

CHAPTER 3**POLICE REGULATIONS****345. DOGS**

Section 345.01. Purpose. The purpose of this ordinance is to regulate the activities of dogs and dog owners within the City in order to protect the health, safety and welfare of the public and also of said dogs.

Section 345.03. Definitions. As used herein, the following terms shall have the meanings ascribed to them by this section:

Subd. 1. Owner means any person, group, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having care, custody or control of a dog.

Subd. 2. At Large means when a dog is off the property of its owner and not under restraint.

Subd. 3. Under Restraint means when a dog is controlled by a leash, or at heel beside a competent person having custody of it and is obedient to that person's commands; or if it is within a vehicle; or if it is a hunting dog, hound or bird dog on a trail or hunt with its owners or handlers in the immediate vicinity.

Section 345.05. Ownership Requirements. All dogs harbored, kept or found in the City shall be subject to the following:

Subd. 1. Identification. All dogs shall wear a collar or harness, to which shall be affixed an identification tag of metal bearing the name and address of the owner or the identifying telephone number. A Rabies vaccination tag shall be affixed to the collar or harness of every dog for which Rabies vaccination is required.

Subd. 2. Rabies Vaccination Required. Every dog over the age of six months is hereby required to have a vaccination against Rabies, which vaccination shall be renewed not less frequently than every two years. All Rabies vaccinations shall be of the modified live vaccine type.

Subd. 3. Confinement. All female dogs shall be confined indoors when in season except for dogs which have been spayed.

Subd. 4. Dogs Prohibited From Running at Large. No owner shall knowingly or negligently permit a dog to be at large. No person having the custody or control of any dog may permit the dog to be on any street, alley, school ground, public place or the property of another without being under restraint, except in areas officially designated for off-leash activities. Notwithstanding the above, any dog in a City park or in any area of the City

served by municipal sanitary sewer and water shall be under restraint by a leash no longer than six feet.

Subd. 5. Public Nuisance. No person shall own, keep or harbor any dog or dogs which are deemed to cause a public nuisance as defined in Section 330.

Subd. 6. Waste. Any person having the custody or control of any dog shall have the responsibility for cleaning up any feces of the animal and disposing of such feces in a sanitary manner. It shall furthermore be the duty of any person having custody or control of any dog or domestic animal on or about any public place to have in such person's possession suitable equipment for picking up, removal, and sanitary disposal of animal feces. This provision shall not apply to a certified guide dog accompanying a blind or disabled person or to a dog used in official police activities with the permission of the Police Department.

Section 345.07. Dog Pound. The City Council may designate a pound for the confinement of dogs within or without the City limits, and may designate a pound keeper and prescribe his duties.

Section 345.09. Impoundment. The police officers of the City, or such persons as may be designated by the City Council, shall take up and impound any dog found to be in violation of any provision of Section 345.05 of this ordinance.

Subd. 1 Notification. The impounding officer shall notify the owner that the dog has been impounded, provided identification is possible.

Subd. 2 Records. The pound keeper shall keep an accurate account of all dogs impounded and of all dogs released or disposed of and shall make a monthly accounting thereof to the City Clerk-Treasurer. The area where dogs are kept shall be open to public inspection during the pound's regular business hours.

Subd. 3 Redemption. Any dog impounded shall be kept at the pound for at least five (5) regular business days of the impounding agency unless reclaimed sooner by the owner. The owner may reclaim a dog by paying an impounding fee set by resolution of the City Council plus the actual amount of daily boarding fees incurred by the City as determined by the City's contract with the Animal Control Service.

Subd. 4 Disposition of Unclaimed Dogs.

- (a) Any dog which is not redeemed may be sold for an amount not less than the amount provided in Subd. 3 of Section 345.09 to anyone desiring to purchase the dog. The money shall be paid to the City Clerk-Treasurer and placed in the general fund of the City.
- (b) Any dog which is not claimed by the owner, or sold, may be painlessly killed and may be disposed of in a sanitary manner by the pound keeper after the impounding period.

Section 345.11. Summary Disposition of Dogs. Upon a finding by a police officer of probable cause to believe that a dog has rabies, such dog may be taken up on the premises of the owner, or

elsewhere, and be confined for a period of at least 10 days, at the expense of the City if the dog does not have Rabies, otherwise at the expense of the owner. Any dog that has bitten any person may be taken up on the premises of the owner, or elsewhere, and be confined for a period of at least 10 days at the expense of the owner; and such dog may be released at the end of the 10 day period if healthy and free from symptoms of rabies, and by the payment of costs by the owner. It shall be the responsibility of any person bitten by a dog to report such incident to the City Police Department.

Section 345.13. Interference with Officers. It shall be unlawful for any unauthorized person to break open the pound, or attempt to do so, or to take or let out any dogs therefrom, or to take, or attempt to take, from any authorized person any dog taken up in compliance with this ordinance, or in any matter to interfere with or hinder any such authorized person in the discharge of his duties under this ordinance.

Section 345.15. Abandonment of Dogs. It shall be unlawful for any person, firm or corporation to abandon any dog within the City.

Section 345.17 Dangerous and Potentially Dangerous Dogs.

Subd. 1. Incorporation of State Statute. The provisions of Minnesota Statutes, sections 347.50 to 347.54 are incorporated herein by reference.

Subd. 2. Determination of Potentially Dangerous Dog. City personnel authorized by the Chief of Police shall determine that a dog is potentially dangerous if they believe, based upon professional judgment, that a dog:

- (a) has, when unprovoked, inflicted bites on a human or a domestic animal on public or private property;
- (b) has, 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
- (c) has a known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.

Subd. 3. Notice of Potentially Dangerous Dog; Right to Appeal. Upon a determination by the authorized city personnel that a dog is potentially dangerous, the police department shall provide the owner with notice of the determination by personally serving the owner or a person of suitable age at the residence of such owner. The notice shall describe the dog deemed to be potentially dangerous, shall identify the authorized city personnel making the determination, shall inform the owner of the owner's right to appeal, and shall inform the owner of the obligations imposed by subdivision 7 of this subsection.

Subd. 4. Determination of Dangerous Dog. City personnel authorized by the Chief of Police shall determine that a dog is a dangerous dog if they believe, based upon professional judgment that a dog:

- (a) has, without provocation, inflicted substantial bodily harm on a human being on public or private property;
- (b) has killed a domestic animal without provocation while off the owner's property; or

- (c) 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.

Subd. 5. Notice of Dangerous Dog. Upon a determination by the authorized city personnel that a dog is dangerous, the police department shall provide a notice to the owner of the dog by personally serving the owner or a person of suitable age at the residence of such owner. The notice shall describe the dog deemed to be dangerous, shall identify the officer making the determination, shall inform the owner of the owner's right to appeal within ten days after receipt of the notice, and shall inform the owner of the obligations imposed by Minnesota Statutes, section 347.50 to 347.54 and by this subsection. Immediately upon receipt of the notice the owner shall comply with all requirements imposed under subdivision 7 of this section.

Subd. 6. Exemption. Dogs may not be declared dangerous or potentially dangerous if the threat, injury, or damage was sustained by a person:

- (a) who was committing, at the time, a willful trespass or other tort upon the premises occupied by the owner of the dog;
- (b) 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
- (c) who was committing or attempting to commit a crime.

Subd. 7. Regulation of Dangerous and Potentially Dangerous Dogs. The owner of a dangerous or potentially dangerous dog shall confine the dog in a proper enclosure while on the owner's property. If the dog is outside the proper enclosure, the dog must be restrained by a leash no longer than four feet in length and under the physical restraint of a responsible person. Authorized city personnel may also require that said dog be muzzled. In addition, the owner of a dangerous or potentially dangerous dog must post on the owner's property and on the dog's kennel and proper enclosure a sign warning persons of the presence of a dangerous or potentially dangerous dog. The sign shall be no smaller than 12 inches by 14 inches and shall read: "Beware of Dangerous Dog" in letters at least two inches in height. The owner has the right to appeal the decision to the city council.

Subd. 8. Appeal of Determination. An owner may appeal a determination that a dog is dangerous or potentially dangerous by filing a written request for a hearing to the city clerk within ten days of the owner's receipt of the notice. If no timely appeal is filed, the owner of a dangerous or potentially dangerous dog shall comply with the requirements of subdivision 7 of this subsection, and the owner of a dangerous dog shall comply with the requirements set forth in Minnesota Statutes, sections 347.50 to 347.54, including but not limited to the registration of the dangerous dog with the county auditor. If an owner files a timely appeal, a hearing shall be held within 30 days after the city's receipt of the appeal. Pending the appeal, the owner shall comply with all of the requirements of subdivision 7 of this subsection. The city council may hear the appeal or may refer the appeal to a hearing examiner. After considering all of the evidence submitted, the city council or hearing examiner shall make written findings of fact and reach a conclusion

whether the dog is a dangerous or potentially dangerous dog. The findings and conclusions shall be made within ten working days after the hearing and shall be thereafter personally served upon the owner or a person of suitable age at the residence of such owner. The decision of the city council or hearing examiner shall be the final decision of the city.

Subd. 9. Review of Dangerous and Potentially Dangerous Dog Designation. Beginning six months after a dog is declared a dangerous or potentially 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.

Subd. 10. Emergency. Any dog which is diseased, vicious, dangerous, rabid or exposed to Rabies, which cannot be taken up and impounded without serious risk to the person or persons attempting to take up the dog, may be killed upon order of the Chief of Police.

Amendment History of this Section

Amended September 17, 1991 (Ord. 256). Amended Subd. 4 of Subsection 345.03 adding the words "knowingly or negligently." Also fixed clerical errors in Subsection 345.03.

Amended July 6, 1993 (Ord. 276). Subsection 345.03, Subd. 5 was amended regarding public nuisance.

Amended July 19, 2011 (Ord. 506). Amended entire section and created additional provisions on dangerous and potentially dangerous dogs.

Amended November 17, 2015 (Ord. 591). Amended 345.05 regarding confinement, dogs prohibited from running at large, and waste.