

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 or the South Lake Minnetonka Police Department for the purpose of impounding and caring for dogs held under the authority of this ordinance.

Subd. 4. Animal Control Officer. Any licensed peace enforcement officer of the City and persons designated by the City to assist in the enforcement of this ordinance.

Subd. 5. Restraint. An animal is considered to be under restraint, provided that:

a. It is on the premises of the person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having care, custody, or control of the animal; or

b. It is in a private motor vehicle or camper, with secured windows and doors, of a person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having care, custody, or control of the animal; or

c. In all other locations, other than animals in a designated dog park, it is on a secure leash.

Subd. 6. Running at Large. An animal is at large when it is off the premises of the person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having care, custody, or control of the animal, and the animal is not under restraint.

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.

Subd. 1. License Term. Each 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. Tags shall be issued with each license and said tags shall be attached to the licensed animal. The sum payable for each such license shall be assessed on a per animal basis in an amount established by the City Council from time to time as specifically set out in the fee schedule, 402.01; of this code.

Subd. 2. 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. Applicants shall provide proof that each dog has current vaccination against rabies. Vaccinations shall be performed only by a doctor qualified to practice veterinary medicine in the state in which the dog is vaccinated.

741.04 RUNNING AT LARGE PROHIBITED.

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

741.05 DOG NUISANCES.

Subd. 1. It shall be unlawful for any owner to fail to exercise proper care and control of their 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 their animal from committing any of the aforementioned acts 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 an Animal Control Officer as herein defined, 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, including within a designated dog park, or on the private property of another, to have in said person's possession suitable equipment for the picking up, removal, and sanitary disposal of feces.

741.06 IMPOUNDMENT.

Dogs found running at large may be taken by any Animal Control Officer and impounded in an animal shelter and therein 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 Control Officer shall, if the animal has an official tag, leave at the address shown on the certificate and registration a notice that the animal has been impounded and will not be disposed of if redeemed within the stated time, which time shall be not less than five (5) regular business days after such animal was taken into custody. The date of the disposition 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 any other applicable penalties.

741.09 DISPOSITION OF UNCLAIMED DOGS.

Any dog which is not claimed as provided in Section 741.08, within five regular business days of 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 pursuant to 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 may be surrendered to the Animal Humane Society or euthanized.

741.10 PERMISSIBLE RETURN OF AT LARGE DOG.

Notwithstanding the provisions of 741.06, if an animal is found running at large 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 Animal Control Officer. During quarantine the animal shall be securely confined and kept from contact with any other animal. At the discretion of the Animal Control Officer, the quarantine may be on the premises of the owner; however, if the Animal Control Officer requires other confinement, the owner shall surrender the animal for the quarantine period to an animal shelter or shall, at their 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.

Subd. 1. 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. 2. 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 Animal Control 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 Animal Control 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 ANIMAL CONTROL OFFICERS.

The City Council may from time to time appoint such persons as may be necessary to assist the Animal Control 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 INTERFERENCE WITH ANIMAL CONTROL OFFICERS.

No person shall in any manner molest, hinder, or interfere with any person authorized to capture dogs and convey them to the animal shelter while engaged in that operation. Nor shall any unauthorized person break open the animal shelter, or attempt to do so, or take or attempt to take from any agent, any dog taken up by him or her in compliance with this section, or in any other manner to interfere with or hinder an Animal Control Officer in the discharge of his or her duties under this chapter.

741.21 PENALTY.

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

741.22 DANGEROUS DOGS.

Subd. 1. Attack by a dog. It shall be unlawful for any person's dog to inflict or attempt to inflict bodily injury to any person or other dog whether or not the owner is present. This section shall not apply to an attack by a dog under the control of an on-duty law enforcement officer or to an attack upon an uninvited intruder who has entered the owner's home with criminal intent.

Subd. 2. Destruction of dangerous dogs. The Animal Control Officer shall have the authority to order the destruction of dangerous dogs in accordance with the terms established by this section and applicable state law.

Subd. 3. Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

a. Dangerous Dog.

A dog that has:

- i. Without provocation, inflicted substantial bodily harm on a human being on public or private property;
- ii. Killed a domestic animal without provocation while off the owner's property; or
- iii. 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.

b. Potentially Dangerous Dog.

A dog which has:

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

c. Proper Enclosure.

Securely confined indoors or in a securely locked pen or structure suitable to prevent the 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 on its own volition, or any house or structure in which windows are open or in which door or window screens are the only barriers which prevent the dog from exiting. The enclosure shall not allow the egress of the dog in any manner without human assistance. A pen or structure shall meet the following minimum specifications:

- i. Have a minimum overall floor size of 32 square feet;
- ii. Sidewalls shall have a minimum height of 5 feet and be constructed of 11-gauge or heavier wire. Openings in the wire shall not exceed 2 inches, support posts shall be 1½-inch or larger steel pipe buried in the ground 18 inches or more. When a concrete floor is not provided, the sidewalls shall be buried a minimum of 18 inches in the ground;
- iii. A cover over the entire pen or structure shall be provided. The cover shall be constructed of the same gauge wire or heavier as the sidewalls and shall also have no openings in the wire greater than 2 inches; and
- iv. An entrance/exit gate shall be provided and be constructed of the same material as the sidewalls and shall also have no openings in the wire greater than 2 inches. The gate shall be equipped with a device capable of being locked and shall be locked at all times when the dog is in the pen or structure.

d. Unprovoked.

The condition in which the dog is not purposely excited, stimulated, agitated, or disturbed.

Subd. 2. Designation as potentially dangerous dog. The Animal Control Officer shall designate any dog as a potentially dangerous dog upon receiving evidence that the dog meets the definition thereof. When a dog is declared potentially dangerous, the Animal Control Officer shall cause one owner of the potentially dangerous dog to be notified in writing that the dog is potentially dangerous and the reasons for said designation.

Subd. 3. Authority to order destruction. The Animal Control Officer, upon finding that a dog is dangerous hereunder, is authorized to order, as part of the disposition of the case, that the dog be destroyed based on a written order containing one or more of the following findings of fact:

- a. The dog is dangerous as demonstrated by a vicious attack, an unprovoked attack, an attack without warning or multiple attacks; or
- b. The owner of the dog has demonstrated an inability or unwillingness to control the dog in order to prevent injury to persons or other animals.

Subd. 4. Designation as dangerous dog; procedure. The Animal Control Officer, after having determined that a dog is dangerous, shall cause one owner of the dog to be notified in writing or in person that the dog is dangerous and may order the dog seized or make orders as deemed proper. The owner shall be notified in writing as to the reasons for said designation and shall be notified in writing that they have 14 days to appeal the designation and/or orders by requesting a hearing before the City Council for a review of this determination.

- a. If no appeal is filed and the order requires seizure and destruction, the Animal Control Officer shall obtain an order or warrant authorizing the seizure and the destruction of the dog from a court of competent jurisdiction, unless the dog is already in custody or the owner consents to the seizure and destruction of the dog.
- b. If an owner requests a hearing for determination as to the dangerous nature of the dog, the hearing shall be held before the City Council, which shall set a date for the hearing not more than 3 weeks after demand for the hearing. The records of law enforcement or City Administrator's office shall be admissible for consideration by the Animal Control Officer without further foundation. After considering all evidence pertaining to the temperament of the dog, the City Council shall make an order as it deems proper. The City Council may order that the Animal Control Officer take the dog into custody for destruction, if the dog is not currently in custody. If the dog is ordered into custody for destruction, the owner shall immediately make the dog available to the Animal Control Officer. If the owner does not immediately make the dog available, the Animal Control Officer shall obtain an order or warrant authorizing the seizure and the destruction of the dog from a court of competent jurisdiction.
- c. No person shall harbor a dog after it has been found to be dangerous and ordered into custody for destruction.

Subd. 5. Stopping an attack. If any law enforcement officer is witness to an attack by a dog upon a person or another animal, the officer may take whatever means the officer deems appropriate to bring the attack to an end and prevent further injury to the victim.

Subd. 6. Notification of new address. The owner of a dog which has been identified as dangerous or potentially dangerous shall notify the Animal Control Officer in writing if the dog is to be relocated from its current address or given or sold to another person. The notification shall be given in writing at least 14 days prior to the relocation or transfer of ownership. The notification shall include the current owner's name and address, the relocation address, and the name of the new owner, if any.

741.23 DANGEROUS DOG REQUIREMENTS.

Subd. 1. Requirements. If a dog is designated as dangerous but not seized and destroyed, the owner shall adhere to the following requirements:

- a. Provide and maintain a proper enclosure for the dangerous dog as specified in this section;

- b. Post the front and the rear of the premises with clearly visible warning signs, including a warning symbol to inform children, that there is a dangerous dog on the property as specified in Minnesota Statutes, section 347.51, as it may be amended from time to time;
- c. Provide and show proof annually of public liability insurance in the minimum amount of \$300,000;
- d. If the dog is outside the proper enclosure, the dog must be muzzled and restrained by a substantial chain or leash (not to exceed 6 feet in length) and under the physical restraint of a person 16 years of age or older. The muzzle must be of a design as to prevent the dog from biting any person or animal, but will not cause injury to the dog or interfere with its vision or respiration;
- e. The dog must have an easily identifiable, standardized tag identifying the dog as dangerous affixed to its collar at all times as specified in Minnesota Statutes, section 347.51, as it may be amended from time to time, and shall have a microchip implant as provided by Minnesota Statutes, section 347.515, as it may be amended from time to time;
- f. The dangerous dog shall be registered annually with Hennepin County within 14 days after the date the dog was so deemed and provide satisfactory proof thereof to law enforcement.

Subd. 2. Seizure. As authorized by Minnesota Statutes, section 347.54, as it may be amended from time to time, the Animal Control Officer shall immediately seize any dangerous dog if the owner does not meet each of the above requirements within 14 days after the date notice is sent to the owner that the dog is dangerous. Seizure may be appealed to district court by serving a summons and petition upon the city and filing it with the district court.

Subd. 3. Reclaiming dogs. A dangerous dog seized under subdivision 2 above may be reclaimed by the owner of the dog upon payment of impounding and boarding fees and presenting proof to the City Administrator's office that each of the requirements under subdivision 1 above is fulfilled. A dog not reclaimed under this section within 14 days may be disposed of as provided under subdivision 4 below, and the owner is liable to the city for costs incurred in confining and impounding the dog.

Subd. 4. Subsequent offenses. If an owner of a dog has subsequently violated the provisions under this section with the same dog, the dog must be seized by the Animal Control Officer. The owner may request a hearing as defined in this section. If the owner is found to have violated the provisions for which the dog was seized, the Animal Control Officer shall order the dog destroyed in a proper and humane manner and the owner shall pay the costs of confining the dog. If the person is found not to have violated the provisions for which the dog was seized, the owner may reclaim the dog under the provisions of subdivision 3 above. If the dog is not yet reclaimed by the owner within 14 days after the date the owner is notified that the dog may be reclaimed, the dog may be disposed of as provided under division (C) above and the owner is liable to the City Administrator's office for the costs incurred in confining, impounding, and disposing of the dog.