

ARTICLE II. DOGS¹

DIVISION 1. GENERALLY

Sec. 10-52. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animal control authority means an agency of the state, county, municipality, or other governmental subdivision of the state which is responsible for animal control operations in its jurisdiction.

Boarding means providing for the care, shelter, or feeding of dogs, not owned by the owner or occupant of the premises where said dogs are kept, for any period.

Dangerous dog means any dog that has:

- (1) Without provocation, inflicts substantial bodily harm on a human being on public or private property.
- (2) Has killed a domestic animal without provocation while off the owner's property.
- (3) Has been found to be potentially dangerous, and, after the owner has notice that the dog is potentially dangerous, the dog aggressively bites, attacks, or endangers the safety of humans or domestic animals.

Dog means any male or female of the canine species.

Dog owner means the license holder or any other person, firm, association, or corporation owning, keeping or harboring a dog. Any person keeping or harboring a dog for five consecutive days shall, for the purposes of this definition, be deemed an owner.

Great bodily harm means bodily injury which creates a high probability of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily harm

Kennel, commercial, means a place where boarding and/or training is offered to any number of dogs not owned by the owner or occupant of the premises. Such boarding and/or training may also include but is not limited to related uses such as selling, breeding, showing, treating or grooming. Pet shops, veterinary clinics, and pet grooming facilities are considered commercial uses but shall not be defined as commercial kennels.

Kennel, private, means a place where a dog owner keeps four or more dogs over six months of age on property occupied by the dog owner for residential purposes and where the keeping of such dogs is incidental to the occupancy of the premises, and may include breeding and selling of dogs as a hobby. A conditional use permit is required for four or more dogs.

¹Ord. No. 22-03, § 2, adopted February 8, 2022, repealed the former article II, § 10-24, and renumbered articles III and IV as articles II and III. The former article II pertained to horses and derived from Ord. No. 15-12, adopted July 14, 2015.

State law reference(s)—Dogs and cats, Minn. Stats. ch. 347.

Owner means the license holder or any other person, firm, association, or corporation owning, keeping or harboring a dog. Any person keeping or harboring a dog for five consecutive days shall, for the purposes of this definition, be deemed an owner.

Potentially dangerous dog means any dog that:

- (1) When unprovoked, inflicts bites on a human or domestic animal on public or private property.
- (2) When unprovoked, chases or approaches a person, including a person on a bicycle, upon the streets, sidewalks, or any public or private property, other than the dog owner's property, in an apparent attitude of attack.
- (3) Has a known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.

Proper enclosure means securely confined indoors or in a securely enclosed and locked pen or structure suitable to prevent the animal from escaping and providing protection from the elements for the dog. A proper enclosure does not include a porch, patio, or any part of a house, garage, or other structure that would allow the dog 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 obstacles that prevent the dog from exiting.

Provocation means an act that an adult could reasonably expect may cause a dog to attack or bite.

Running at large means any dog which is not either:

- (1) Effectively contained on private property;
- (2) Effectively restrained, by chain or leash, to private property with the consent of the property owner;
- (3) Effectively restrained by a chain or leash not to exceed six feet in length; or
- (4) Under the voice control of its owner.

Substantial bodily harm means bodily injury that involves a temporary but substantial disfigurement, or that causes a temporary but substantial loss or impairment of the function of any bodily member or organ, or that causes a fracture of any bodily member.

(Ord. No. 15-12, § 2, 7-14-2015)

Sec. 10-53. Animal control officer.

As used in this article the term "animal control officer" means any city officer or employee designated to enforce any portion of this article.

(Ord. No. 15-12, § 2, 7-14-2015)

Sec. 10-54. Duties of animal control officer.

The animal control officer shall perform the following duties:

- (1) Seize, impound, or restrain any dog found running at large within the city.
- (2) Investigate all cases of animal bites reported to him and supervise the quarantine of any such animal to ensure that it is kept under observation for a period of ten days.
- (3) Enforce all other provisions of this article.

(Ord. No. 15-12, § 2, 7-14-2015)

Sec. 10-55. No interference with officer.

It shall be unlawful for any person to molest or in any way interfere with any peace officer, animal control officer, or any of their duly authorized assistants, or with any duly authorized agent while engaged in performing work under the provisions of this article.

(Ord. No. 15-12, § 2, 7-14-2015)

Sec. 10-56. Number of dogs permitted.

- (a) On a parcel or series of contiguous parcels under the same ownership or occupancy as the dog owner, no more than three dogs are permitted. A private kennel license is required for four or more dogs.
- (b) *Private kennel license process.*
 - (1) *Application.* The application for a license shall contain the following information; name, address, and telephone number of applicant; the address of the location where four or more dogs will be maintained, the number of dogs proposed to be maintained on the premise, the breeds of the dogs to be maintained, and a sketch plan of the premises where the dogs will be maintained.
 - (2) *Processing application.* The application must be filed with the zoning administrator together with the permit fee 30 days prior to a city council meeting. Following an inspection of the premises proposed to be licensed, the zoning administrator shall make a recommendation to the city council to approve or deny the application. The city council shall hold a public hearing and make the final decision on the application.
 - (3) *Term and transfer.* The license shall be valid without renewal provided that the applicant complies with the terms of the license. Licenses under this chapter may not be transferred from person to person or from place to place.
 - (4) *Revocation.* The council may revoke any license issued under this article upon adequate notice and a hearing before the council, if requested, on the following grounds:
 - a. Any violation of this Code;
 - b. Material misstatement or misrepresentation in application for license or renewal thereof;
 - c. Failure to keep the licensee's premises in an orderly, aesthetically pleasing manner as prescribed by the council and/or its designated representative;
 - d. Failure to comply with the terms of the license.

(Ord. No. 15-12, § 2, 7-14-2015)

Sec. 10-57. Reserved.

Ord. No. 21-08, § 3, adopted February 23, 2021, repealed § 10-57, which pertained to individual dog licensing and derived from Ord. No. 15-12, adopted July 14, 2015.

Sec. 10-58. Tags.

All dogs in public spaces shall have an identification tag with owner or veterinarian contact information affixed to the dog collar. In lieu of a physical tag, a microchip embedded in the dog with the same information is sufficient for identification.

(Ord. No. 15-12, § 2, 7-14-2015; Ord. No. 21-08, § 3, 2-23-2021)

Sec. 10-59. Rabies vaccination.

- (a) Every owner or keeper of a dog shall cause the same to be vaccinated by a licensed veterinary with anti-rabies vaccine at least once every three years and prior to the time such dog shall reach the age of six months.
- (b) No dog need be vaccinated when a licensed veterinarian has examined the animal and certified that, at such time, vaccination would endanger its health because of its age, infirmity, debility, illness, or other medical consideration; and such exception certificate is presented to the animal control officer within five days of such examination. The animal shall be vaccinated against rabies as soon as its health and age permit. Unvaccinated animals must be confined to the owner's property or a veterinary facility.

(Ord. No. 15-12, § 2, 7-14-2015)

Sec. 10-60. Animal at large.

- (a) Every owner or keeper of a dog shall cause the same to be under the control of and in custody of a person of sufficient age to adequately control the dog at all times, while the dog is off the premises of the owner. The terms "control" and "custody" mean on a leash of not more than six feet in length or under the voice control of its owner. It shall be lawful to have a dog in an automobile without a leash, but it must be on a leash or under the voice control of its owner if taken out of the vehicle. Violation of this section shall be a petty misdemeanor.
- (b) It is unlawful for any domestic diseased animal to run at large.
- (c) All animals must be in the care and control of their owner.

(Ord. No. 15-12, § 2, 7-14-2015; Ord. No. 24-03, § 2, 3-26-2024)

Sec. 10-61. Report of dog bites.

Any person knowing of a human being bitten by a dog shall immediately notify the animal control officer or the police department and said dog shall then be confined and kept under observation for a period of ten days before being removed from owner's property or disposed of.

(Ord. No. 15-12, § 2, 7-14-2015)

Sec. 10-62. Destroying a dog.

It shall be unlawful for any person other than the animal control officer or a police officer to kill or destroy any dog or animal of the dog kind running at large in the city or that has been known to bite a person within ten days.

(Ord. No. 15-12, § 2, 7-14-2015)

Sec. 10-63. Abandonment.

No person shall abandon or release any dog, cat, or other animal within the boundaries of the city.

(Ord. No. 15-12, § 2, 7-14-2015)

Sec. 10-64. Potentially dangerous dogs.

- (a) The animal control officer will provide the owner of a dog that has been deemed potentially dangerous, per section 10-52, with a potentially dangerous dog incident report.
- (b) If the dog has inflicted bites on a human or domestic animal on public or private property, a quarantine notice will also be provided to the owner advising of a ten day quarantine period.
- (c) If a proper enclosure cannot be provided for the dog, the animal control officer can seize the dog for the quarantine period. All costs of the care, keeping, and disposition of the dog are the responsibility of the person claiming an interest in the dog.
- (d) Any person knowing of a human being bitten by a dog shall immediately notify the animal control officer or the police department and said dog shall then be confined and kept under observation for a period of ten days before being removed from owner's property or disposed of.

(Ord. No. 15-12, § 2, 7-14-2015)

Sec. 10-65. Dangerous dogs.

- (a) The animal control officer will provide the owner of a dog that has been deemed dangerous, per section 10-52, with a dangerous dog incident report.
- (b) If the dog has inflicted bites on a human or domestic animal on public or private property, a quarantine notice will also be provided to the owner advising of a ten-day quarantine period.
- (c) An owner of a dangerous dog shall keep the dog, while on the owner's property, in a proper enclosure. If the dog is outside the proper enclosure, the dog must be muzzled and restrained by a substantial chain or leash and under the physical restraint of a responsible person. The muzzle must be made in a manner that will prevent the dog from biting any person or animal but that will not cause injury to the dog or interfere with its vision or respiration.
- (d) An owner of a dangerous dog must renew the registration of the dog annually until the dog is deceased. If the dog is removed from the jurisdiction, it must be registered as a dangerous dog in its new jurisdiction.
- (e) An owner of a dangerous dog must notify the animal control authority in writing of the death of the dog or its transfer to a new location where the dog will reside within 30 days of the death or transfer, and must, if requested by the animal control authority, execute an affidavit under oath setting forth either the circumstances of the dog's death and disposition or the complete name, address, and telephone number of the person to whom the dog has been transferred or the address where the dog has been relocated.
- (f) An animal control authority shall require a dangerous dog to be sterilized at the owner's expense. If the owner does not have the animal sterilized within 30 days, the animal control authority shall seize the dog and have it sterilized at the owner's expense.
- (g) A person who owns a dangerous dog and who rents property from another where the dog will reside must disclose to the property owner prior to entering the lease agreement and at the time of any lease renewal that the person owns a dangerous dog that will reside at the property.
- (h) A person who transfers ownership of a dangerous dog must notify the new owner that the animal control authority has identified the dog as dangerous. The current owner must also notify the animal control authority in writing of the transfer of ownership and provide the animal control authority with the new owner's name, address, and telephone number.

(Ord. No. 15-12, § 2, 7-14-2015)

Sec. 10-65.1. Dangerous dog registration.

- (a) *Requirement.* No person may own a dangerous dog in this state unless the dog is registered as provided in this section.
- (b) *Registration.* An animal control authority shall issue a certificate of registration to the owner of a dangerous dog if the owner presents sufficient evidence that:
 - (1) A proper enclosure exists for the dangerous dog and a posting on the premises with a clearly visible warning sign that there is a dangerous dog on the property, including a warning symbol to inform children;
 - (2) A surety bond issued by a surety company authorized to conduct business in this state in a form acceptable to the animal control authority in the sum of at least \$300,000.00, payable to any person injured by the dangerous dog, or a policy of public liability insurance issued by an insurance company authorized to conduct business in this state in the amount of at least \$300,000.00, insuring the owner for any personal injuries inflicted by the dangerous dog;
 - (3) The owner has paid an annual fee of not more than \$500.00, in addition to any regular dog licensing fees, to obtain a certificate of registration for a dangerous dog under this section; and
 - (4) The owner has had microchip identification implanted in the dangerous dog with the name of the microchip manufacturer and identification number of the microchip provided to the animal control authority. If the microchip is not implanted by the owner, it may be implanted by the animal control authority. In either case, all costs related to purchase and implantation of the microchip must be borne by the dog's owner.
- (c) *Warning symbol.* If an animal control authority issues a certificate of registration to the owner of a dangerous dog pursuant to subdivision (b), the animal control authority must provide, for posting on the owner's property, a copy of a warning symbol to inform children that there is a dangerous dog on the property. The warning symbol must be the uniform symbol provided by the commissioner of public safety. The commissioner shall provide the number of copies of the warning symbol requested by the animal control authority and shall charge the animal control authority the actual cost of the warning symbols received. The animal control authority may charge the registrant a reasonable fee to cover its administrative costs and the cost of the warning symbol.
- (d) *Fee.* The animal control authority may charge the owner an annual fee, in addition to any regular dog licensing fees, to obtain a certificate of registration for a dangerous dog under this section.
- (e) *Dangerous dog designation review.* Beginning six months 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, neutering, 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.
- (f) *Law enforcement; exemption.* The provisions of this section do not apply to dangerous dogs used by law enforcement officials for police work.
- (g) *Exemption.* Dogs may not be declared dangerous if the threat, injury, or damage was sustained by a person:
 - (1) Who was committing, at the time, a willful trespass or other tort upon the premises occupied by the owner of the dog;
 - (2) Who was provoking, tormenting, abusing, or assaulting the dog or who can be shown to have repeatedly, in the past, provoked, tormented, abused, or assaulted the dog; or

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- (3) Who was committing or attempting to commit a crime.
- (h) *Tag.* A dangerous dog registered under this section must have a standardized, easily identifiable tag identifying the dog as dangerous and containing the uniform dangerous dog symbol, affixed to the dog's collar at all times.
- (Ord. No. 15-12, § 2, 7-14-2015; Ord. No. 21-08, § 3, 2-23-2021)

Editor's note(s)—Ord. No. 15-12, § 2, adopted July 14, 2015, set out provisions intended for use as § 10-65. For purposes of classification, and at the editor's discretion, these provisions have been included as § 10-65.1.

Sec. 10-66. Hearing for dogs deemed dangerous or potentially dangerous.

The owner of a dog that has been deemed dangerous or potentially dangerous may request a hearing to determine the validity of the dangerous or potentially dangerous dog declaration. If such a request is made, the owner must immediately comply with provision 1 of the notice, until the hearing examiner issues an opinion. To appeal the dangerous or potentially dangerous dog declaration:

- (1) A request, identifying with specificity the basis for the dog owner's objection to the declaration shall be filed in writing with the office of the chief of police within 14 days after the date of the service of the notice. Failure to do so within 14 days will terminate the owner's right to a hearing.
- (2) A \$250.00 filing fee shall be submitted with the appeal request. In the event that the dangerous dog declaration is not upheld by the hearing examiner, the filing fee will be refunded to the dog's owner. Per Minn. Stat. § 347.541, if the dangerous dog declaration is upheld by the hearing examiner, actual expenses of the hearing up to a maximum of \$1,000.00 will be the responsibility of the dog's owner.
- (3) A hearing shall be conducted within ten days, unless a later date is mutually agreed to by the hearing examiner, the dog owner and the city.
- (4) The hearing officer shall issue a decision on the matter within ten days after the hearing. The decision must be delivered to the dog's owner by hand delivery or registered mail as soon as practical and a copy must be provided to the animal control authority.
- (5) If the hearing officer affirms the dangerous dog declaration, the owner will have 14 days from receipt of that decision to comply with all requirements of the notice.
- (6) Any costs incurred for the care, keeping, and disposition of the dog are the responsibility of the person claiming an interest in the dog, except to the extent that a court or hearing officer finds that the seizure or impoundment was not substantially justified by law.

(Ord. No. 15-12, § 2, 7-14-2015)

Sec. 10-67. Failure to restrain an attack by a dog.

- (a) It shall be unlawful for an owner to fail to restrain a dog from inflicting or attempting to inflict bodily injury to any person or other animal. Violation of this section shall be a misdemeanor. The court, upon a finding of the defendant's guilt 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.

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- (b) If the court does not order the destruction of the dog, the court, as an alternative, may order the defendant to provide, and show proof to the court of public liability insurance in the minimum amount of \$300,000.00.

(Ord. No. 15-12, § 2, 7-14-2015)

Sec. 10-68. Stopping an attack.

If any police officer or animal control officer is witness to an attack by a dog upon a person or another animal, the officer may take whatever means they deem appropriate to bring the attack to an end and prevent further injury to the victim.

(Ord. No. 15-12, § 2, 7-14-2015)

Sec. 10-69. Dogs disturbing the peace.

It shall be unlawful for any person to own, keep, have in possession, or harbor any dog that howls, yelps, or barks to the reasonable annoyance of another person. Any person violating this section, who upon first requested by a police officer or animal control officer to stop or prevent the annoyance, and refuses to comply with the request will be issued a citation or arrested in accordance with Minnesota Rules of Criminal Procedure, and, if the officer deems it necessary to stop the annoyance, may have the dog taken to the city animal pound. Any dog placed in the pound may be reclaimed by the owner upon payment of the fee prescribed in subsection 10-95(b), and if not reclaimed may be disposed of in the manner provided in subsection 10-95(c).

(Ord. No. 15-12, § 2, 7-14-2015)

Sec. 10-70. Removal of excrement, manure, and carcasses.

- (a) It is unlawful for any person who owns or has custody of a dog to cause or permit such animal to defecate on any private property without the consent of the property owner or on any public property unless such person immediately removes the excrement and places it in a proper receptacle. The provisions of this section shall not apply to seeing-eye dogs under the control of a blind person or dogs while being used in city police activity.
- (b) It is unlawful for any person who owns or has custody of a dog to cause or permit accumulations of manure and animal excrement, except that any manure maintained in conformance with state law and City Code for use as fertilizer.
- (c) It is unlawful for any person who owns or has custody of a dog to cause or permit carcasses of animals not buried at least three feet deep or destroyed within 24 hours after death.

(Ord. No. 15-12, § 2, 7-14-2015; Ord. No. 24-03, § 2, 3-26-2024)

Ord. No. 24-03, § 2, adopted March 26, 2024, amended the title of § 10-70 to read as herein set out. The former § 10-70 title pertained to removal of excrement.

Secs. 10-71—10-94. Reserved.

DIVISION 2. IMPOUNDMENT

Sec. 10-95. Procedure; reclaiming.

- (a) **Impoundment.** All dogs picked up by the animal control officer or any of their duly authorized assistants shall be immediately transported to the designated pound. If the owner is known, they shall be immediately notified by telephone or personal contact and by written notice to their last known address. If the owner is unknown, written notice containing a description of the animal shall be posted at the pound and the city hall. The notice shall advise the owner that they have five regular business days to claim the dog. The term "regular business day" means any day during which the pound is open to the public not less than four consecutive hours between the hours of 8:00 a.m. and 7:00 p.m.
- (b) **Reclaiming.** An owner may reclaim an impounded dog:
- (1) If the dog has a current license: by paying to the pound master an impounding fee plus a boarding fee in an amount determined by agreement between the city and the designated pound, for each day the animal was confined. There shall also be an added impounding fee for any dog impounded twice within 12 months. Such fees shall be set by ordinance.
 - (2) If the dog does not have a current license: By first obtaining a license from the city administrator and paying the costs to the pound master.
- (c) **Unclaimed animals.** Any animal not claimed within the allotted time shall be disposed of in accordance with the provisions of Minn. Stats. § 35.71, subd. 3.

(Ord. No. 15-12, § 2, 7-14-2015)

Secs. 10-96—10-118. Reserved.