

# Memo

**To:** Honorable Mayor and City Council  
**From:** Joe Kohlmann, City Administrator  
**Date:** May 28, 2013  
**Re:** Uniform Animal Ordinance

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The SLMPD and Staff from the JPA cities have developed a uniform animal ordinance. SLMPD has stated this will help with enforcement of animals. Below are the similarities and differences of the Uniform Ordinance and Tonka Bay's two ordinances:

## **Similarities:**

- 1) Licensing requirements are similar
- 2) Both have destruction of dogs provisions
- 3) No more than two dogs without a kennel license
- 4) Leash laws (T.B. – Dogs; SLMPD – all animals)
- 5) Both require vaccinations, specifically rabies
- 6) Both require female dogs in heat to be enclosed

## **Differences:**

- 1) SLMPD regulates all animals- Non-domesticated are prohibited. Tonka Bay regulates dogs and horses.
  - a. Domesticated – dogs, cats, caged birds, gerbils, hamsters, guinea pigs, domesticated rabbits, fish, non-poisonous/non-constricting reptiles and amphibians.
  - b. Non-domesticated – lions, tigers, cougars, wolves, foxes, coyotes, dingoes, raccoons, squirrels, venomous animals, crocodiles, alligators, etc.
- 2) SLMPD limits to no more than three (3) cats – T.B. doesn't regulate.
- 3) SLMPD has an abuse/neglect provision
- 4) Tonka Bay regulates Dog nuisances. SLMPD has provisions for Potentially Dangerous and Dangerous dogs:
  - a. Potentially Dangerous – requires potentially dangerous dogs to get a microchip and remain in an enclosed area. If found off premise- will be impounded.

- b. Dangerous dogs – require microchip, enclosure, annual registration, \$1,000,000 liability insurance, tag on dog, property signage, must be sterilized, and annual fee paid to the SLMPD.

One final notation to the SLMPD's Uniform Animal Ordinance is that they will need to set up a hearing process to make determinations on dangerous dogs and hear appeals, if requested by the owner.

Staff is looking to discuss the ordinances. If requested, Staff can begin the process repeal Sections 740 and 741 of the Tonka Bay City Code and enact the Uniform Animal Ordinance.

*Attached is the Uniform Animal Ordinance*

*Attached is Section 740 of the Tonka Bay City Code*

*Attached is Section 741 of the Tonka Bay City Code*

**Council Action Requested:**

Review and discuss the ordinances and direct staff.



# Uniform Animal Ordinance Proposal

*for cities of*

Excelsior, Greenwood, Shorewood, and Tonka Bay

## Section

- \_\_\_\_\_ Purpose
- \_\_\_\_\_ Definitions
- \_\_\_\_\_ Registration and licensing requirements
- \_\_\_\_\_ Permitted Domesticated Animals
- \_\_\_\_\_ Permitted Non-Domesticated Animals
- \_\_\_\_\_ Limitations on number of dogs
- \_\_\_\_\_ Limitations on number of cats
- \_\_\_\_\_ Animal breeders
- \_\_\_\_\_ Running at large
- \_\_\_\_\_ Impoundment authority
- \_\_\_\_\_ Animal nuisances
- \_\_\_\_\_ Confinement of certain animals
- \_\_\_\_\_ Impounded animal redemption
- \_\_\_\_\_ Rabies control
- \_\_\_\_\_ Abuse/neglect of animals
- \_\_\_\_\_ Dangerous animals and potentially dangerous animals
- \_\_\_\_\_ Penalties for violation
- \_\_\_\_\_ Enforcement
- \_\_\_\_\_ Appendices

1 \_\_\_\_\_ **PURPOSE.**

2 To preserve the public health, safety and welfare, and guard against public  
3 nuisances, the ownership and possession of animals must be regulated.

4 \_\_\_\_\_ **DEFINITIONS.**

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

7 **ANIMAL CONTROL AUTHORITY.** An agency of the state, county, municipality  
8 or other governmental subdivision of the state which is responsible for animal  
9 control operations in its jurisdiction.

10 **ANIMAL ENFORCEMENT OFFICER.** The designated law enforcement  
11 personnel charged by the City with enforcement of this ordinance.

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13 **ANIMAL SHELTER.** Any premises designated by the City Council or the SLMPD  
14 for the purpose of impounding and caring for animals held under the authority of  
15 this ordinance.

16  
17 **AT LARGE.** An animal is at large when it is off the premises of the, person, firm,  
18 corporation, organization, or department possessing, harboring, keeping,  
19 having an interest in, or having care, custody, or control of the animal, and  
20 the animal is not under restraint.

21  
22 **BARKING.** The phrase “to bark excessively, continuously, or untimely” includes,  
23 but is not limited to, barking, whining, howling, baying, crying, or making other  
24 noise excessively, such that the creation of the noise by any single or  
25 combination of dogs can be heard by any person, including a law enforcement  
26 officer or animal control officer, from a location outside of the building or  
27 premises where the dog is being kept and which noise occurs repeatedly over at  
28 least a five minute period of time with one minute or less lapse of time between  
29 each animal noise during the five minute period. “Untimely” includes, but is not  
30 limited to, the noise which occurs repeatedly over a two-minute period of time  
31 with one-minute or less lapse of time between each animal noise during the two-  
32 minute period, between 10:00 p.m. and 7:00 a.m.

33  
34 **BODILY HARM.** Physical pain or injury, illness, or any impairment of physical  
35 condition.

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37 **SUBSTANTIAL BODILY HARM.** Bodily injury which involves a temporary but  
38 substantial disfigurement, or which causes a temporary but substantial loss or  
39 impairment of the function of any bodily member or organ, or which causes a  
40 fracture of any bodily member.

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42 **GREAT BODILY HARM.** Bodily injury which creates a high probability of death,  
43 or which causes serious permanent disfigurement, or which causes a permanent  
44 or protracted loss or impairment of the function of any bodily member or organ or  
45 other serious bodily harm.

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**CITY.** The City of \_\_\_\_\_ .

**COMMERCIAL KENNEL.** A kennel used for boarding and breeding or selling dogs for a profit.

**DANGEROUS ANIMAL.** An animal, including dangerous dogs as defined in Minnesota Statutes, Section 347.50, as amended, which has:

(a) without provocation, inflicted substantial bodily harm on a human being on public or private property; or

(b) killed a domestic animal without provocation while off the owner's property; or

(c) been found to be potentially dangerous, and after the owner has received notice that the animal is potentially dangerous, the animal aggressively bites, attacks, or endangers the safety of humans or domestic animals.

**DEALER.** A public or private agency, person, society, or corporation that sells or transfers dogs or cats to corporations, institutions or to other dealers who sell or transfer to corporations or institutions.

**ANIMAL WASTE DEVICE.** A device for sanitary removal of animal feces.

**DOMESTICATED (DOMESTIC) ANIMAL.** Such animals as dogs, cats, caged birds, gerbils, hamsters, guinea pigs, domesticated rabbits, fish, non-poisonous, non-venomous and non-constricting reptiles or amphibians, and other similar domesticated animals.

**NON-DOMESTICATED (NON-DOMESTIC) ANIMAL.** Animals which are naturally wild and not naturally trained or domesticated, or which are inherently dangerous to the health, safety, and welfare of people. Unless otherwise defined, such animals shall include:

(1.) Any member of the cat family (family felidae) including lions, tigers, cougars, bobcats, leopards 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 member or relative of the rodent family including any skunk (whether or not de-scented), raccoon, or squirrel, but excluding those members otherwise defined or commonly accepted as domesticated pets;

(4.) Any poisonous, venomous, constricting, or inherently dangerous member of the reptile or amphibian families including rattlesnakes, boa constrictors, pit vipers, crocodiles and alligators; and,

(5.) Any other animal which is not explicitly listed above but which can be reasonably defined by the terms of this subsection, including but not limited to bears, deer, monkeys and other species non-indigenous to Minnesota.

1 (6.) Any animal defined as livestock by Minnesota Department of Agriculture rule  
2 1515.3100.

3  
4 **OWNER.** Any person, firm, corporation, organization, or department  
5 possessing, harboring, keeping, having an interest in, or having care,  
6 custody, or control of an animal.

7 **POTENTIALLY DANGEROUS ANIMAL.** Any animal, including a potentially  
8 dangerous dog as defined in Minnesota Statutes, Section 347.50, as amended,  
9 that:

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11 (a) When unprovoked, inflicts bites on a human or domestic animal on public or  
12 private property; or

13  
14 (b) when unprovoked, chases or approaches a person, including a person on a  
15 bicycle, upon the streets, sidewalks, or any public or private property, other than  
16 the animal owner's property, in an apparent attitude of attack; or

17  
18 (c) has a known propensity, tendency, or disposition to attack unprovoked,  
19 causing injury or otherwise threatening the safety of humans or domestic  
20 animals; or

21  
22 (d) Has been declared a potentially dangerous dog or potentially dangerous  
23 animal by any lawful authority of this or any other state or subdivision thereof.  
24

25 **PREMISES.** A building, structure, shelter, or land where a dog or other  
26 domesticated or non-domesticated animal is kept or confined, and specifically  
27 excludes all public rights-of-way, sidewalks, and streets.

28 **PROPER ENCLOSURE.** Securely confined indoors or in a securely enclosed  
29 and locked pen or structure suitable to prevent the animal from escaping and  
30 providing protection from the elements for the animal. A proper enclosure  
31 does not include a porch, patio, or any part of a house, garage, or other  
32 structure that would allow the animal to exit of its own volition, or any house  
33 or structure in which windows are open or in which door or window screens  
34 are the only obstacles that prevent the animal from exiting.  
35

36 **PROVOCATION.** An act that an adult could reasonably expect may cause an  
37 animal to attack or bite. With regard to an animal other than a dog, provocation  
38 also means an act that an adult could reasonably expect may cause an animal of  
39 that species to attack or bite.  
40

41 **PUBLIC NUISANCE - ANIMAL.** Any animal that habitually worries, chases or  
42 molests persons travelling peaceably on a public road or off the premises of its  
43 owner, or violates a prohibition of this ordinance, is a public nuisance. It shall be  
44 considered a nuisance for any animal to bark excessively, continuously or  
45 untimely; to frequent school grounds, parks, or public beaches; to chase  
46 vehicles; to chase, molest, annoy or bite any person if the person is not on the  
47 property of the owner or custodian of the animal; to molest, defile or destroy any  
48 property, public or private; or to defecate in or upon public property or the

1 property of another without being cleaned up immediately by the person in  
2 charge of the animal. The person having custody of the animal is responsible for  
3 disposing of the animal feces in a sanitary manner. Failure on the part of the  
4 owner or custodian to prevent his animals from committing an act of nuisance  
5 shall subject the owner or custodian to the penalty hereinafter provided.

6 **RESTRAINT.** An animal is considered to be under restraint, provided that:

7 (1) It is on the premises of the person, firm, corporation, organization, or  
8 department possessing, harboring, keeping, having an interest in, or  
9 having care, custody, or control of the animal; or

10  
11 (2) It is in a private motor vehicle or camper, with secured windows and  
12 doors, of a person, firm, corporation, organization, or department  
13 possessing, harboring, keeping, having an interest in, or having care,  
14 custody, or control of the animal; or

15  
16 (3) In all other locations, other than animals in a designated "off-leash" park, it  
17 is on a secure leash.

18  
19 **SLMPD.** The South Lake Minnetonka Police Department.

## 20 \_\_\_\_\_ **REGISTRATION AND LICENSING REQUIREMENTS.**

21 Subd. 1. *Licensure required.* All dogs over the age of six months kept in this  
22 city, including those allowed by multiple dog license, shall be licensed and  
23 registered by the owner with the city. The fee for the license and registration  
24 shall be set by resolution of the City Council. License applications shall be  
25 made at the office of the City Clerk on city forms setting forth the name and  
26 address of the owner; the name, breed, age, color, and gender of the dog; and  
27 such other information as may be considered necessary by the city.  
28 Applicants shall provide proof that each dog has current vaccination against  
29 rabies. License tags, if issued at the election of the city, shall be securely  
30 attached around the dog's neck at all times during the license term. If the tag is  
31 lost or stolen, the owner may obtain a duplicate license and tag upon payment  
32 of a fee set by resolution of the City Council.

33 Subd. 2. *Term of license.* The license period shall be that specified by the city in  
34 appendix.

35 Subd. 3. *New residents of city.* Any person who moves into and becomes a  
36 resident of the city and who owns a dog within the city shall cause the same to  
37 be registered and licensed as provided hereinbefore within a period of not more  
38 than 30 days after becoming a resident of the city.

39 Subd. 4. *Transfer of license.* The license of any dog, licensed by the city, may be  
40 transferred to a new owner of the licensed dog for the duration of that license.  
41 The transfer is when the information regarding the new owner is filed with the city  
42 clerk. The fee for license transfers shall be set by resolution of the City Council.

43 Subd. 5. *Revocation.* Any person making any false statement on any license  
44 application required by this section shall be guilty of a misdemeanor. The city

1 clerk/treasurer shall revoke any license issued under this section if the owner has  
2 made any false statement on the license application. No refund of any fees shall  
3 be due to the licensee whose license has been revoked.

4 Subd. 6. *Reinstatement.* Any person whose license has been revoked under this  
5 section may reapply for such license after all deficiencies have been corrected.  
6 Any person making application after any revocation shall follow the procedures  
7 set out for the initial issuance of the license and shall pay the fees in the full  
8 amount that would be required for an original license.

9 \_\_\_\_\_ **PERMITTED DOMESTICATED ANIMALS**

10 Any person may own, keep, harbor, or maintain any of the various domesticated  
11 animals, including but not limited to dogs and cats, adapted so as to live with  
12 humans in a tame condition.

13 \_\_\_\_\_ **PERMITTED NON-DOMESTICATED ANIMALS**

14 No person may own, keep, harbor, or maintain any non-domestic animal within  
15 the city limits.

16 *Individual cities may address exceptions in an appendix*

17 \_\_\_\_\_ **LIMITATIONS ON NUMBER OF DOGS.**

18 Within the limits of the city, no person may own, keep, harbor, or maintain more  
19 than 2 dogs over the age of 6 months unless a multiple dog license is first  
20 obtained from the city.

21 \_\_\_\_\_ **LIMITATIONS ON NUMBER OF CATS.**

22 Within the limits of the city, an owner or household may not own, keep, harbor, or  
23 maintain more than 3 cats over the age of 6 months.

24 \_\_\_\_\_ **ANIMAL BREEDERS AND DEALERS.**

25 No person, firm, or corporation shall establish, maintain, conduct, or operate  
26 a commercial kennel or operate as a breeder or dealer of any animal within  
27 this city without first obtaining approval by the city council.

28 \_\_\_\_\_ **RUNNING AT LARGE.**

29 No owner of any animal shall permit such animal to run or move at large at any  
30 time within the city. The finding of any animal running at large shall be prima  
31 facie evidence of violation of this section by the owner of the animal.

32 \_\_\_\_\_ **IMPOUNDMENT AUTHORITY.**

33 The animal enforcement officer shall have authority to take into custody and  
34 impound those animals, found at large within the city. If the animal enforcement  
35 officer is unable to take an animal into custody the officer may, where possible,

1 follow the animal to the property of its owner, and may issue a citation to the  
2 owner for violation of this ordinance. The officer shall not take into custody an  
3 animal once it is upon the property of its owner except:

4  
5 (a) Where the officer finds no one present upon the property and custody is  
6 necessary to prevent the animal from further running at large; or

7  
8 (b) The animal is previously declared as a dangerous dog or dangerous  
9 animal; or

10 (c) Is a prohibited non-domesticated animal or which is inherently dangerous  
11 and if left uncontrolled poses a danger to public health, safety or welfare.

## 12 \_\_\_\_\_ **ANIMAL NUISANCES.**

13 Subd. 1. It shall be unlawful for any owner to fail to exercise reasonable care and  
14 control of his or her animals to prevent them from becoming a public nuisance.

15 Subd. 2. The person having custody of the animal must have in their possession  
16 a device for removal of animal feces when in or on any public trail, sidewalk, in  
17 any city park, or along any public right-of-way (for example, along roadways and  
18 streets), or any other property, public or private, which is not the premises of the  
19 person owning, keeping, harboring, or maintaining the animal.

20 Subd. 3. No person having custody or control of a domesticated animal shall  
21 allow such animal on any public swimming beach or any public grounds where  
22 any sign is posted prohibiting animals in that area, except a recognized animal  
23 for life assistance.

## 24 \_\_\_\_\_ **CONFINEMENT OF CERTAIN ANIMALS.**

25 Every female animal in heat shall be confined in a building or other secure  
26 enclosure in such manner that such female animal cannot come into contact with  
27 another animal, except for planned breeding.

## 28 \_\_\_\_\_ **IMPOUNDED ANIMAL REDEMPTION.**

29 Subd. 1. *Pound.* The city shall provide an adequate pound or facilities where  
30 animals taken into custody by an animal enforcement officer shall be kept and  
31 properly fed and cared for until disposed of according to the provisions of this  
32 ordinance.

33 Subd. 2. *Notice of impoundment.* Within 24 hours of taking an animal into  
34 custody, the Animal Enforcement Officer shall give notice of the animal  
35 impoundment to the last known owner(s) and/or custodian(s) of the animal. If no  
36 address is available from police records, city license records, or available  
37 microchip identification, notice shall be given to the residence with which the  
38 animal was last associated. The notice shall reasonably describe the animal and  
39 advise that in the event the animal is not redeemed within five regular business  
40 days after a stated date the animal may be destroyed.

41 Subd. 3. *Redemption by owner.* The owner of any animal seized pursuant to this

1 section may retrieve the animal from the city's animal impound shelter, provided  
2 that the owner purchases the appropriate license within seven days if the animal  
3 is not already properly licensed, pays all impound fees to cover the cost of  
4 apprehending the animal, boarding fees to cover the cost of sheltering the  
5 animal, any veterinary costs incurred by the animal control authority, and any  
6 other costs incurred by the animal control authority. Any owner who fails to  
7 comply with these requirements within five regular business days shall be  
8 deemed to have forfeited any property right to the animal and the animal control  
9 authority may dispose of it pursuant to subdivision 5 of this section. In  
10 determining the impounding fee, the city may establish a schedule of fees based  
11 on the number of times an animal has been impounded. Boarding fees shall be  
12 according to a schedule adopted and maintained by the SLMPD. License fees  
13 shall be adopted by the city council by resolution.

14 Subd. 4. *Disposition of unclaimed or injured animals.* Upon expiration of the five  
15 regular business day period, an animal in the custody of the animal enforcement  
16 officer may be surrendered to the Animal Humane Society or euthanized.  
17 Nothing in this ordinance shall prevent the animal enforcement officer from  
18 causing the animal to be euthanized in less than the five regular business days  
19 waiting period as aforesaid where the animal is injured and, in the opinion of the  
20 animal enforcement officer or a veterinarian, the only humane act would be one  
21 of euthanization.

22 Subd. 5. *Records kept.* The animal enforcement officer shall keep an accurate  
23 account of all animals received at the pound and all animals euthanized or  
24 released there from.

25 \_\_\_\_\_ **RABIES CONTROL.**

26 Subd. 1. Rabies Vaccination Required.

27 It is unlawful for any person to own, keep, harbor, or maintain any animal over  
28 the age of six months which is susceptible to rabies unless that animal is  
29 vaccinated against rabies.

30 Subd. 2. Quarantine of biting animals.

31 a) Upon a written report being filed with the animal control authority stating  
32 that a animal has bitten a human being and setting forth the name of the  
33 animal, if known, and the name and address of the owner or custodian, if  
34 known, the name of the person bitten and when and where the incident  
35 occurred, the animal enforcement officer shall order the animal  
36 quarantined for a period of ten days. During quarantine, the animal shall  
37 be securely confined and kept from contact with any other animals.

38  
39 b) At the discretion of the animal enforcement officer, the quarantine may  
40 be on the premises of the owner. If the animal enforcement officer so  
41 requires, the owner shall, at his or her own expense, place the animal in  
42 a veterinary hospital for the period of confinement or surrender the  
43 animal to the animal enforcement officer for confinement. The animal  
44 shall not be released from confinement until the animal control officer  
45 has determined that the animal is free from rabies and until the owner

1 has paid the costs of any veterinary tests made upon the animal as well  
2 as the costs of any confinement on premises other than that of the  
3 owner.

4  
5 c) If the costs are not paid by the owner or custodian within ten days  
6 following written notice to the owner or custodian that the animal is  
7 available for release, the animal enforcement officer shall forthwith  
8 cause the animal to be surrendered to the Animal Humane Society or to  
9 be euthanized.

10  
11 d) Any person who shall fail to deliver to the animal enforcement officer any  
12 animal which has bitten a human being and against which a sworn,  
13 written complaint has been filed shall be guilty of a misdemeanor. Each  
14 day's neglect or failure to comply with the provisions of this subdivision  
15 shall be deemed a separate offense.

16  
17 e) A dog or other animal displaying symptoms of being rabid, may be  
18 seized at any place or time and shall be confined in the city impounding  
19 facility at the expense of the owner until found to be free from rabies.  
20

21 f) If a dog or other animal appears to be diseased, vicious, dangerous,  
22 rabid, or has been exposed to rabies, and the dog or other animal  
23 cannot be impounded without serious risk of personal injury, the dog or  
24 other animal may be destroyed if reasonably necessary for the safety of  
25 any person or person.

26 Subd. 3. Rabies in city, proclamation.

27 The city adopts Minnesota statute 35.68 and 35.69 and any revisions thereof  
28 regarding rabies proclamations.

29 \_\_\_\_\_ **ABUSE/NEGLECT OF ANIMALS.**

30 Subd. 1. *Improper care.*

31 *Food.* Animals must be provided with food of sufficient quantity and quality to  
32 allow for normal growth and maintenance of body weight.

33 *Water.* Animals must be provided with clean, fresh water in sufficient quantity to  
34 satisfy the animal's needs or supplied by free choice. Snow or ice is not an  
35 adequate water supply.

36 *Shelter.* Animals must be provided with proper shelter and protection from the  
37 weather. A person in charge or control of any animal which is kept outdoors  
38 or in an unheated enclosure shall provide the animal with shelter and bedding  
39 as prescribed in this section as a minimum. The shelter shall include a  
40 moisture proof and wind proof structure of suitable size to accommodate the  
41 animal and allow retention of body heat. It shall be made of durable material  
42 with a solid, moisture-proof floor or a floor raised at least two inches from the  
43 ground. Between November 1 and March 31 the structure must have a  
44 windbreak at the entrance. The structure shall be provided with a sufficient  
45 quantity of suitable bedding material consisting of hay, straw, cedar shavings,

1 blankets, or the equivalent, to provide insulation and protection against cold  
2 and dampness and promote retention of body heat. Shade from the direct  
3 rays of the sun, during the months of May to October shall be provided.

4 *Sanitation.* It shall be unlawful for any person to allow food and water  
5 receptacles, kennels, yards, or the premises where the animal is kept to be or to  
6 remain in an unhealthy, unsanitary, or obnoxious condition, or to permit the  
7 premises to be in such condition that obnoxious odors can be plainly detected on  
8 adjacent public or private property.

9 *Veterinary Care.* The owner or custodian of a domesticated or non-  
10 domesticated animal shall provide adequate health care, including parasite  
11 and pest control, and care needed to prevent suffering.

12 *Cruelty to animals.* It shall be unlawful for any owner to beat, cruelly ill-treat,  
13 torment or otherwise abuse or neglect any animal. A person may not inflict  
14 cruelty on a pet or companion animal by the use of a cruel training or  
15 handling device or method.

16 *Interpretation of Terms.* A dispute as to the meaning of abuse, cruelty,  
17 neglect or adequate healthcare shall be resolved by an expert opinion.

18 *Animals in motor vehicles.* A person may not leave an animal unattended in a  
19 standing or parked motor vehicle in a manner that endangers the animal's health  
20 or safety. Animals carried in open vehicles, including trucks, boats, motorcycles,  
21 dirt bikes, trailers, etc., must be restrained in a crate or carrier or restrained by a  
22 chain or cable to prevent the animal from leaving the vehicle or being tossed out.

23 *Subd. 2. Removal of animals.* A peace officer, animal enforcement officer, or a  
24 volunteer or professional member of a fire or rescue department of a political  
25 subdivision may use reasonable force to enter a motor vehicle and remove an  
26 animal which has been left in the vehicle in violation of this section. A person  
27 removing an animal under this subdivision shall use reasonable means to contact  
28 the owner of the animal to arrange for its return home. If the person is unable to  
29 contact the owner, the person may take the animal to an animal shelter.

30 \_\_\_\_\_ **DANGEROUS AND POTENTIALLY DANGEROUS ANIMALS.**

31 The city is authorized pursuant to Minnesota statute section 347.53 to regulate  
32 potentially dangerous and dangerous dogs or other animals.

33  
34 **POTENTIALLY DANGEROUS ANIMALS; DECLARATION**

35  
36 The animal control authority shall make such declaration upon a finding that the  
37 animal in question has:

38  
39 (a) When unprovoked, inflicts bites on a human or domestic animal on public or  
40 private property; or

41  
42 (b) when unprovoked, chases or approaches a person, including a person on a  
43 bicycle, upon the streets, sidewalks, or any public or private property, other than  
44 the animal owner's property, in an apparent attitude of attack; or  
45

1 (c) has a known propensity, tendency, or disposition to attack unprovoked,  
2 causing injury or otherwise threatening the safety of humans or domestic  
3 animals; or  
4

5 (d) Has been declared a potentially dangerous animal by any lawful authority of  
6 this or any other state or subdivision thereof.  
7

8 In making such a determination, the animal enforcement officer may rely upon  
9 any or all of the following:  
10

11 (a) Citizen complaint from an identified member of the public;  
12

13 (b) Police or citizen reports of running at large or other public nuisance;  
14

15 (c) Citation or convictions of an ordinance or statutory violation independent of  
16 site of violation involving the animal in question with the exception of a charge of  
17 failure to license;  
18

19 (d) Determination by any state or subdivision thereof that the animal in question  
20 is a potentially dangerous animal.  
21

## 22 **POTENTIALLY DANGEROUS ANIMALS; REQUIREMENTS**

23

24 *Microchip Identification.* The owner of a potentially dangerous animal must have  
25 a microchip implanted in the animal for identification, and the name of the  
26 microchip manufacturer and identification number of the microchip must be  
27 provided to the animal control authority. If the microchip is not implanted by the  
28 owner, it may be implanted by the animal control authority. In either case, all  
29 costs related to purchase and implantation of the microchip must be borne by the  
30 animal's owner. It is a misdemeanor to remove a microchip from a dangerous or  
31 potentially dangerous animal.  
32

33 *Confinement.* All potentially dangerous animals shall be securely confined  
34 indoors or in a securely enclosed and locked pen, kennel, or fenced yard except  
35 when leashed as required. Confinement does not include a porch, patio,  
36 unfenced yard, "invisible fence" or any part of a house, garage, cage, or other  
37 structure that would allow the animal to exit of its own volition or any house or  
38 structure in which screens are the only obstacles to preventing the animal from  
39 exiting.  
40

41 *Impoundment.* Any potentially dangerous animal found off the premises of the  
42 owner, harborer, keeper, or custodian of same, is subject to immediate seizure  
43 and impoundment.  
44

## 45 **DANGEROUS ANIMALS; DECLARATION**

46

47 The animal control authority shall make such declaration upon a finding that the  
48 animal in question has:  
49

50 (a) without provocation, inflicted substantial bodily harm on a human being on  
51 public or private property; or  
52

1 (b) killed a domestic animal without provocation while off the owner's property; or  
2  
3 (c) been found to be potentially dangerous, and after the owner has notice that  
4 the animal is potentially dangerous, the animal aggressively bites, attacks, or  
5 endangers the safety of humans or domestic animals.

6  
7 In making such a determination, the animal enforcement officer may rely upon  
8 any or all of the following:

9  
10 (a) Citizen complaint from an identified member of the public;

11  
12 (b) Police or citizen reports of running at large or other public nuisance;

13  
14 (c) Citation or convictions of an ordinance or statutory violation independent of  
15 site of violation involving the animal in question with the exception of a charge of  
16 failure to license;

17  
18 (d) Determination by any state or subdivision thereof that the animal in question  
19 is a dangerous animal.

20  
21 **DANGEROUS ANIMALS; REGISTRATION**

22  
23 *Subd 1. Requirement.* No person may own a dangerous animal in the city unless  
24 the animal is registered as provided in this section.

25  
26 *Subd. 2. Registration.* The animal control authority shall issue a certificate of  
27 registration to the owner of a dangerous animal if the owner presents sufficient  
28 evidence that:

29  
30 (1) a proper enclosure exists for the dangerous animal and a posting on the  
31 premises with a clearly visible warning sign that there is a dangerous animal on  
32 the property, including a warning symbol to inform children;

33 (2) a policy of liability insurance issued by an insurance company authorized  
34 to conduct business in this state in the amount of at least \$1,000,000.00 insuring  
35 the owner for any personal injuries inflicted by the dangerous animal;

36 (3) the owner has paid an annual fee to the SLMPD, in addition to any  
37 regular licensing fees, to obtain a certificate of registration for a dangerous  
38 animal under this section; and

39 (4) the owner has had microchip identification implanted in the dangerous  
40 animal.

41  
42 *Subd. 2a. Warning symbol.*

43 If the animal control authority issues a certificate of registration to the owner of a  
44 dangerous animal pursuant to subdivision 2, the animal control authority must  
45 provide, for posting on the owner's property, a copy of a warning symbol to  
46 inform children that there is a dangerous animal on the property. The warning  
47 symbol must be the uniform symbol provided by the Minnesota Commissioner of  
48 Public Safety. The animal control authority may charge the registrant a

1 reasonable fee to cover its administrative costs and the cost of the warning  
2 symbol.

3 Subd. 3. *Dangerous animal designation review.*

4 Beginning six months after an animal is declared dangerous, an owner may  
5 request annually that the designating animal control authority review the  
6 designation. The owner must provide evidence that the animal 's behavior has  
7 changed due to age, neutering, environment, completion of obedience training  
8 that includes modification of aggressive behavior, or other factors. If the animal  
9 control authority finds sufficient evidence that the animal 's behavior has  
10 changed, the authority may rescind the dangerous animal designation.

11 Subd. 4. *Law enforcement; exemption.*

12 The provisions of this section do not apply to dogs used by law enforcement  
13 officials for police work.

14 Subd. 5. *Exemption.*

15 Animals may not be declared dangerous if the threat, injury, or damage was  
16 sustained by a person:

17 (1) who was committing, at the time, a willful trespass or other tort upon the  
18 premises occupied by the owner of the animal;

19 (2) who was provoking, tormenting, abusing, or assaulting the animal or who  
20 can be shown to have repeatedly, in the past, provoked, tormented, abused, or  
21 assaulted the animal; or

22 (3) who was committing or attempting to commit a crime.

23 Subd. 6. *Tag.*

24 A dangerous animal registered under this section must have a standardized,  
25 easily identifiable tag identifying the animal as dangerous and containing the  
26 uniform dangerous animal symbol, affixed to the animal 's collar at all times.

27

28 **DANGEROUS ANIMALS; REQUIREMENTS**

29

30 (a) An owner of a dangerous animal shall keep the animal, while on the  
31 owner's property, in a proper enclosure. If the animal is outside the proper  
32 enclosure, the animal must be muzzled and restrained by a substantial  
33 chain or leash and under the physical restraint of a responsible adult. The  
34 muzzle must be made in a manner that will prevent the animal from biting  
35 any person or animal but that will not cause injury to the animal or  
36 interfere with its vision or respiration.

37 (b) The owner of a dangerous animal must have a microchip implanted in the  
38 animal for identification, and the name of the microchip manufacturer and  
39 identification number of the microchip must be provided to the animal  
40 control authority. If the microchip is not implanted by the owner, it may be  
41 implanted by the animal control authority. In either case, all costs related  
42 to purchase and implantation of the microchip must be borne by the  
43 animal 's owner. It is a misdemeanor to remove a microchip from a  
44 dangerous or potentially dangerous animal.

1 (c) An owner of a dangerous animal must renew the registration of the animal  
2 annually until the animal is deceased. If the animal is removed from the  
3 jurisdiction, it must be registered as a dangerous animal in its new jurisdiction.

4 (d) An owner of a dangerous animal must notify the animal control authority in  
5 writing of the death of the animal or its transfer to a new location where the  
6 animal will reside within 30 days of the death or transfer, and must, if requested  
7 by the animal control authority, execute an affidavit under oath setting forth either  
8 the circumstances of the animal's death and disposition or the complete name,  
9 address, and telephone number of the person to whom the animal has been  
10 transferred or the address where the animal has been relocated.

11 (e) An animal control authority shall require a dangerous animal to be sterilized at  
12 the owner's expense. If the owner does not have the animal sterilized within 30  
13 days, the animal control authority shall seize the animal and have it sterilized at  
14 the owner's expense.

15 (f) A person who owns a dangerous animal and who rents property from another  
16 where the animal will reside must disclose to the property owner prior to entering  
17 the lease agreement and at the time of any lease renewal that the person owns a  
18 dangerous animal that will reside at the property.

19  
20 *Right to hearing.* The owner of any animal declared dangerous has the right to a  
21 hearing concerning the dangerous dog or dangerous animal declaration and,  
22 if applicable, prior potentially dangerous dog or potentially dangerous  
23 animal declarations for the animal. The animal owner must make the request in  
24 writing, on a form provided by the SLMPD, within 14 days of receiving notice of  
25 the declaration. Failure to do so within 14 days of the date of receiving the notice  
26 will terminate the owner's right to a hearing under this section.

27  
28 Any hearing must be held within 14 days of the request to determine the validity  
29 of the declaration. The hearing officer must be an impartial person retained by  
30 the city or by the SLMPD to conduct the hearing. In the event that the declaration  
31 is upheld by the hearing officer, actual expenses of the hearing up to a maximum  
32 of \$1,000 will be the responsibility of the animal's owner. The hearing officer shall  
33 issue a decision on the matter within ten days after the hearing. The decision  
34 must be delivered to the animal's owner by hand delivery or registered mail as  
35 soon as practical and a copy must be provided to the animal control authority.

36  
37 *Requirements during appeals process.*

38  
39 (a) While awaiting final disposition of an appeal of a dangerous animal  
40 declaration, the owner of the animal shall keep the animal, while on the owner's  
41 property, in a proper enclosure. If the animal is outside the proper enclosure, it  
42 must be muzzled and restrained by a substantial chain or leash and under the  
43 physical restraint of a responsible person. The muzzle must be made in a  
44 manner that will prevent the animal from biting any person or animal but that will  
45 not cause injury to the animal or interfere with its vision or respiration. A person  
46 who transfers ownership of a dangerous dog or dangerous animal must  
47 notify the new owner that the animal control authority has identified the  
48 animal as dangerous. The current owner must also notify the animal control  
49 authority in writing of the transfer of ownership and provide the animal

1 control authority with the new owner's name, address, and telephone  
2 number.

3  
4 **CONFISCATION**

5  
6 Subd. 1. *Seizure.*

7  
8 (a) The animal control authority having jurisdiction shall immediately seize  
9 any dangerous animal if:

10  
11 (1) after 14 days after the owner has notice that the animal is dangerous, the  
12 animal is not validly registered under this section; or

13  
14 (2) after 14 days after the owner has notice that the animal is dangerous, the  
15 owner does not secure the proper liability insurance or surety coverage as  
16 required under this section; or

17  
18 (3) The animal is not maintained in the proper enclosure; or

19  
20 (4) The animal is outside the proper enclosure and not under physical  
21 restraint of a responsible person as required in the previous section.

22  
23 (5) The animal is not sterilized within 30 days.

24  
25 (b) If an owner of an animal is convicted of a crime for which the animal was  
26 originally seized, the court may order that the animal be confiscated and may  
27 be disposed of in a manner permitted by law, and that the owner pay the  
28 costs incurred in confiscating, confining, and destroying the animal.

29  
30 Subd. 2. *Animals reclaimed.* A dangerous animal seized under subdivision 1  
31 may be reclaimed by the owner of the animal upon payment of impounding  
32 and boarding fees, and presenting proof to the animal control authority that  
33 the requirements of the previous section will be met. An animal not reclaimed  
34 under this subdivision within seven days may be surrendered to the Animal  
35 Humane Society or humanely euthanized and the owner is liable to the  
36 animal control authority for costs incurred in confining and disposing of the  
37 animal.

38  
39 **DESTRUCTION OF ANIMALS IN CERTAIN CIRCUMSTANCES**

40  
41 Subd. 1. *Circumstances*

42  
43 An animal may be destroyed in a proper and humane manner by the animal  
44 control authority if the animal:

45  
46 (1) Inflicted substantial or great bodily harm on a human on public or private  
47 property without provocation; or

48  
49 (2) Inflicted multiple bites on a human on public or private property without  
50 provocation; or

51  
52 (3) Bit multiple human victims on public or private property in the same attack

1 without provocation; or  
2

3 (4) Bit a human on public or private property without provocation in an attack  
4 where more than one animal participated in the attack.  
5

6 Subd. 2. *Right to hearing.*  
7

8 The animal control authority may not destroy an animal until the animal owner  
9 has had the opportunity for a hearing before an impartial hearing officer  
10 designated by the animal control authority. The animal owner must request a  
11 hearing within 14 days after the animal control authority provides notice that it  
12 intends to destroy the animal.  
13

14 **PENALTIES**  
15

16 (a) A person who violates a provision of this ordinance is guilty of a  
17 misdemeanor.

18 **\_\_\_\_\_ ENFORCEMENT.**

19 Citations are issued for certain violations. The animal control officer or police  
20 officer is authorized to issue a citation to any person, firm, or entity for any  
21 alleged violations of this ordinance and any other ordinances or statutes  
22 which provide the basis for prosecution of violations of this ordinance. Nothing  
23 within this ordinance shall be construed to limit the authority of animal control  
24 officers or police officers to enforce any provisions of this ordinance or related  
25 statutes or ordinances.

26 **APPENDIX**

April 24, 2013

**SECTION 740  
DOGS, ANIMALS, AND ANIMAL TRAPPING**

**740            REGULATION OF STABLES; KEEPING OF HORSES OR PONIES**

**740.01        PERMIT**

No person, firm, or corporation shall keep, stable, board or harbor horses, colts, ponies, mules, \*or any other animal (except household pets) within the City of Tonka Bay, upon land other than that land zoned for agricultural uses without first obtaining a permit from the City Council. Household pets are defined as dogs, domestic cats, gerbils, hamsters, rabbits, and caged household birds, (excluding pigeons). \*(Amended June 25, 1985) The sum payable for such a permit shall be established by the council from time to time as specifically set out in the fee schedule #402.01 of this code.

**740.02        APPLICATION FOR PERMIT**

Application for the permit shall be made in writing by the owner of the animal or animals upon blanks or forms furnished by and obtainable from the City Clerk. Each application for permit shall have thereon the correct legal description of the property on which the animal or animals will be kept and the name of the owner of the land; the area of land available for pasture; the total number of horses to be kept by the applicant; the description of shelter provided for the animal or animals.

**740.03        INSPECTION OF PREMISES**

No permit shall be issued by the City Clerk until the Animal Inspector, to be appointed by the Council, has inspected the premises upon which the animal or animals are to be kept and the application has been approved by the City Council.

Subd. 1        The following standards are to be met and provided by the applicant before the permit shall be issued:

1.        A pasture of at least one-half (1/2) acre.
2.        A sturdy wood or metal fence for the pasture which would keep the animal or animals confined. Barbed wire or electrical fences shall not be permitted.
3.        Shelter which shall keep the animal or animals comfortable and protected from the elements and the shelter shall be so located so as not to create a nuisance.
4.        Pasture which will be of a nature that can be used by the animal for grazing. Pastures closer than 30 feet from any structure used for residential purposes shall not be permitted.
5.        The number of animals per one-half (1/2) acre shall be limited to one.
6.        Clean and sanitary premises which will not be a harbor for rodents, flies and insects.

Subd. 2        Inspection Report

Upon receipt of an inspection report from the Animal Inspector, disclosing that the applicant has complied with the standards provided above, and approval of the application by the City Council, the City Clerk may issue a permit for the keeping of said horses, colts, or ponies; which permit shall expire on the 31st day of December of the same year.

**740.04      REVOCATION**

Permits issued pursuant to this ordinance may be revoked by the City Council if the Council finds, after investigation by the inspector and after holding a hearing thereon (notice of said hearing to be given to the holder of the permit) that:

1. The premises upon which the animal is kept are unsightly and a harbor for rodents, flies and insects; or
2. The winter accumulation of manure is not removed from the premises prior to April 15 of each year; or
3. Accumulations of manure are not removed at such periods as will insure that no objectionable aroma exists and that the requirements of Subdivision 1 above are complied with; or
4. The applicant has failed to make a reasonable effort to keep the animal or animals under control and fenced within its pasture; or
5. The applicant has not met the standards set forth in 740.03 of this ordinance; or
6. The animal has been cruelly or inhumanely treated.

**740.05      PENALTY**

Any person violating the provisions of this ordinance shall be guilty of a misdemeanor.

**SECTION 741**  
**LICENSING AND REGULATING THE KEEPING OF DOGS**

**741.01**      **DEFINITIONS**

Subd. 1      Owner

Any person, firm, partnership, or corporation owning, harboring, or keeping a dog or dogs.

Subd. 2      Kennel

Any person, partnership or corporation engaged in the business of breeding, buying, selling or boarding dogs; provided that such person, partnership or corporation customarily owns or boards more than three (3) dogs over six (6) months of age.

Subd. 3      Animal Shelter

Any premises designated by the City Council for the purpose of impounding and caring for dogs held under the authority of this ordinance.

Subd. 4      Officer

Any law enforcement officer of the City and persons designated by the City to assist in the enforcement of this ordinance.

Subd. 5      Running at Large

Running at large shall mean permitting any dog to go on or about the public streets, alleys, or other public or private places in the City except the premises of the owner or harbinger thereof and except as hereinafter provided in Section 741.04

**741.02**      **LICENSE REQUIRED**

Subd. 1      License Required

No person shall own, keep, harbor or have custody of any dog over six (6) months of age without first obtaining a license therefor from the City Clerk or his agent. Applications for license shall be made on forms prescribed by the City Clerk, which form shall set forth: (1) the name and address of the owner, (2) the name and address of the person making application, if other than the owner, and (3) the breed, sex, and age of the dog for which a license is sought. No license shall be issued to any person other than the owner except upon the written request of the owner.

Subd. 2      Two dog per household limit

No household or person shall own, keep, harbor, or have in custody more than two dogs except by special permit granted by the City Council. All puppies shall be sold or otherwise disposed of within ninety (90) days after birth so as to reduce the number of dogs in any household to a maximum of two.

**741.03**      **REQUIREMENTS OF LICENSE**

License shall be valid for a period of one (1) year commencing January 1 and expiring December 31 of the year issued; and shall be issued only upon payment of an annual

fee to the City Clerk; \*and tags shall be issued with each license and said tags shall be attached to the licensed animal.\* (\*Amended June 11, 1985) The sum payable for each such license shall be assessed on a per animal basis in an amount established by the council from time to time as specifically set out in the fee schedule, 402.01; of this code.

Subd. 1 Proof of Vaccination

Every application for a license shall be accompanied by a certificate from a qualified veterinarian showing that the dog to be licensed has been given a vaccination against rabies within the time hereinafter specified. No license shall be granted for a dog which has not been vaccinated against rabies as provided in this section on such a date that not more than two years will have elapsed from the date of such vaccination to the time of the expiration of the license to be issued. Vaccination shall be performed only by a doctor qualified to practice veterinary medicine in the state in which the dog is vaccinated.

**741.04** LEASHING

No person having custody or control of any dog shall permit the same to be on any unfenced area or lot abutting upon a street, public park, public place, or upon any other private land except the premises of the owner or harborer thereof, without being effectively restrained by a leash or chain unless the dog is within ten (10) feet of the person having custody of it and is obedient to the command of that person; nor shall any dog be permitted to run at large within the corporate limits of the city; nor shall any person having the custody or control of any dog permit the same at any time to be on any street, public park, school grounds, or public place without being effectively controlled by a chain or leash not exceeding ten (10) feet in length.

**\*741.05** DOG NUISANCES

Subd.1 It shall be unlawful for any owner to fail to exercise proper care and control of his animal(s) 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, or to molest, defile or destroy any property, public or private. 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 dog 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.

Subd. 2 Dog Feces

Any person having the custody or control of any dog shall have the responsibility for cleaning up any feces of the dog and disposing of said feces in a sanitary manner. It

shall furthermore be the duty of any person having custody or control of any dog on a public property or on the private property of another to have in said person's possession suitable equipment for \* Amended November 8, 1990 the picking up, removal and sanitary disposal of feces.

**741.06        IMPOUNDMENT**

Unrestrained dogs may be taken by any officer as hereinbefore defined and impounded in an animal shelter and there confined in a humane manner. Impounded dogs shall be kept for not less than five regular business days unless reclaimed prior to that time by their owner as provided hereafter.

**741.07        NOTICE OF IMPOUNDMENT**

Within twenty-four (24) hours after taking a dog into custody, the animal supervisor shall, if the animal has an official tag, leave at the address shown on the certificate and registration a notice that the animal is in his custody and will not be disposed of if redeemed within the stated time, which time shall be not less than five (5) full days after such animal was taken into custody. The date of the killing or selling of the dog shall be the sixth day after giving notice.

**741.08        REDEMPTION**

Any dog may be reclaimed from the animal shelter by its owner within the time specified in the notice by payment to the Clerk of the license fee, if not paid for the current year, with an impounding fee and a per diem boarding fee as set by the City Council from time to time. In establishing the impounding fee, the Council may establish a schedule of fees based on the number of times a dog has been impounded. Notwithstanding this section, the owner shall remain subject to all other penalties contained in this ordinance.

**741.09        DISPOSITION OF UNCLAIMED DOGS**

Any dog which is not claimed as provided in Section 741.08, within five regular business days after impounding, may be sold for not less than the amounts provided in Section 741.08 to anyone desiring to purchase the dog if not requested by a licensed educational or scientific institution under Minnesota law. All sums received in excess of the costs and tax shall be held by the Clerk for the benefit of the owner and if not claimed in one year, such funds shall be placed in the general fund of the City. Any dog which is not claimed by the owner or sold shall be painlessly killed and buried by the Poundmaster.

**741.10        PERMISSIBLE RETURN OF UNRESTRAINED DOG**

Notwithstanding the provisions of 741.06, if an animal is found unrestrained and its owner can be identified and located, such animal need not be impounded but may, instead, be taken to the owner. In such case, however, proceedings may be taken against the owner for violation of this Ordinance.

**741.11      CONFINEMENT OF CERTAIN DOGS**

Every female animal in heat shall be confined in a building or other secure enclosure, in such manner that such female animal cannot come into contact with another animal, except for planned breeding.

**741.12      OWNER OBLIGATION FOR PROPER CARE**

No owner shall fail to provide any animal 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. No person shall beat, treat cruelly, torment or otherwise abuse any animal, or cause or permit any dog fight. No owner of a dog shall abandon such animal.

**741.13      QUARANTINE OF CERTAIN DOGS**

Any dog which bites a person shall be quarantined for such time as may be directed by the City Health Officer. During quarantine the animal shall be securely confined and kept from contact with any other animal. At the discretion of the Health Officer, the quarantine may be on the premises of the owner; however, if the Health Officer requires other confinement, the owner shall surrender the animal for the quarantine period to an animal shelter or shall, at his own expense, place it in a veterinary hospital.

**741.14      MUZZLING PROCLAMATION**

Whenever the prevalence of rabies renders such action necessary to protect the public health and safety, the Council shall issue a proclamation ordering every person owning or keeping a dog to muzzle it securely so that it cannot bite. No person shall violate such proclamation and any unmuzzled dog unrestrained during the time fixed in the proclamation shall be subject to impoundment as heretofore provided, and the owner of such dog shall be subject to the penalty hereinafter provided.

**741.15      PROCEEDINGS FOR DESTRUCTION OF CERTAIN DOGS**

Upon sworn complaint to a court of proper jurisdiction that any one of the following facts exist:

- (a) That any dog at any time has destroyed property or habitually trespasses in a damaging manner on the property of persons other than the owner;
- (b) That any dog at any time has attacked or bitten a person outside the owner's or custodian's premises;
- (c) That any dog is vicious or shows vicious habits or molests pedestrians or interferes with vehicles on the public streets or highways;
- (d) That any dog is a public nuisance as heretofore defined; or that
- (e) Any dog is running at large in violation of this chapter; the presiding officer of said court shall issue a summons directed to the owner of said dog commanding him to appear before said court to show cause why said dog should not be seized by any police officer, or otherwise disposed of in the manner authorized in this Ordinance. Such summons shall be returnable not less than two nor more than six days from the date thereof and shall be served at least two days before the time of appearance mentioned therein. Upon such hearing and finding the facts true as complained of,

the court may either order the dog killed or order 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 violates such order, any police officer may impound any dog described in such order. The provisions of this section are in addition to and supplemental to other provisions of this chapter.

Subd. 1 Costs assessed to owner

Costs of the proceedings specified by this section 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.

**741.16** SUMMARY DESTRUCTION OF CERTAIN DOGS

Whenever an officer has reasonable cause to believe that a particular dog presents a clear and immediate danger to residents of the City because it is infected with rabies (hydrophobia) or because of a clearly demonstrated vicious nature, the officer, after making reasonable attempts to impound such dog, may summarily destroy said dog.

**741.17** KENNELS

No person, firm or corporation shall maintain in this City a kennel without securing a license therefor from the City Council. The license fee shall be as set by the City Council from time to time and specifically set out in the fee schedule 402.01 of this code.

**741.18** APPOINTMENT OF OFFICERS

The City Council may from time to time appoint such persons as may be necessary to assist the police officers of the City in the enforcement of this Ordinance. Such persons shall have police powers insofar as is necessary to enforce this Ordinance, and no person shall interfere with, hinder or molest them in the exercise of such powers.

**741.19** NON-RESIDENTS

The sections of this Ordinance requiring a license shall not apply to non-residents of the City, provided that dogs of such owners shall not be kept in the City longer than thirty (30) days without a license and shall be kept under restraint.

**741.20** PENALTY

Any person, firm, or corporation found guilty of violating any provision of this Ordinance shall be guilty of a misdemeanor.