

CHAPTER 701

DOGS

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701.01: **DEFINITIONS:** As used in this Chapter, the following terms shall mean:

- Subd. 1. **ANIMAL ENFORCEMENT OFFICER:** Any law enforcement officer of the City and the person, firm or corporation charged by the Council with enforcement of this Chapter. (Ord. 81, 11-25-74; amd. 1987 Code)
- Subd. 2. **AT LARGE:** A dog is at large when it is off the property of its owner and not under restraint.
- Subd. 3. **OWNER:** Any person who owns, harbors or keeps a dog or licensee thereof, or the parents or guardians of such person under eighteen (18) years of age, or any person who owns the property on which a dog is harbored or kept. (Ord. 81, 11-5-74; 398, 9-8-03)
- Subd. 4. **RESTRAINT:** A dog is under restraint if it is on the premises of the person harboring or keeping the dog, or if the dog is with the person having custody of it and is effectively restrained provided that:
- a. while it is on any public trail, sidewalk, the Southwest LRT Regional Trail, or along any public right-of-way (e.g., along roadways and streets) it is on a leash no more than six feet in length;
 - b. while it is in any City park, it is on a leash. (Ord. 394, 4-14-03)
- Subd. 5. **DOG WASTE DEVICE.** The person having custody of the dog must have in their possession a device for removal of dog feces when in or on City parks, trails, sidewalks, public rights-of-way, and the Southwest Regional LRT Trail. (Ord 394, 4-14-03)

701.02: ENFORCEMENT:

The Council shall appoint an Animal Enforcement Officer and may enter into a contract with a person whose duties shall be to enforce this Chapter. Any contract so entered shall provide, as the Council deems fit, certain fees for the keeping and disposal of animals herein governed.

701.03: REGISTRATION AND LICENSING REQUIREMENTS:

- Subd. 1. Registration and License Required: Every person who owns a dog over the age of six (6) months shall cause the dog to be registered and licensed as hereinafter provided. (Ord. 213, 3-27-89)
- Subd. 2. License Tag and Fees: All dogs kept in this City, including those allowed by special permit shall be registered in the office of the Clerk. The owner shall obtain a license and tag for each dog and pay for each such fee as the City Council may, by resolution, adopt¹. The Council may provide for higher license fees for female dogs than for males or spayed females. The license tag shall be securely attached around the dog's neck and kept there at all times during the license period. If the tag is lost or stolen, the owner shall receive a duplicate license and tag upon payment to the Clerk a fee as provided in Section 1301.02 of this Code.
- Subd. 3. Rabies Inoculation: No license shall be issued for a dog unless the owner shall show written evidence that the dog has been inoculated for the prevention of rabies within the past two (2) years. (Ord. 81, 11-25-74; amd. Ord. 263, 12-14-92)
- Subd. 4. Term of License: The license period shall be for the whole or unexpired portion of the year ending on the ensuing December 31. (Ord. 81, 11-25-74; amd. 1987 Code)
- Subd. 5. New Residents of City: Any person who moves into and becomes a resident of the City and who owns a dog within the City shall cause the same to be registered and licensed as provided hereinbefore within a period of not more than thirty (30) days after becoming a resident of the City. (Ord. 173, 8-12-85)

701.04: LIMITATIONS ON NUMBER OF DOGS:

- Subd. 1. Kennel License: Within the limits of the City, no more than two (2) dogs, over the age of six (6) months shall be allowed in any household unless the owners shall first obtain a kennel license. This license shall allow an owner to keep up to four (4) dogs over the age of six (6) months. Any person desiring a kennel license shall make written application upon a form prescribed by and containing such information as required by the City. Every owner is required to keep a valid, individual license tag securely fastened to the dog's collar or harness. The owner shall pay a fee for the kennel license as provided in Section 1302 of this Code. This license shall be valid for the period of one year, beginning on January 1 and ending on December 31, and is non-transferable. The application shall contain the following information:

¹ See Section 1302 of this Code.

- a. The number of dogs over the age of six months to be maintained on the premises.
- b. A description of the real estate property upon which the animals will be kept.
- c. Written authorization for the City to inspect the premises which shall be valid for the length of the license. Application for a renewal license shall be inspected upon receipt of complaints. Said inspection shall be to confirm compliance with the following criteria:

(1) If an outdoor kennel is provided, it must be constructed of suitable material to maintain and secure the keeping of dogs and to allow for sufficient space for the dogs. Standards for adequate shelter for dogs is specified in Minnesota Statute 343.40, and is hereby adopted by reference, including any amendments to that section. Said space must be inspected and approved by the Animal Enforcement Officer. All surfaces must be constructed of material to provide for proper cleaning, drainage, and maintenance and needs of the dogs. Kennel structures must be located within the prescribed setback requirements for the property and shall be located at least ten (10) feet from the property boundary. All fences shall be located entirely upon the property of the fence owner. No boundary line fence shall be erected closer than three feet (3') to an existing parallel boundary line fence.

(2) Owners must ensure that dogs kept on a licensed premises do not create a nuisance by excessive barking, or by creating unsanitary conditions.

- d. Notification of any prior violations during the previous licensing period.

Subd. 2. Denial of License: The City may deny any license request based upon one or more of the following:

- a. The Animal Enforcement Officer finds the kennel facilities inadequate.
- b. Conditions of the license are not met.
- c. A nuisance condition is found to be created by the dogs or owner.
- d. The kennel creates a public health and safety hazard, or has placed the animals in an unreasonable endangerment.

The City shall investigate all complaints and may issue a citation for violations. After a complaint has been received and found to be valid regarding a kennel license, the holder of said license shall appear before the City Council to state or explain their position. Said appearance shall be within 30 days of the initial complaint and after notification of all contiguous property owners. The City Council will then decide the status of the license.

Subd. 3. Exceptions:

- a. An applicant may apply to the City Council for an exception to the maximum number of dogs allowed per property.

b. This section shall not apply to non-residents or dogs kept within the City for less than 30 continuous days.

Subd. 4. Revocation of Kennel License: In addition to any other sanctions herein provided, violation of any of the terms of this Chapter shall be grounds for termination of the privilege of keeping up to four (4) dogs, and said license may be revoked. Revocation may occur for a violation attributable to any dog kept by the owners. (Ord. 299, 6-12-95)

701.05: **RUNNING AT LARGE:** No dog owner, as defined in this Chapter, shall permit his dog to run at large. The finding of any dog running at large shall be prima facie evidence of violation of this Section by the owner of said dog. (Ord. 213, 3-27-89)

701.06: **DOG NUISANCES.** It shall be unlawful for any owner to fail to exercise proper care and control of his animals to prevent them from becoming a public nuisance. It shall be considered a nuisance for any animal to bark excessively, continuously or untimely, to frequent school grounds, parks, or public beaches, to chase vehicles, to molest, annoy or bite any person if such person is not on the property of the owner or custodian of such animal, to molest, defile or destroy any property, public or private, or to defecate in or upon public property or the property of another without being cleaned up immediately by the person in charge of the animal. The person having custody of the dog is responsible for disposing of the dog feces in a sanitary manner. Failure on the part of the owner or custodian to prevent his animals from committing an act of nuisance shall subject the owner or custodian to the penalty hereinafter provided.

The phrase "to bark excessively, continuously or untimely" includes, but is not limited to, the creation of any noise by any single or combination of dogs which can be heard by any person, including a law enforcement officer or animal control officer, from a location outside of the building or premises where the dog is being kept and which noise occurs repeatedly over at least a five minute period of time with one minute or less lapse of time between each animal noise during the five minute period. "Untimely" includes, but is not limited to, such noise which occurs repeatedly over a two-minute period of time with one-minute or less lapse of time between each animal noise during the two-minute period between 10:00 p.m. and 6:00 a.m. (Ord. 232, 9-10-90; Ord. 334, 4-27-98; Ord. 394, 4-14-03; Ord. 398, 9-8-03)

701.07: **CONFINEMENT OF CERTAIN DOGS:** Every dog in heat shall be confined in a building or other secure enclosure, in such manner that such dog cannot come into contact with another dog, except for planned breeding. (Ord. 213, 3-27-89)

701.08: **IMPOUNDMENT AND REDEMPTION PROCEDURES:**

Subd. 1. Authority to Impound, Citations: The person charged with the enforcement of this Chapter shall have authority to take into custody and impound those dogs found at large within the City. If the Animal Enforcement Officer is unable to take a dog into custody, he may, where

possible, follow the dog to the property of its owner and may issue a citation to the owner for violation of this Chapter. The Officer shall not be authorized to take into custody a dog once it is upon the property of its owner except where the officer finds no one present upon the property and custody is necessary to prevent the dog from further running at large, or except in those instances hereinafter prescribed where such custody is required or permitted for the health and welfare of the public.

Subd. 2. Pound: The City shall provide an adequate pound or facilities where dogs taken into custody by an Animal Enforcement Officer shall be kept and properly fed until disposed of according to the provisions of this Chapter.

Subd. 3. Notice of Impoundment: Within twenty four (24) hours after taking a dog into custody, the Animal Enforcement Officer shall, if the animal has on it an official tag, notify the person shown as owner of the dog, that the animal is in his custody and will not be disposed of if redeemed within a stated time, which time shall not be less than five (5) full days after such animal was taken into custody. (Ord. 81, 11-25-74)

Subd. 4. Redemption by Owner: Every owner or person having the custody of a dog may redeem the same from the Animal Enforcement Officer by paying for board and associated costs for each day or fraction thereof as such animal is held in custody by the Animal Enforcement Officer and obtaining a license for said animal in accordance with this Chapter if the license has not hereinbefore been issued for said animal. Such associated costs shall include an impounding fee set by resolution of the City Council from time to time¹. In determining the impounding fee, the Council may establish a schedule of fees based on the number of times a dog has been impounded. In addition to the payment of the board, licensing and associated costs set forth in this Section, the owner shall remain subject to all other penalties contained in this Chapter.

Subd. 5. Disposition of Unclaimed or Injured Dogs: Upon expiration of the five (5) day period, a dog in the custody of the Animal Enforcement Officer shall be euthanized.

Nothing in this Chapter shall prevent the Animal Enforcement Officer from causing the dog to be euthanized in less than five (5) days' waiting period as aforesaid where such animal is injured and, in the opinion of the owner or veterinarian, the only humane act would be one of disposal. (Ord. 213, 3-27-89)

Subd. 6. Records Kept: The Animal Enforcement Officer shall keep an accurate account of all animals received at the pound and all animals killed and released therefrom. (Ord. 81, 11-25-74)

1. See Section 1301.02 of this Code.

701.09: **RABIES CONTROL:**

Subd. 1. Quarantine of Biting Dogs: Upon a sworn, written complaint being filed with the City Clerk stating that a dog has bitten a human being and setting forth the name of the dog, if known, and the name and address of the owner or custodian, if known, the name of the person bitten, and when and where the incident occurred, the Animal Enforcement Officer shall order the dog quarantined for a period of ten (10) days. During quarantine, the animal shall be securely confined and kept from contact with any other animal.

At the discretion of the Animal Enforcement Officer, the quarantine may be on the premises of the owner. If the Animal Enforcement Officer so requires, the owner shall, at his own expense, place the animal in a veterinary hospital for the period of confinement or surrender the animal to the Animal Enforcement Officer for confinement. The dog shall not be released from confinement until a licensed veterinarian has certified the animal to be free from rabies and until the owner has paid the costs of any veterinary tests made upon the animal as well as the costs of any confinement on premises other than that of the owner.

If the costs are not paid by the owner or custodian within ten (10) days following written notice to such owner or custodian that the dog is available for release, the Animal Enforcement Officer shall forthwith cause the dog to be euthanized.

Any person who shall fail to deliver up to the Animal Enforcement Officer any dog which has bitten a human being and against which a sworn, written complaint has been filed, shall be guilty of a misdemeanor. Each day's neglect or failure to comply with the provisions of this subdivision shall be deemed a separate offense. (Ord. 213, 3-27-89)

Subd. 2. Rabies in City, Proclamation:

a. Investigation for Presence of Rabies: It shall be the duty of the Health Officer to investigate, when a written complaint shall be made to him or to the City Clerk that rabies exist in the City, and determine whether or not rabies does exist in the City.

b. Proclamation:

(1) If, on such investigation, the Health Officer determines that rabies does exist in the City, the Health Officer shall thereupon make and file a proclamation setting forth the fact of such investigation and determination, and also in the proclamation prohibit the owner or custodian of any dog from permitting or allowing such dogs to be at large within the City unless effectively muzzled so that it cannot bite any other animal or person.

(2) Such proclamation, when issued, shall be filed with the Clerk and it shall be the duty of the Clerk to forthwith publish a copy thereof in the official legal newspaper of the City and to post a copy of such proclamation in three (3) public places within the City. The proclamation shall be deemed effective and in full force five (5) days after publication and posting of copies thereof and shall remain in full force and effect for a period of time designated in the proclamation but not to exceed six (6) months.

c. Dogs at Large to be Muzzled: It shall be unlawful for the owner or custodian of any dog to suffer or permit it to be at large either on the premises of the owner or elsewhere within the City during the time such proclamation is in force unless such dog shall be effectively muzzled so that it cannot bite any other animal or person.

d. Destruction of Unmuzzled Dogs: It shall be lawful for any police officer or the Animal Enforcement Officer of this City to destroy any dog running at large on the public streets or roads of this City in violation of the provisions of such proclamation. (Ord. 81, 11-25-74)

701.10: **DESTRUCTION OF CERTAIN DOGS:** Upon sworn complaint to the Hennepin County District Court that any one of the following facts exists:

Subd. 1. That any dog at any time has destroyed property or habitually trespasses in a damaging manner on property of persons other than the owner;

Subd. 2. That any dog at any time has attacked or bitten a person outside the owner's or custodian's premises;

Subd. 3. That any dog is vicious or shows vicious habits or molests pedestrians or interferes with the driving of automobiles on the public streets or highways;

Subd. 4. That any dog is a public nuisance;

Subd. 5. That any dog is running at large in violation of this Chapter;

the judge or clerk of said Court shall issue a summons directed to the owner of the dog commanding him to appear before said judge to show cause why the dog should not be seized and euthanized by the Animal Enforcement Officer or otherwise disposed of. Upon such hearing and finding the facts true as complained of, the judge may either order the dog euthanized or the owner or custodian to remove it from the City, or may order the owner or custodian to keep it confined to a designated place. If the owner or custodian disobey such order, he shall be in violation of this Chapter and the Animal Enforcement Officer may, upon disobedience of said order, impound or dispose of the dog described in said order. The costs of all proceedings described herein shall be assessed against the owner or custodian of the dog, if the facts in the complaint are found to be true; or to the complainant if the facts are found to be untrue. (Ord. 213, 3-27-89)

701.11: PROHIBITED ACTS AND CONDITIONS:

- Subd. 1. Improper Care: It shall be unlawful for any owner to fail to provide animals with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment.
- Subd. 2. Cruelty to Dogs: It shall be unlawful for any owner to beat, cruelly ill-treat, torment or otherwise abuse any dog.¹

701.12: VIOLATION: Any person violating any provisions of this Chapter shall be guilty of a misdemeanor. (Ord. 81, 11-25-74)

1. See also Section 603.08 of this Code.
