \$500, in addition to any regular dog licensing fees, to obtain a certificate of registration for a dangerous dog under this section; and

(i) An owner of a dangerous dog must renew the registration of the dog annually until the dog is deceased.

(3) *Release.* If a dangerous dog was impounded by the Animal Control Authority, or upon order of a hearing officer, the dog shall not be released until the owner demonstrates to the Animal Control Authority that all applicable requirements of this chapter, including all registration requirements, have been complied with. The owner must pay the city for all costs incurred in the seizure and care of the dog prior to its return.

(4) *Death or relocation of dangerous dog.* An owner of a dangerous dog shall notify the Animal Control Authority, in writing, of the death of the dog, or if the dog relocates or transfers out of the city to a new location, within 14 days of the death or relocation. The notification shall include the current owner's name and address, the circumstances surrounding the death and disposition, or the

complete name, address, and telephone number of the person to whom the dog was transferred. A person who sells or otherwise transfers ownership or control of a dangerous dog must notify any potential purchaser or transferee, prior to the consummation of the transaction, that the dog was previously designated as dangerous.

(5) *Property inspection.* The owner of a dangerous dog shall permit the Animal Control Authority and/or law enforcement to enter the property where a dangerous dog is kept or located, at all hours reasonable under the circumstances, without a warrant to inspect to ensure compliance with the provisions of this chapter. The failure of an owner to permit such inspection is, by itself, a ground to immediately seize the dog pursuant to division (F) of this section and revoke the dangerous dog registration issued pursuant to division (D)(2) of this section.

(E) *Potentially dangerous dogs designation.*

(1) *Designation.* The Animal Control Authority shall designate any dog as a potentially dangerous dog upon receiving evidence that the dog meets any of the criteria of a "potentially dangerous animal" as set forth in division (A) of this section.

(2) *Notice.* Upon a designation that a dog is potentially dangerous, the Animal Control Authority shall provide a written notice of potentially dangerous dog to the owner of record. Service upon any owner shall be effective as to all owners. The notice shall include a description of the dog and shall state the dates, times, places and facts of the incidents which form the basis for the determination.

(F) *Confiscation.*

(1) *Seizure.* The Animal Control Authority shall immediately seize any dangerous dog if:

(a) After 14 days after the owner has notice that the dog is dangerous, the dog is not validly registered under this subchapter or applicable state law; or

(b) After 14 days after the owner has notice that the dog is dangerous, the owner has not secured and provided proof of the proper liability insurance or surety coverage as required under this subchapter; or

(c) The dog is not maintained in a proper enclosure as defined in division (A) of this section; or

(d) The dog is outside the property enclosure and is not properly leashed and muzzled and under the proper physical restraint of a responsible person as required under this chapter or any applicable state law; or

(e) The owner is served with written notice, by certified mail to the owner's last known address, that the owner is in violation of any requirements of this chapter or any applicable state statute, or is in violation of any directive issued by the Animal Control Authority or order from a hearing officer; and, within 14 days of service of such written notice, has refused or failed to achieve satisfactory compliance; or

(f) The Animal Control Authority has reason to believe the dog is dangerous or potentially dangerous dog and is kept or maintained under conditions or circumstances creating an unacceptable risk for harm to persons or other domesticated animals; or

(g) For any other reason authorized by law.

(2) *Reclaiming dogs.* A dog seized under this chapter may be released to the owner of the dog upon payment of fees for seizure and care of the dog, and presentation of proof to the Animal Control Authority that all requirements of this chapter and state law have been met or are in the process of being met. If requirements are not met, the dog may be seized. A dog not reclaimed under this section within 14 days may be disposed of and the owner is liable to the Animal Control Authority for costs incurred in seizure, care and disposal of the dog.

(3) *Subsequent offenses.* If a person has been convicted of a misdemeanor for violating a provision of this chapter, and the person is charged with a subsequent violation relating to the same dog, the dog shall be seized by the Animal Control Authority. If the owner is convicted of the crime for which the dog was seized, the hearing officer may order that the dog be destroyed in a proper and humane manner and the owner pay the costs of seizure, care and disposal of the dog. If the person is not convicted of the crime for which the dog was seized, the owner may reclaim the dog upon payment to the Animal Control Authority of a fee for the seizure and care of the dog. If the dog is not reclaimed by the owner within 14 days after the owner has been notified that the dog may be reclaimed, the dog may be disposed of by the Authority. The owner is liable to the Animal Control Authority for the costs incurred in seizure, care and disposal of the dog.
(Ord. 152, 2nd Series, passed 10-12-2015)

§ 93.999 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) Any person who shall violate any provisions of §§ 93.002 through 93.005, §§ 93.008 through 93.015, or §§ 93.017 through 93.019 shall be liable for civil fines as established by resolution of the City Council from time to time, together with any handling fee and cost of any license for the dog or cat not licensed.

(C) Any person who shall violate any of the provisions of §§ 93.006 or 93.035 shall be subject to the provisions of the abatement procedure for nuisances set forth in § 90.07.

(D) Any person who shall violate any of the provisions of §§ 93.065 through 93.068 is guilty of a misdemeanor.

(E) Any person who shall violate any of the provisions of § 93.080 shall be subject to the penalties set forth in said section and also shall be subject to the penalties set forth in M.S. § 347.55, as it may be amended from time to time.

(Ord. 152, 2nd Series, passed 10-12-2015)

