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### ORDINANCE 71     ANIMALS

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#### Section 71.01: DEFINITIONS.

Subd. 1: At Large. Shall mean when an animal is off the property of the Person owning, harboring or keeping the animal and it is not under restraint.

Subd. 2: Citation. Shall mean a notice or complaint issued by the Police Department to the Owner of any animal apprising the Owner of one or more violations of this Ordinance.

Subd. 3: Kennel. Shall mean a place where more than three (3) dogs over six (6) months of age are kept.

Subd. 4: Owner. Shall mean any Person owning, keeping, harboring or acting as custodian of a dog or other domesticated animal.

Subd. 5: Permit. Shall mean a written warrant or license granted by one having authority.

Subd. 6: Premises. Means any building, structure, shelter or land where animals are kept or confined.

Subd. 7: Under Restraint. Shall mean when an animal is on the premises of the Person harboring or keeping the animal or if it is at heel beside a Person having custody of it or obedient to that Person's command, or is within a private motor vehicle of a Person, owning, harboring or keeping the animal, or is controlled by a leash not exceeding six (6) feet in length.

Subd. 8: Veterinary Hospital. Means a place for the treatment, hospitalization, surgery, care and boarding of animals and birds owned and operated by a licensed veterinarian.

Section 71.02: PROHIBITED BEHAVIOR. It shall be a violation of this Ordinance for which the owner or keeper shall be held responsible, for any animal that does any of the following:

- a) Repeatedly runs at large.
- b) Trespasses on, damages or destroys the property of anyone other than its Owner.
- c) Has an infectious disease or other condition for which the owner has not sought appropriate veterinary care.

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- d) Causes fouling of the air by odors.
- e) Causes unsanitary conditions of enclosures or surroundings.
- f) Is offensive or dangerous to the public health, safety or welfare.
- g) Makes disturbing barks, noises or sounds.
- h) Molests passer(s) by or passing vehicles.
- i) Attacks other domestic animals.
- j) Has been designated by the Police Department to be a public nuisance animal by virtue of being a menace to the public health, welfare and safety.
- k) Has been designated a dangerous dog pursuant to Minn. Stat. 347.50, et seq. (as may be amended), for which the owner has not obtained a certificate of registration, has failed to tag, or has not posted the property where the dog is kept with the warning symbols provided by the City.

Section 71.02 amended 10/7/09

Section 71.03. EXOTIC ANIMALS. It shall be unlawful to keep or permit any wild, undomesticated or exotic animal to remain within the City limits.

Subd. 1: Wild Animal, Undomesticated Animal, or Exotic Animal. Means any mammal, amphibian, reptile, or bird, which is of a species usually not domesticated, or a species which, due to size, wild nature, or other characteristic, is dangerous to humans. By way of example, and not of limitation, the term includes: skunks, bears, snakes, alligators, crocodiles, bats, weasels, ferrets, raccoons, badgers, foxes, non-human primates such as monkeys, chimpanzees, and orangutans; hooved animals such as deer and bison may be permitted by special permit; excepted from this are common farm animals, such as horses, cows, sheep, pigs, or goats; also prohibited are large cats or members of the cat family Felidae, such as lions, tigers, jaguars, leopards, panthers, cougars, bobcats, and ocelots, except commonly accepted domestic cats; and any member of the dog family Canidae, such as wolves, dingos, wolverines, coyotes, and jackals, except domesticated dogs. This term also includes crossbreeds such as dog-coyote cross or a dog-wolf cross.

Subd. 2: This Section does not apply to animals which are temporarily brought into the City to participate in any circus or show; nor does it apply to any public zoo, or persons keeping animals for a public zoo as volunteers; nor to any bona fide research institution or veterinary hospital; nor a pet store operating in a commercial area; nor to any animal humane society or animal shelter; nor to any public or private school or university; as long as protective devices adequate to prevent such animals from escaping or injuring the public are provided

Section 71.04: ENFORCEMENT. The Police Department shall enforce this Ordinance under the Mayor or City Council's direction.

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Section 71.05: RIGHT OF ENTRY. The Police Department may enter upon any premises at all reasonable times to discharge their duties under this Ordinance where there is a reasonable belief that a violation of this Ordinance has accrued.

Section 71.06: KENNELS. No kennels shall be permitted within the City limits except for dog daycare or dog boarding kennel facilities which are allowed by conditional use permit in the C-2 Zoning District.

Section 71.06 amended 6/20/19

Section 71.07: RUNNING AT LARGE PROHIBITION. No animals shall be permitted to run at large within the City limits. Any female animal when in season shall be confined indoors or in a secure enclosure so that she will not be in contact, except for intentional breeding purposes, with another animal, nor create a nuisance by attracting other animals. If an animal is found at large, and the owner or custodian can be identified, the Police Department or City may proceed against the owner for violating this Ordinance.

Section 71.07 amended 10/7/09

Section 71.08: DANGEROUS ANIMALS.

Subd. 1. Attack by an animal. It shall be unlawful for any person's animal to inflict or attempt to inflict bodily injury to any person or other animal 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 animal. The Police Chief shall have the authority to order the destruction of dangerous animals in accordance with the terms established by this Ordinance.

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

***DANGEROUS ANIMAL***. An animal which has:

- a) Caused bodily injury or disfigurement to any person on public or private property;
- b) Engaged in any attack on any person under circumstances which would indicate danger to personal safety;
- c) Exhibited unusually aggressive behavior, such as an attack on another animal;
- d) Bitten 1 or more persons on 2 or more occasions; or

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- e) Been found to be potentially dangerous and/or the owner has personal knowledge of the same, the animal aggressively bites, attacks, or endangers the safety of humans or domestic animals.

**POTENTIALLY DANGEROUS ANIMAL.** An animal which has:

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

Section 71.08 Subd. 3 (Potentially Dangerous Animal) amended 3/16/22

**PROPER ENCLOSURE.** Securely confined indoors or in a securely locked pen or structure suitable to prevent the animal from escaping and to provide protection for the animal 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 animal to exit of its own volition, or any house or structure in which windows are open or in which door or window screens are the only barriers which prevent the animal from exiting. The enclosure shall not allow the egress of the animal in any manner without human assistance. A pen or kennel shall meet the following minimum specifications:

- a) Have a minimum overall floor size of 32 square feet.
- b) 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 13-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.
- c) A cover over the entire pen or kennel 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.
- d) 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 animal is in the pen or kennel.

**UNPROVOKED.** The condition in which the animal is not purposely excited, stimulated, agitated or disturbed.

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Subd. 4. Designation as potentially dangerous animal. The Police Chief shall designate any dog as a POTENTIALLY DANGEROUS ANIMAL upon receiving evidence that the animal has, when unprovoked, inflicted bites on a human or domestic animal on public or private property; 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 has a known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals as stated in Subd. 3.

Section 71.08 Subd. 4 amended 3/16/22

### Subd. 5. Dangerous Animal.

- a) Designation as dangerous animal. The Police Chief shall designate any animal as a DANGEROUS ANIMAL upon receiving evidence that the animal has, caused bodily injury or disfigurement to any person on public or private property; engaged in any attack on any person under circumstances which would indicate danger to personal safety; exhibited unusually aggressive behavior, such as an attack on another animal; bitten one or more persons on two or more occasions; or the animal has been declared potentially dangerous and the animal has then bitten, attacked, or threatened the safety of a person or domestic animal as stated in Subd. 3.
- b) Exemption. Dogs may not be declared dangerous if the threat, injury, or damage was sustained by a person who was committing, at the time, a willful trespass or other tort upon the premises occupied by the owner of the dog; 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 who was committing or attempting to commit a crime.

Section 71.08 Subd. 5 amended 3/16/22

Subd. 6. Authority to order destruction. The Police Chief, upon finding that an animal is dangerous hereunder, is authorized to order, as part of the disposition of the case, that the animal be destroyed based on a written order containing one (1) or more of the following findings of fact:

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

Subd.7. Appeal Procedure. The Police Chief, after having determined that an animal is a POTENTIALLY DANGEROUS ANIMAL or DANGEROUS ANIMAL, may proceed in the following manner: The Police Chief shall cause one (1) owner of the animal to be notified in writing that the animal is potentially dangerous or dangerous and may order the animal seized or

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make orders as deemed proper. Notice may be accomplished by mail, or by posting or personal delivery to a person residing on the property where the animal is kept, and by telephone, if possible. The notice shall include the following:

- a) a description of the animal, the authority for and purpose of the declaration and/or seizure;
- b) the time, place and circumstance under which the animal was declared dangerous or potentially dangerous;
- c) the telephone number and contact person where the animal is kept (for seized animals only);
- d) a statement that the owner may request a hearing of the declaration and that failure to do so within fourteen (14) days of the date of the notice will terminate the owner's right to a hearing;
- e) a statement that if an appeal request is made within 14 days of the notice, the owner must immediately comply with the requirements of Section 71.09, Subd. 1(e) and (i) until such time as the hearing officer issues an opinion;
- f) a statement that if the hearing officer affirms the declaration, the owner will have 14 days from receipt of that decision to comply with all other requirements of Section 71.09, Subd. 1;
- g) a form to request a hearing under this subdivision; and
- h) a statement that all actual costs of the care, keeping, and disposition of the dog are the responsibility of the person claiming an interest in the animal, except to the extent that a court or hearing officer finds that the seizure or impoundment was not substantially justified by law.

If an owner requests a hearing for determination as to the dangerous nature, or potentially dangerous nature of the animal, the hearing shall be held before an independent hearing officer appointed by the City Council, who shall set a date for hearing within fourteen (14) days of receipt of the demand for the hearing. The records of the Police Department and/or City Clerk/Administrator's office shall be admissible for consideration by the hearing officer without further foundation. After considering all evidence pertaining to the temperament of the animal, the hearing officer shall make an order as it deems proper. In the event that the declaration is upheld by the hearing officer, actual expenses of the hearing up to a maximum of \$1,000 will be the responsibility of the dog's owner. The hearing officer shall issue a decision on the matter within ten (10) days after the hearing.

No person shall harbor an animal after it has been found to be dangerous and ordered into custody for destruction.

Section 71.08 Subd. 7 amended 3/16/22

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Subd. 8. Stopping an attack. If any police officer is witness to an attack by an animal 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. 9. Notification of new address. The owner of an animal which has been identified as dangerous or potentially dangerous shall notify the Police Department in writing if the animal is to be relocated from its current address or given or sold to another person. The notification shall be given in writing at least fourteen (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.

### Section 71.09: POTENTIALLY DANGEROUS AND DANGEROUS ANIMAL REQUIREMENTS.

Subd. 1. Requirements. If the owner desires to keep an animal that has been declared potentially dangerous or dangerous, the owner must comply with all of the following:

- a) The owner shall have a microchip implanted in the animal for identification, and the name of the microchip manufacturer and identification number of the microchip must be provided to the Police Chief. All costs related to purchase and implantation of the microchip must be borne by the owner.
- b) The owner shall provide and maintain a proper enclosure for the animal.
- c) The owner shall 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 animal on the property as specified in M.S. § 347.51 as may be amended from time to time;
- d) The owner shall provide and show proof annually a surety bond issued in the sum of at least \$300,000, payable to any person injured by the animal, or a policy of liability insurance in the amount of at least \$300,000, insuring the owner for any personal injuries inflicted by the animal;
- e) If the animal is outside the proper enclosure, the animal must be muzzled and restrained by a substantial chain or leash (not to exceed six (6) feet in length) and under the physical restraint of a person sixteen (16) years of age or older. The muzzle must be of a design as to prevent the animal from biting any person or animal, but will not cause injury to the animal or interfere with its vision or respiration;
- f) The animal must have an easily identifiable, standardized tag identifying the animal as dangerous affixed to its collar at all times as specified in M.S. § 347.51 as it may be amended from time to time, and shall have a microchip implant as provided by M.S. § 347.151, as it may be amended from time to time;



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- g) The animal shall be registered with the city within fourteen (14) days after the date the animal was so deemed and provide satisfactory proof thereof to the Police Chief.
- h) The animal must be up to date on rabies vaccination.
- i) An owner of the animal must notify the Police Department in writing of the death or transfer of ownership of the animal and must, if requested by the Police Department, execute an affidavit under oath setting forth either the circumstances of the animal's death and disposition or the complete name, address, and telephone number of the person to whom the animal has been transferred or the address where the animal has been relocated.
- j) The animal shall be sterilized at the owner's expense. If the owner does not have the animal sterilized within 30 days, the Police Department shall seize the animal and have it sterilized at the owner's expense.
- k) A person who owns a potentially dangerous or dangerous animal and who rents property from another where the animal will reside must disclose to the property owner prior to entering the lease agreement and at the time of any lease renewal that the person owns a potentially dangerous or dangerous animal that will reside at the property.
- l) A person who transfers ownership of a potentially dangerous or dangerous animal must notify the new owner of the designation. The current owner must also notify the Police Department in writing of the transfer of ownership and provide the Police Department with the new owner's name, address, and telephone number.

Section 71.09 Subd. 1 amended 3/16/22

Subd. 2. Seizure. As authorized by M.S. § 347.54, as it may be amended from time to time, the Police Department 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 animal 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 animals. A dangerous dog seized under Subd. 2 above, may be reclaimed by the owner of the animal upon payment of impounding and boarding fees and presenting proof to the police department that each of the requirements under Subd. 1, is fulfilled. An animal not reclaimed under this section within fourteen (14) days may be destroyed, and the owner is liable to the city for costs incurred in confining and impounding and destroying the animal, if applicable.

Subd. 4. Subsequent offenses. If an owner of an animal has subsequently violated the provisions under Section 71.08 with the same animal, the animal must be seized by the Police

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Department. The owner may request a hearing as defined in 71.08, Subd. 6(a). If the owner is found to have violated the provisions for which the animal was seized, the Police Chief shall order the animal destroyed in a proper and humane manner and the owner shall pay the costs of confining the animal. If the person is found not to have violated the provisions for which the animal was seized, the owner may reclaim the animal. If the animal is not yet reclaimed by the owner within fourteen (14) days after the date the owner is notified that the animal may be reclaimed, the animal may be disposed of and the owner is liable to the Police Department for the costs incurred in confining, impounding and destroying of the animal.

Section 71.10: ABANDONMENT. No Person shall abandon any dog or other animal within the City.

Section 17.11. DOGS ON PUBLIC PROPERTY: Dogs must either be on leash under the control of a suitable person at all times on public property. Public property includes, but is not limited to public parks, except in designated off-leash areas, and public streets, sidewalks, and trails and other publicly owned or controlled property. Dog owners are responsible for keeping their dog(s) a reasonable distance from other persons or animals.

Section 71.11 amended 9/6/23

Section 71.12: (RESERVE FOR FUTURE USE)

Section 71.12 revoked 3/16/22

Section 71.13: RABIES VACCINATION.

Subd. 1: Evidence of Vaccination. The owner or keeper of the animal must provide a current rabies certificate to show that the animal has been properly vaccinated for rabies.

Section 71.13, Subd. 1 amended 3/16/22

Subd. 2: Seizure. Any animal which has bitten a person in the City may be immediately quarantined to the owner's premises for a period of time necessary to determine if said animal has been infected with rabies or other contagious diseases.

Section 71.13, Subd. 2 amended 3/16/22

Subd. 3: Disposition. If the animal is determined to be rabid, the animal shall be destroyed under direction of the Chief of Police or their designee.

Section 71.13, Subd. 3 amended 3/16/22

Section 71.14: IMPOUNDMENT.

Subd. 1: Duration and Notification. The Police Department or Humane Society may take up and impound any dogs or animals requiring permits which are found at large, or otherwise in violation of this Ordinance. The Police Department will generally only impound a dog or other animal wearing tags identifying the owner or if the owner is otherwise known to the

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Police Department. The Police Department shall impound any dogs alleged to be a Dangerous Animal. Animals that are so impounded shall be kept in an animal shelter and confined in a humane manner. Except as provided in Section 71.09, Subds. 2 and 3, impounded animals shall be kept for not less than five (5) days, not including Sundays and holidays, unless reclaimed by their owners. If the owner can be identified, the Police Department or Humane Society shall immediately upon impoundment notify the owner by telephone or mail of the impoundment.

Section 71.14 Subd. 1 Amended 7/2/20

Subd. 2: Redemption. The owner may redeem any dog or animal for which the Owner has a current permit from the pound after paying an impounding fee established in Appendix A plus feeding and care fee for each day the animal is confined in the pound to the Police Department, who shall turn over all money received to the City Clerk/Administrator for placement in the general fund.

Subd. 3: Unclaimed Impounded Animals. Any dog or animal, other than those impounded under Section 71.08, which is not claimed within five (5) days after impounding, not including Sundays or holidays, may be sold for not less than the amount of the total charges accrued against the animal to anyone desiring to purchase the dog, if not requested by a licensed educational or scientific institution under Minnesota Statutes Section 35.71, as amended. All sums received by the Police Department shall be turned over to the City Clerk/Administrator and placed in the General Fund and the animal's owner shall be responsible for any unpaid impound fees. Any dog or animal which is not claimed by the owner or by a licensed educational or scientific institution shall be painlessly put to death and the body properly disposed of by the Police Department or its designee, and the animal's owner shall be responsible for the costs and any unpaid impound fees. The time of sale or other disposition of the dog or animal shall be at least one hundred twenty (120) hours after notice has been given to the known animal owner.

Section 71.15: ANIMAL BITES. Any Person knowing of a human being bit by a dog, cat, raccoon, skunk or other rabies susceptible animal species shall immediately notify the Police Department to kill or destroy the dog or animal.

Section 71.16: COMPLAINTS. Any Person complaining to the Police Department that a dog or other animal is allegedly running at large or otherwise constituting a danger or nuisance shall identify themselves upon request and shall make every reasonable attempt to assist the authorities in identifying the animal and its owner or custodian.

Section 71.17: MUZZLING PROCLAMATION. Whenever the prevalence of hydrophobia renders such action necessary to protect the public health and safety, the Mayor shall issue a proclamation ordering every Person owning or keeping a dog to confine it securely on his premises unless it is muzzled so that it cannot bite. No Person shall violate such proclamation and any unmuzzled dog running at large during the time fixed in the proclamation shall be killed by the Police Department without notice to the Owner.

Section 71.18: BEEKEEPING PROHIBITED. Bees are prohibited within the City limits.

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Section 71.19: PENALTY. Except as otherwise provided in Minn. Stat. 347.55 any person who violates the provisions of this Ordinance shall be guilty of a petty misdemeanor upon the first offense and a misdemeanor upon the second and subsequent offenses. Each day in which a violation occurs shall be punishable as a separate offense. Fines for violations are as established by the City Council in Appendix A.

Section 71.18 amended on 10/7/09

Section 71.20: OTHER FEES FOR DANGEROUS DOGS. Annual registration fees and fees for providing warning symbols for dogs designated as dangerous dogs shall be established by the City Council in Appendix A.

Section 71.19 adopted 10/7/09