

Chapter 14  
**ANIMALS\***

-----  
\***State law reference**—General authority to regulate animals, Minn. Stat. § 412.221, subd. 21; animal health, Minn. Stat. ch. 35; cruelty to animals, Minn. Stat. ch. 343; stray animals, Minn. Stat. ch. 346; dogs and cats, Minn. Stat. Ch. 347; and such other authority as may apply.  
-----

**ARTICLE I. IN GENERAL**

**Sec. 14-1. Definitions.**

The following words, terms, and phrases, when used in this Chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Any term not defined in this section shall have the meaning given the term in Minnesota Statutes, Chapters 347 and 347, to the extent defined therein.

(a) *Abandoned* means to leave a dog, cat, or other domesticated animal at large within the City without intending to return or to recover it. It shall also mean to purposefully leave a dog, cat, or other animal in the possession of the Animal Warden.

(b) *Animal Control Officer* means the person or agency designated by the City Council to provide animal control operations within the City. The Animal Control Officer shall also be construed to include any licensed law enforcement officer.

(c) *Animal Warden* means any person or entity designated by the City Council to house, hold, confine, or board any animal seized or impounded herein.

(d) *At large* means off the premises owned or rented by the owner or owner's agent and not under restraint by a leash not exceeding six (6) feet in length or within a vehicle being driven or parked on a street or within the property limits of the owner's premises. An unattended animal on the property of another without the consent of such property owner shall be deemed at large and not under restraint, even though it may be on a leash.

(e) *Cat* means a domesticated member of the Felidae family (*Felis silvestris catus*) born, raised, and kept as a pet. The term does not include any type of cougar, lynx, puma, or similar type of wild animal.

(f) *City* means City of Mound, Hennepin County, Minnesota.

(g) *Commercial kennel* means a "kennel" where dogs, cats, or other domesticated animals are bred or sold for re-sale, individually or in litter lots, whether or not any are also kept for personal use. Commercial kennels shall also include places where dogs, cats, or other domesticated animals are boarded, groomed, or trained for a fee or other in-kind consideration.

(h) *Dog* means a domesticated member of the Canidae family (*Canis lupus familiaris*) born, raised, and kept as a pet. The term does not include any type of fox, wolf, or similar type of wild animal.

(i) *Domesticated animal* means those animals usually and customarily considered a domestic pet breed including, but not limited to dog, cat, ferret, house bird, rabbit, mice, rat, gerbil, hamster, chinchilla, guinea pig, fish, non-poisonous spider, non-poisonous reptile, amphibian, or insect (i.e. butterfly or grasshopper). House birds shall not include farm poultry as identified in this section as non-domesticated animals.

(j) *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 of impairment of the function of any bodily member or organ or other serious bodily harm.

(k) *Owner* means any person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having care, custody, or control of a dog, cat, or other domesticated animal.

(l) *Non-domesticated animal* means those animals commonly considered to be naturally wild and not naturally trained or domesticated or which are commonly considered to be inherently dangerous to the health, safety, and welfare of people. Unless otherwise defined, non-domesticated animals shall include:

1. Any member of the large cat family (family Felidae), including lions, tigers, cougars, bobcats, leopards, lynx, and jaguars, but excluding commonly accepted domesticated house cats;
2. Any naturally wild member of the canine family (family Canidae) including wolves, foxes, coyotes, dingoes, and jackals, but excluding commonly accepted domesticated dogs;
3. Any of the various species of farm animals including, but not limited to horses, cattle, mules, donkeys, goats, sheep, llamas, alpacas, potbellied pigs, pigs, or bees;
4. Any of the various species of farm poultry including, but not limited to chickens, roosters, ducks, geese, turkeys, peacocks, pigeons, swans, and doves;
5. Any member or relative of the rodent family, including any skunk (whether or not descended), raccoon, squirrel, or chipmunk, but excluding those members otherwise defined or commonly accepted as domesticated pets;
6. Any poisonous, venomous, constricting, or inherently dangerous member of the reptile or amphibian families, including rattlesnakes, boa constrictors, pit vipers, crocodiles, and alligators;
7. Any other animal which is not explicitly listed above, but which can be reasonably defined by the terms of this section including, but not limited to bears, deer, monkeys, apes, game fish; or other animal as determined by the Community Development Director. A determination by the Community Development Director may be appealed to the City Council, by submitting a written request for City Council review and the basis for the appeal to the City Clerk, within 14-calendar days of the date the determination was made by the Community Development Director.

(m) *Proper enclosure* means a space securely confined indoors or in a securely locked pen or structure suitable to prevent a dog from escaping and to provide protection for the dog 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 dog to exit of its own volition, or any house or structure in which windows are open or in which a door or window screens are the only barriers that prevent the dog from exiting. The enclosure must not allow the egress of the dog in any manner without human assistance and must meet all of the following specifications:

1. Have a minimum overall floor size of 32 square feet;
2. Sidewalls must have a minimum height of five (5) feet and be constructed of 11-gauge or heavier wire. Openings in the wire may not exceed two (2) inches, support posts must be steel pipe 1.25 inches or larger in diameter buried in the ground 18-inches or more. When a concrete floor is not provided, the sidewalls must be buried a minimum of 18-inches in the ground;

3. A cover must be constructed over the enclosure that consists of the same gauge wire as the sidewalls or greater. The cover must not have any openings in the wire greater than two (2) inches;
4. An entrance/exit gate must be provided. It must be constructed of the same material as the sidewalls and have no openings in the wire greater than two (2) inches. The gate must be equipped with a device capable of being locked and must be locked at all times when the dog is in the enclosure; and
5. Constructed in accordance with all requirements of the zoning district in which it is located and upon the issuance of any required building permits.

(n) *Provocation* means an act that an adult could reasonably expect may cause a dog or animal to attack or bite.

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

(Ord. No. 06-2017, 12-24-2017)

#### **Sec. 14-2. Exemptions.**

Except where duties are expressly stated, this Ordinance does not apply to hospitals, clinics, and other premises operated by licensed veterinarians exclusively for the care and treatments of dogs, cats, and other domesticated animals. This Ordinance does not apply to dogs used in law enforcement activities within the City by or with the permission of the Police Department and that are actively involved in law enforcement duties.

(Ord. No. 06-2017, 12-24-2017)

#### **Sec. 14-3. Animal Control Authority.**

The Police Department is the animal control authority for the purposes of Minn. Stat. § 347.50 to 347.56 and is the agency responsible for animal control operations within the City as provided in this Ordinance.

(Ord. No. 06-2017, 12-24-2017)

#### **Sec. 14-4. Animal Control Officer.**

The Animal Control Officer shall have police powers necessary for enforcement of this Ordinance, including authority to issue citations for violations.

(Ord. No. 06-2017, 12-24-2017)

#### **Sec. 14-5. Coordination with Veterinarians.**

The City or Police Department may enter into agreements with veterinarians to assist in the administration of the provisions of this Ordinance. Said agreements shall ensure that an orderly system is set up to coordinate the vaccination, impoundment, quarantine, or euthanization, as needed, of dogs, cats, and domesticated animals within the City. Said agreements shall also provide for a reasonable method of compensating veterinarians for the services that they provide to the City.

(Ord. No. 06-2017, 12-24-2017)

**Sec. 14-6. Constitutionality.**

If any portion of this Ordinance is for any reason held invalid or unconstitutional, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

(Ord. No. 06-2017, 12-24-2017)

**ARTICLE II. COMMERCIAL KENNELS**

**Sec. 14-7. License and Fees.**

No person shall operate a commercial kennel in the City without first obtaining a commercial kennel license. Application for such license shall be made to the City Clerk. The City Clerk shall refer the application to the City Council, which may grant or deny the license. The annual license fee for a commercial kennel shall be as established in accordance by the City, due on or before May 1 of each year. Licenses may only be granted in commercial, business, or industrial zoning districts.

(Ord. No. 06-2017, 12-24-2017)

**Sec. 14-8. Commercial Kennel Regulations.**

Commercial kennels shall be kept in a clean and sanitary condition at all times and shall be open to inspection by any health officer, sanitarian, Animal Control Officer, or other person charged with the enforcement of this Code, or any health or sanitary regulations of the City, at all reasonable times.

(Ord. No. 06-2017, 12-24-2017)

**Sec. 14-9. Revocation of License.**

Any commercial kennel license may be revoked by the City Council by reason of any violation of this Code or by reason of the violation of any other health or nuisance ordinance, order, law, state statute, or regulation. Before revoking a commercial kennel license, the licensee shall be given written notice of the meeting at which such revocation will be considered and if the licensee is present at such meeting, shall first be given an opportunity to be heard. Such written notice shall be mailed to the address of the licensee as set forth in the licensee's application for the commercial kennel license at least five (5) calendar days before the date of the meeting at which such revocation is to be considered by the City Council.

(Ord. No. 06-2017, 12-24-2017)

**ARTICLE III. RABIES CONTROL**

**Sec. 14-10. Rabies Inoculation Required.**

All dogs and cats in the City over the age of six (6) months shall be inoculated for rabies and shall be re-inoculated according to standard veterinary practices thereafter. Such vaccination must be performed by or under the direct supervision of a veterinarian duly licensed to practice veterinarian medicine in the state in which the vaccine is administered. A certificate from the veterinarian inoculating said dog or cat shall be presented to the Animal Control Officer or Animal Warden upon demand.

(Ord. No. 06-2017, 12-24-2017)

**Sec. 14-11. Animal Bites and Animals Exposed to Rabies.**

(a) *Enter property.* Any Animal Control Officer or Animal Warden may enter upon the private property of any person while in pursuit of any animal, under probable cause to believe that such animal has bitten a person or other animal, or that such animal is rabid.

(b) *Quarantine required.* Whenever any person who owns, possesses, or harbors any dog within the City learns that the dog has bitten any human being or other animal, such person shall immediately quarantine such dog for a period of not less than ten (10) calendar days, in the City designated kennel, veterinary hospital, or other location at the owner's expense, or on the owner's premises, as determined by the Animal Control Officer or Animal Warden. After the required 10-day quarantine, the dog shall be examined by a licensed veterinarian to ensure that there are no clinical signs of rabies. If the dog is found to be rabid, it shall be humanely euthanized at the owner's expense.

(c) *Manner of keeping.* Any animal on quarantine shall not be permitted off the quarantine premises or in contact with any other animal, except for examination by a licensed veterinarian.

(d) *Impoundment.* If the dog owner cannot be located, or a report of dog bite made to the Animal Control Officer or Animal Warden within two (2) hours of the occurrence, or if the owner fails to quarantine the dog as required by this Ordinance, the Animal Control Officer or Animal Warden shall cause the dog to be impounded and so quarantined at the owner's expense. After the required 10-day quarantine, if the dog remains unclaimed by the owner, the dog shall be tested for rabies. If the dog is claimed by the owner, it shall be examined by a licensed veterinarian at the owner's expense to ensure there are no clinical signs of rabies. If no signs are observed, the dog shall be released to the owner as provided in this Ordinance, after payment by the owner of such impoundment and examination costs. If the dog is found to be rabid, it shall be humanely euthanized at the owner's expense.

(e) *Verification of quarantine.* The Animal Control Officer or Animal Warden shall have the authority to verify if the dog is being quarantined properly. Any veterinarian quarantining a dog shall first give notice to the Animal Control Officer or Animal Warden before the release of such dog to the owner.

(f) *Exposure to rabies.* Any dog or cat known to have been bitten by a rabid animal shall be immediately impounded. If, however, such dog or cat is at large and cannot be apprehended after reasonable effort, the dog or cat may be immediately destroyed. After impoundment, if proof of rabies immunization is furnished and booster injections are given by a licensed veterinarian at the expense of the owner, the dog or cat may be released to the owner as provided in this Ordinance. If it cannot be proven that the animal has a current rabies immunization, the owner may, at his or her discretion and, upon approval by the Animal Control Officer, or Animal Warden and the City Council, make provisions for a suitable quarantine for a period of not less than six (6) months.

(Ord. No. 06-2017, 12-24-2017)

## **ARTICLE IV. PROHIBITIONS AND REQUIREMENTS**

### **Sec. 14-12. Abandonment Prohibited.**

No person shall abandon any dog, cat, or domesticated animal within the City.

(Ord. No. 06-2017, 12-24-2017)

### **Sec. 14-13. Prohibited Nuisances.**

The following are hereby declared public nuisances, are prohibited by this Ordinance, and are unlawful:

(a) *Running at large prohibited.* No person shall allow a dog or cat to run at large at any time. The Animal Control Officer or Animal Warden may impound any dog or cat found running at large.

(b) *Property damage.* Any dog or cat that damages property (that is not the property of the owner), including plantings, lawns, or structures, or that deposits fecal matter off the

owner's property that the owner fails to remove promptly.

(c) *Dogs chasing.* Any dog that, without provocation, chases, molests, or approaches pedestrians or bicyclists in a threatening manner upon the streets, sidewalks, right-of-way or any public property, or habitually chases automobiles on the public streets or highways.

(d) *Unsanitary conditions.* Any dog, cat, or other domesticated animal that is kept in unsanitary or inhumane conditions such that the maintenance or keeping of the dog, cat, or other domesticated animal creates odors that reasonably annoy the public in the vicinity.

(e) *Kills or attacks.* Any dog, cat, or other domesticated animal that kills or attacks another domestic animal without provocation, while off the owner's property.

(f) *Disturbing the peace.* The owning, keeping, or harboring of any dog, cat, or other domesticated animal, which shall by any noise, unreasonably or excessively disturb the peace and quiet of any person in the vicinity. The phrase "unreasonably or excessively disturb the peace and quiet" shall include, but is not limited to the creation of any noise, which can be heard by any person including an Animal Control Officer or law enforcement officer, from a location off the animal owner's property where the animal is being kept, and which noise occurs repeatedly over at least a 15-minute period. This provision shall not apply to animals that are responding to trespassers or that are teased or similarly provoked to bark, cry, or howl.

(Ord. No. 06-2017, 12-24-2017)

#### **Sec. 14-14. Limits of Dogs/Cats on One Property.**

Not more than three (3) dogs or cats over six months of age shall be kept on any one property, except on a property duly licensed as a commercial kennel pursuant to this Code.

(Ord. No. 06-2017, 12-24-2017)

#### **Sec. 14-15. Interference with Enforcement.**

No unauthorized person shall break open or attempt to break open the Animal Warden's pound, or to take or let out any animals there from, or to take or attempt to take from any Animal Control Officer or Animal Warden any animal taken up by him or her in compliance with this Ordinance or any applicable statute, or in any manner to interfere with or hinder such Animal Control Officer, Animal Warden, or other duly authorized enforcement officer in the discharge of his or her duties.

(Ord. No. 06-2017, 12-24-2017)

#### **Sec. 14-16. Females in Heat.**

Every female dog or cat in heat shall be confined in a building or other secure enclosure in such manner that such female cannot come in contact with another dog or cat, except for the express purpose of planned breeding, or otherwise shall be controlled on a leash while being exercised.

(Ord. No. 06-2017, 12-24-2017)

#### **Sec. 14-17. Sanitation.**

Any person who owns, keeps, or harbors any domesticated animal must remove, on a daily basis, any accumulations of feces from any open yard area on that person's property, and, must remove immediately, any accumulation of dog or cat feces, which are visible from any location outside the borders of that person's property.

(Ord. No. 06-2017, 12-24-2017)



**Sec. 14-18. Basic Care.**

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

(Ord. No. 06-2017, 12-24-2017)

**Sec. 14-19. Non-Domesticated Animals.**

It shall be a violation of this Ordinance for any person to own, possess, harbor, intentionally feed, or offer for sale, any non-domesticated animal within the City, with the exception of non-domesticated animals brought into the City as part of a veterinarian clinic, licensed show, or licensed exhibition. Non-domesticated animals feeding on naturally growing materials including gardens, landscaping, and other materials maintained as a mulch pile or from unmodified, commercially purchased bird feeders and birdseed shall be exempt from this Section.

(Ord. No. 06-2017, 12-24-2017)

**ARTICLE V. POTENTIALLY DANGEROUS AND DANGEROUS DOGS**

**Sec. 14-20. Potentially Dangerous Dogs.**

(a) *Designation as a Potentially Dangerous Dog.* The Animal Control Officer, Animal Warden, or City will designate any dog as a “potentially dangerous” dog upon receipt of sufficient evidence that such dog:

1. When unprovoked, inflicted bites on a human or domesticated animal on public or private property;
2. When unprovoked, chased or approached 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; or
3. Has a known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domesticated animals.

(b) *Notification.* If a dog is declared “potentially dangerous”, the Animal Control Officer, Animal Warden, or City must cause the owner of the potentially dangerous dog to be notified in writing that such dog has been declared potentially dangerous. The notice must be provided in accordance with the notice requirements set forth in Minn. Stat. § 347.541, subdivision 3, as may be amended from time to time. The notice shall inform the owner of the right to request a hearing regarding the potentially dangerous dog designation.

(c) *Exemptions.* A dog may not be declared “potentially 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
3. Who was committing or attempting to commit a crime.

(Ord. No. 06-2017, 12-24-2017)

**Sec. 14-21. Hearing Regarding Declaration.**

(a) *Right to hearing.* The owner of any dog declared by the Animal Control Officer, Animal Warden, or City to be “potentially dangerous” has the right to a hearing by the City Council concerning the “potentially dangerous” declaration. The hearing must be requested by the owner in writing and received by the City Clerk within 14-calendar days of the date of the notice.

(b) *Notice of hearing.* Upon an owner’s timely request for a hearing, the City Clerk shall schedule a hearing by the City Council to be held within 30-calendar days of the date of the hearing request. The City Clerk shall make notice in writing to the owner, stating the time, date, and location of the City Council hearing and must be given at least ten (10) calendar days before the hearing.

(c) *Hearing by City Council.* The City Council shall conduct the hearing, at which the owner shall be provided an opportunity to present evidence regarding the designation. After holding the hearing, the City Council shall decide whether to uphold or overturn the potentially dangerous dog declaration. The City shall deliver the decision to the dog’s owner by hand delivery or registered mail as soon as practical and a copy provided to the Animal Control Officer or Animal Warden.

(Ord. No. 06-2017, 12-24-2017)

**Sec. 14-22. Declaration Review.**

Beginning six months after a dog is declared potentially dangerous by the Animal Control Officer, Animal Warden, or the City, an owner may request annually that the declaration as a potentially dangerous dog be reviewed. 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 Officer, Animal Warden, or the City finds sufficient evidence that the dog’s behavior has changed, it may rescind the declaration as a potentially dangerous dog.

(Ord. No. 06-2017, 12-24-2017))

**Sec. 14-23. Microchip Identification Required.**

The owner of a potentially dangerous dog must have a microchip implanted in the dog for identification. The name of the microchip manufacturer and identification number of the microchip must be provided to the Animal Control Officer or Animal Warden. If the microchip is not implanted by the owner, it may be implanted by the Animal Control Officer or Animal Warden, with all costs related to the purchase and implantation of the microchip being the responsibility of the dog’s owner.

(Ord. No. 06-2017, 12-24-2017))

**Sec. 14-24. Posting of Warning Sign Required.**

The owner of a potentially dangerous dog must post a sign on the property to inform the public that there is a potentially dangerous dog on the property. The posting shall be in a conspicuous location in plain sight on the property and be in a form authorized by the City.

(Ord. No. 06-2017, 12-24-2017)



**Sec. 14-25. Notification of Potentially Dangerous Dog.**

An owner of a dog declared as a potentially dangerous dog must notify the Animal Control Officer or Animal Warden of such declaration annually until the dog is deceased. Any owner bringing a dog declared a potentially dangerous dog in another location must notify the Animal Control Officer or Animal Warden of such declaration within seven (7) calendar days of re-locating to the City.

(Ord. No. 06-2017, 12-24-2017)

**Sec. 14-26. Dangerous Dogs.**

(a) *Designation as a Dangerous Dog.* An animal may be declared dangerous without having first been declared potentially dangerous. The Animal Control Officer, Animal Warden, or City will designate any dog as a “dangerous” dog upon receipt of sufficient evidence that such dog:

1. Without provocation, inflicted substantially bodily harm on a human being on public or private property;
2. Killed a domesticated animal without provocation while off the owner’s property; or
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 domesticated animals.

(b) *Notification.* If a dog is declared dangerous, the Animal Control Officer, Animal Warden, or City must cause the owner of the dangerous dog to be notified in writing that such dog has been declared dangerous. The notice must be provided in accordance with the notice requirements set forth in Minn. Stat. § 347.541, subdivision 3, as may be amended from time to time. The notice shall inform the owner of the right to request a hearing regarding the dangerous dog designation.

(c) *Exemptions.* A dog 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
3. Who was committing or attempting to commit a crime.

(Ord. No. 06-2017, 12-24-2017)

**Sec. 14-27. Hearing Regarding Designation.**

(a) *Right to hearing.* The owner of any dog declared by the Animal Control Officer, Animal Warden, or City to be “dangerous” has the right to a hearing by the City Council concerning the “dangerous” declaration. The hearing must be requested by the owner in writing and received by the City Clerk within 14-calendar days of the date of the notice.

(b) *Notice of hearing.* Upon an owner’s timely request for a hearing, the City Clerk shall schedule a hearing by the City Council to be held within 30-calendar days of the date of the hearing request. The City Clerk shall make notice in writing to the owner, stating the time, date, and location of the City Council hearing and must be given at least ten (10) calendar days before the hearing.

(c) *Hearing by City Council.* The City Council shall conduct the hearing, at which the owner shall be provided an opportunity to present evidence regarding the designation. After holding the hearing, the City Council shall decide whether to uphold or overturn the dangerous dog declaration. The City shall deliver the decision to the dog's owner by hand delivery or registered mail as soon as practical and a copy provided to the Animal Control Officer or Animal Warden.

(Ord. No. 06-2017, 12-24-2017)

**Sec. 14-28. Requirements Upon Designation as Dangerous.**

(a) *Registration.* If a dog is declared "dangerous", it must be registered with the City. A certificate of registration will be issued by the City 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, including a warning symbol to inform children, that there is a dangerous dog on the property;
2. A surety bond issued by a surety company authorized to conduct business in this state in a form acceptable to the Animal Control Officer or Animal Warden and the City, in the sum of at least \$300,000, payable to any person injured by the dangerous dog, or a policy of liability insurance issued by an insurance company authorized to conduct business in this state in the amount of at least \$300,000, insuring the owner for any personal injuries inflicted by the dangerous dog;
3. The owner has paid the City an annual fee of \$500 to obtain a certificate of registration for a dangerous dog under this Section; and
4. The owner has had microchip identification implanted into the dangerous dog as required under Minn. Stat. § 347.515, as may be amended from time to time.

(b) *Post warning symbol.* Upon issuing the certificate of registration, the City shall provide, for posting on the owner's property, a warning symbol from the Minnesota Department of Public Safety to inform children that there is a dangerous dog on the property. The owner shall be responsible for paying the City for the costs of obtaining the warning symbol from the Department of Public Safety.

(c) *Additional requirements for dangerous dogs.*

1. **Dog Restraint.** 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.
2. **Renew Registration.** An owner of a dangerous dog must renew the certificate of registration for a dangerous dog annually with the City until the dog is deceased.

3. Notice of Relocation. An owner of a dangerous dog must notify the City in writing upon the death of the dangerous dog or its transfer to a new location outside of the City, within 30-calendar days of the death or transfer, and must, if requested by the City, 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. If the dog is removed from the City, it must be registered as a dangerous dog in its new location.
4. Sterilization. A dangerous dog must be sterilized at the owner's expense. If the owner does not have the animal sterilized within 30-calendar days of notification by the City, the City shall seize the dog and have the animal sterilized at the owner's expense.
5. Disclosure. 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.

(d) *Identification required.*

1. Microchip identification. The owner of a dangerous dog must have a microchip implanted in the dog for identification. The name of the microchip manufacturer and identification number of the microchip must be provided to the City. If the microchip is not implanted by the owner, it may be implanted by the City. In either case, all costs related to the purchase and implantation of the microchip must be borne by the dog's owner.
2. Tag identification. A dangerous dog 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 as specified in Minn. Stat. §347.51, as it may be amended from time to time.

(e) *Seizure.*

1. By City. The City must immediately seize any dog that has been declared dangerous if:
  - i. *Failure to Register Dangerous Dog.* After 14-calendar days after the owner has notice that the dog is declared dangerous, the dog is not validly registered as dangerous pursuant to this Chapter;
  - ii. *No Insurance or Surety.* After 14-calendar days after the owner has notice that the dog is declared dangerous, the owner does not secure the proper liability insurance or surety coverage as required by this Chapter and Minn. Stat. § 347.51, subdivision 2, as may be amended from time to time;
  - iii. *Not Enclosed.* The dog is not maintained in the proper enclosure;
  - iv. *Failure to Restrain.* The dog is outside of a proper enclosure and not under physical restraint of a responsible person as required under this Chapter and Minn. Stat. §347.51, as may be amended from time to time; or

- v. *Failure to Sterilize.* The dog is not sterilized within 30-calendar days, pursuant to this Chapter and Minn. Stat. § 347.52 (d), as may be amended from time to time.

(f) *Reclaiming dogs.* A dangerous dog seized under this Chapter may be reclaimed by the owner of the dog upon payment of impounding and boarding fees and presenting proof to the Animal Control Officer or Animal Warden that each of the requirements under this Chapter and Minn. Stat. § 347.51 and 347.52 will be fulfilled. A dog not reclaimed under this subdivision within seven (7) calendar days after the owner has been notified that the dog may be reclaimed, the dog may be disposed of by the City.

(g) *Subsequent offenses.* If a person has been convicted of a misdemeanor for violating a provision of Minn. Stat. § 347.51, 347.515, or 347.52, and the person is charged with a subsequent violation relating to the same dog, the dog must be seized by the City. If the owner is convicted of the crime for which the dog was seized, the court shall order that the dog be destroyed in a proper and humane manner and the owner pay the cost of confining and destroying the animal. If the owner is not convicted and the dog is not reclaimed by the owner within seven (7) calendar days after the owner has been notified that the dog may be reclaimed, the dog may be disposed of by the City.

(h) *Dangerous dog designation review.* Beginning six (6) months after a dog is declared dangerous by the City; an owner may request annually that the City 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 City finds sufficient evidence that the dog's behavior has changed, it may rescind the dangerous dog designation.

(Ord. No. 06-2017, 12-24-2017)

#### **Sec. 14-29. Dog Attacks Regardless of Designation or Lack of Designation.**

(a) *Destruction of dog in certain circumstances.* A dog may be destroyed in a proper and humane manner by the Animal Control Officer, Animal Warden, or the City, if the dog:

1. Inflicted substantial or great bodily harm on a human on public or private property, without provocation;
2. Inflicted multiple bites on a human on public or private property, without provocation;
3. Bit multiple human victims on public or private property in the same attack, without provocation; or
4. Bit a human on public or private property, without provocation, in an attack where more than one (1) dog participated in the attack.

(b) *Right to hearing.* The City may not destroy the dog until the owner has had the opportunity for a hearing before the City Council.

(c) *Exemptions.* The exemptions provided in Minn. Stat. § 347.51, subdivision 5, apply to this Section.

(d) *Failure to restrain.* It is unlawful for an owner to fail to restrain a dog from inflicting or attempting to inflict bodily injury to any person or other animal, regardless of whether the owner of the other animal is present. This paragraph does not apply to dogs being used by law enforcement for police work.

(e) *Conditioning equipment.* No person shall use or possess any device, equipment, treatment, or products for the strengthening or conditioning of a dog, with the intent to enhance the dog's ability to inflict bodily injury upon humans or other animals on public or private property.

(Ord. No. 06-2017, 12-24-2017)

## **ARTICLE VI. IMPOUNDING**

### **Sec. 14-30. Impounding and Boarding Fees.**

(a) *Setting fees.* The Animal Control Officer and Animal Warden may charge such reasonable impounding fees for the care and boarding of any dog restrained or impounded and any and all such fees so imposed shall be paid to the Animal Control Officer and Animal Warden at the time of delivery or reclaiming the dog. The police department shall annually review all fees so imposed by the Animal Control Officer and Animal Warden to determine their reasonableness, and may, impose such fees reasonably related to the necessary and reasonable expenses incurred by the Animal Control Officer and Animal Warden for the capture, transportation, and care of impounded dogs. All such fees must be paid to the Animal Control Officer and Animal Warden prior to the release of the animal. The Animal Control Officer and Animal Warden shall issue a receipt to the owner evidencing such payment.

(b) *Prerequisite to release.* In the case where any dog has been impounded whose rabies vaccination is not current, said dog shall not be released unless the owner first provides written evidence from a licensed veterinarian that arrangements have been made and fees have been paid to that veterinarian to vaccinate the dog upon its release.

(Ord. No. 06-2017, 12-24-2017)

## **ARTICLE VII. ENFORCEMENT AND PENALTIES**

### **Sec. 14-31. Violation.**

Any person, firm, or corporation violating any of the provisions of this Chapter shall be guilty of a misdemeanor.

(Ord. No. 06-2017, 12-24-2017)

### **Sec. 14-32. Misdemeanors Relating to Potentially Dangerous Dogs and Dangerous Dogs.**

It is a misdemeanor to remove a microchip from a dangerous or potentially dangerous dog, to fail to renew the registration of a dangerous dog, to fail to account for a dangerous dog's death or change of location where the dog will reside, to sign a false affidavit with respect to a dangerous dog's death or change of location where the dog will reside, or to fail to disclose ownership of a dangerous dog to a property owner from whom the person rents property. It is also a misdemeanor to violate Minn. Stat. § 347.51 (registration of dangerous dogs), § 347.515 (dangerous dog microchip identification requirements), or § 347.52 (dangerous dog requirements). If a person is convicted of a subsequent or second violation of either of the aforementioned sentences, that person shall be guilty of a gross misdemeanor. A person shall also be guilty of a gross misdemeanor if that person violates Minn. Stat. § 347.542, subdivisions 1 or 2 (restrictions on dog ownership).

(Ord. No. 06-2017, 12-24-2017)