

## CHAPTER 2

**DOGS**

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**5-2-1: LICENSE REQUIRED; EXEMPTION:**

- A. Requirement; Record; Issuance: No person shall keep any dog within the City without securing an annual license therefor from the Clerk-Treasurer, who shall keep a record of all licenses issued and shall issue a metal tag for each license. (1981 Code § 503.02)
- B. Exemption For Police K-9 Dogs: The provisions of this Section and Sections 5-2-2 through 5-2-6 of this Chapter shall not apply to the police K-9 dogs utilized by law enforcement agencies within the corporate limits of the City. (Ord. 96-04, 9-23-1996)
- C. Penalty: Penalty for failure to secure said license shall be as established by Council resolution for the entire year. (Ord. 81-2,5-11-1981)

5-2-2

5-2-5

5-2-2: **LICENSE FEE:**

- A. Annual Fee: The annual license fee for each dog shall be as established by Council resolution. (Ord. 81-2, 5-11-1981)
- B. Refunds: No refunds shall be made on any license fee because of the removal of the dog from the City or because of the death of the dog before the expiration of license period. (1981 Code § 503.02)

5-2-3: **TERM OF LICENSE:** Every license shall expire on May 31 next following its issuance. (1981 Code § 503.02)

5-2-4: **PUBLICATION OF NOTICE:** The Clerk-Treasurer shall cause a notice of the necessity of obtaining such license and paying such license fee by publishing in the official newspaper of the City, twice before May 31, in each year, the last publication to be at least one week prior to May 31. (1981 Code § 503.02)

5-2-5: **APPLICATION FOR LICENSE:**

- A. Information Required: When applying for a dog license, the owner shall state the name, sex, breed and color of the dog for which the license is to be procured and shall fill out and complete such registration form as may be established from time to time. (1981 Code § 503.02)
- B. Rabies Immunization Required: No license shall be issued for any dog unless the applicant for such license presents proof that the dog has been immunized against rabies by a licensed veterinarian or a licensed medical practitioner with modified live vaccine no longer than twenty four (24) months prior to the date of licensing, or with killed vaccine no longer than two (2) months prior to the date of licensing, in order that it will be assured of immunity during the year of licensure. (1981 Code § 503.07)
- C. Tags:
  - 1. Affixing Tag: The owner shall permanently affix the tag to the collar of the dog so licensed in such manner that the tag may be easily seen. The owner shall see that the tag is constantly worn by the dog. (1981 Code § 503.02)

2. Duplicate Tag: When any dog tag is lost, a duplicate may be issued by the Clerk-Treasurer upon presentation of a receipt showing the payment of the license fee for the then current year and execution of an affidavit that the original has been lost. A fee as established by Council resolution shall be paid for each such duplicate tag. (1981 Code § 503.02; Ord. 81-2, 5-11-1981)

3. Offenses Involving Tags: It shall be unlawful to counterfeit or attempt to counterfeit the tags provided for in this subsection, or to remove from any dog a tag legally placed upon it with the intent of placing it upon another dog or to place such tag upon another dog. It shall be unlawful for any person to transfer any tag issued or to place a tag upon any dog other than the one for which it was issued, provided a tag may be transferred with the dog for which it was issued. (1981 Code § 503.02)

**5-2-6: RESTRICTIONS AND PROHIBITED ACTS:**

A. Running At Large; Leash Required: No dog shall be permitted to run at large within the limits of the City. The restriction does not prohibit the appearance of any dog upon streets or public property when the dog is on a leash and is kept under the control of the person charged with its care. (1981 Code § 503.01)

B. Nuisances:

1. Nuisance Defined: The owner or custodian of any dog shall prevent the dog from committing any act that constitutes a nuisance. It is a nuisance for any dog to habitually or frequently bark or cry, to frequent school grounds, parks or public beaches, to chase vehicles, to molest or annoy any person away from property of its owner, or custodian of a dog, to prevent the dog from committing such a nuisance is a violation of this Chapter. (1981 Code § 503.03; 1997 Code)

2. Animal Waste:

a. Definitions: For the purpose of this Section:

**ANIMAL:** A dog, cat or other animal.

**OWNER:** Any person who harbors, feeds, boards, possesses, keeps or has custody of an animal.

b. Unlawful Acts: It is unlawful for any owner to suffer or permit an animal to defecate upon public property, or the private property of another, without immediately removing the excrement and disposing of it in a sanitary manner.

c. Exceptions: The provision of subsection Bi and 2 of this Section do not apply to a guide dog accompanying a blind person, a service dog accompanying a disabled person or a dog while engaged in police or rescue activity. (Ord. 96-04, 9-23-1 996)

- C. Female Dog In Estrus: Every female dog in heat shall be confined in a building or other secure enclosure in such manner that it cannot come into contact with another dog, except for planned breeding. (1981 Code § 503.04)
- D. Biting Dog, Quarantine: 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 of 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 owner's expense, place it in a veterinary hospital. (1981 Code § 503.05)
- E. Limit On Number Of Dogs And Cats: Except as permitted under Section 5-2-11 of this Chapter, it shall be unlawful for any person or owner to harbor or keep at any household more than a total of two (2) dogs and cats, taken together, over the age of four (4) months within the corporate limits of the City. (1981 Code § 503.11)
- F. Food And Drink Establishments; Exception: It shall be unlawful for the owner or operator of any establishment wherein the selling, handling, processing or preparation of food is done or served to permit any animal in such establishment. This Section shall not apply to a seeing-eye or leader-type dog accompanied by its master and shall not apply to such dogs which are kept therein for security reasons as long as said dogs are registered with the Police Department. (1981 Code § 503.12; 1997 Code)

5-2-7: **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 restrained during the time fixed in the proclamation shall be subject to impoundment as hereinafter provided, and the owner of such dog shall be subject to the penalty hereinafter provided. (1981 Code § 503.06)

**5-2-8: IMPOUNDMENT:**

- A. **Police To Impound:** Any dog found unlicensed or running at large contrary to the provisions of this Chapter may be impounded by the poundmaster or any police officer. (1981 Code § 503.10)
- B. **Notice Of Impoundment:** Within twenty four (24) hours after any animal is impounded, the poundmaster or such police officer shall give notice of the impounding to the owner of such dog if known. If the owner is unknown, the officer or City official shall post notice at the pound and at the City Hall that if the dog is not claimed within one hundred twenty (120) hours of the posting of the notice, it will be disposed of.
- C. **Redemption:** Any dog may be redeemed from the pound by the owner within the time stated in the notice by the payment to the Clerk-Treasurer of the license fee for the current year, if unpaid, together with an impounding fee of thirty dollars (\$30.00) and payment for the keep of the dog. (1981 Code § 503.10; 1997 Code)
- D. **Disposition Of Unclaimed Dogs:**
  - 1. **Sale Of Dog:** Any dog which is not redeemed within the time specified in subsection C above may be sold for not less than the amount provided in that subsection to anyone desiring to purchase the dog if it is not requested by a licensed educational or scientific institution under Minnesota Statutes section 35.71.
  - 2. **Claim Of Owner:** All sums received in addition to the fees fixed by subsection C above shall be claim within one year of the ownership if the owner makes a claim within one year of the sale and furnishes satisfactory proof of ownership.
  - 3. **Unclaimed, Unsold Dogs:** Any dog which is not claimed by the owner or sold shall be painlessly killed and buried by the poundmaster.
  - 4. **Poundmaster's Right Of Refusal:** The poundmaster shall have the right to refuse to sell an animal to any private individual if the

poundmaster has good reason to believe that the animal will not be properly cared for.

- E. Duties Of Poundmaster: The poundmaster shall maintain the City pound and perform other duties imposed on the poundmaster by this Chapter. (1981 Code § 503.10)

5-2-9: **DISPOSITION OF DISEASED DOGS:** If a dog is found to be sick or diseased, the operator of the quarantine facility shall immediately report in writing to the City Health Officer the condition of the dog. The Health Department may then take possession of the dog for the purpose of determining if it is suffering from rabies. A diseased dog may either be destroyed or euthanized if the City Health Officer determines such action necessary for the protection of public health and safety as recommended by said licensed veterinarian. (1981 Code § 503.08; 1997 Code)

5-2-10: **PROCEEDINGS FOR DESTRUCTION OF CERTAIN DOGS:**

- A. Sworn Complaint: Upon sworn complaint to the appropriate County court that any one of the following facts exist:
1. 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.
  2. That any dog at any time has attacked or bitten a person outside the owner's or custodian's premises.
  3. That any dog is vicious, shows vicious habits, molests pedestrians or interferes with vehicles on the public streets. A "vicious animal" is defined as any individual animal or any species that has, on two (2) previous occasions without provocation, attacked or bitten any person or other animal, or any individual animal which the Health Officer has reason to believe has a dangerous disposition, or any species of animal which the Health Officer has reason to believe has a dangerous disposition likely to be harmful to humans or other animals. (1981 Code § 503.09; 1997 Code)
  4. That any dog is a public nuisance as heretofore defined<sup>1</sup>.

1. See subsection 5-2-6B of this Chapter.

- B. Issuance Of Summons: The judge shall issue a summons directed to the owner of the dog commanding the owner to appear before the court to show cause why the dog should not be seized by any police officer or otherwise disposed of in the manner authorized in this Chapter. Such summons shall be returnable no less than two (2) nor more than six (6) days from the date thereof and shall be served at least two (2) days before time scheduled appearance.
- C. Hearing; Court Order: Upon such hearing and finding the facts true as complained of, the court may either order the dog killed, 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.
- D. Violation Of Order: If the owner or custodian violates such order, any police officer may impound the dog described in such order. The provisions of this Section are in addition to and supplemental to other provisions of this Chapter.
- E. Cost Of Proceedings: Costs of the proceeding 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. (1981 Code § 503.09)

5-2-11: **KENNELS:** No person shall maintain a kennel within the corporate limits of the City unless by special permit granted by the Council. (1981 Code § 503.13)

5-2-12: **PENALTY:** Any person keeping a dog without a license or allowing a dog under his/her control to run at large is guilty of a petty misdemeanor. (1981 Code § 503.14)

<sup>1</sup> See definition for dog kennel in Section 10-2-2 of this Code.