

Chapter 5 - Animals and Fowl

Article I. - In General

Section 01. - "Animals" defined.

The term "animals," means cattle, horses, mules, sheep, goats, swine, ponies, ducks, geese, turkeys, chickens, guinea hens, dogs, cats, and all other animals and feathered fowl; provided that this definition shall extend to this article only.

(Ord. No. 281, Sec. 1, 6/18/79)

Section 02. - Keeping animals.

It is unlawful for any person to keep any animal, not in transit, in any part of the City not zoned for agricultural purposes, except for household pets not otherwise prohibited by the City Code.

(Ord. No. 281, Sec. 1, 6/18/79)

Section 03. - Impoundment of animals authorized; costs for release.

Any animal found running at large contrary to the provisions of this chapter may be impounded in a pound designated by the City, from which such animal shall not be released until the owner thereof or some person for him shall pay all fees incurred for such impoundment.

(Ord. No. 281, Sec. 1, 6/18/79)

Section 04. - Authority to create dog pound.

The City Council shall have the authority to create and provide for a City pound, which may be located within or without the City limits.

(Ord. No. 281, Sec. 1, 6/18/79)

Section 05. - Authority to sell or dispose of animals.

The City shall have the authority to sell or dispose of any impounded animal not redeemed within seven (7) days from the date notice of impoundment is given as provided by Section 51 et seq.

(Ord. No. 281, Sec. 1, 6/18/79)

Sections 06—20. - Reserved.

Article II. - Dogs

Division 1. - Generally

Section 21. - Definitions.

For the purpose of this article, certain terms and words are defined as follows:

Animal means any dog.

At large means off the premises of the owner and not under restraint. The term "under restraint" shall mean under control by means of a leash not exceeding six (6) feet in length, or within the property of the owner's premises.

Owner means any person, firm, or corporation who shall own, harbor, keep or have custody of an animal, or the parents or guardians of a person under eighteen (18) years of age who shall own, harbor, keep or have custody of an animal.

(Ord. No. 210, Sec. 2, 2/27/73; Ord. No. 281, Sec. 2, 6/18/79)

Section 22. - Confinement of animals.

It shall be unlawful for any person owning or having the charge or custody of any dog to allow such dog to run at large within this City at any time, whether or not such dog is registered, licensed and numbered. This restriction shall not be deemed to prohibit the appearance of dogs upon the streets of the City accompanied by an owner or members of his immediate family, when such dogs are on a leash. The police or animal contract officers of the City may take up and impound any animal found at large in violation of this provision, and shall deal with said animal in accordance with the provisions of this article.

(Ord. No. 210, Sec. 4, 2/27/73; Ord. No. 281, Sec. 3, 6/18/79)

Section 23. - Reserved.

Editor's note— Ord. No. [922](#), Sec. 1, adopted August 15, 2016 repealed Section 23 of ch. 5. Former Section 23 pertained to dangerous dogs and derived from Ord. No. 210 adopted February 27, 1973 and Ord. No. 281, adopted June 18, 1979.

Section 24. - Animal nuisances.

The owner or custodian of any animal shall prevent the animal from committing in the City any act which constitutes a nuisance. It is a nuisance for any animal to habitually or frequently bark or cry, to chase vehicles, to molest or annoy any person at a place away from the property of his owner or custodian, or to damage, defile or destroy public or private property. Failure of the owners or custodian of an animal to prevent the animal from committing such a nuisance is a violation of this section.

- (a) Animal waste. It is unlawful for any person who owns, harbors, or has custody of a dog, cat or other animal to cause or permit such animal to defecate on any public property or, without the consent of the owner to defecate on any private property unless such person immediately removes the excrement and properly disposes of it. It shall also be unlawful for such person to cause or permit such animal to urinate on private property without the consent of the owner.

(Ord. No. 556, Sec. 1, 8/1/94)

Section 25. - Adoption of state rabies control regulations by reference.

The provisions of Sections 35.67 through 35.69 of Minnesota Statutes are hereby adopted for the City and shall have the same force and effect as it set out in full herein.

Section 26. - Disturbing peace.

No person owning any dog shall permit such dog to disturb the peace and the quiet of the neighborhood by barking, making loud or unusual noises, or by running through or across cultivated gardens or fields.

(Ord. No. 210, Sec. 5, 2/27/73)

Section 27. - Killing or maiming dogs prohibited.

It shall be unlawful for any person to wrongfully kill, maim or injure any dog within this City.

(Ord. No. 210, Sec. 2, 2/27/73)

Section 28. - Reserved.

Editor's note— Ord. No. [922](#), Sec. 2, adopted August 15, 2016 repealed Section 28 of ch. 5. Former Section 28 pertained to impoundment, examination of dogs suspected of having bitten person and exceptions and derived from Ord. No. 210 adopted February 27, 1973; Ord. No. 281, adopted June 18, 1979; and Ord. No. 304, adopted January 19, 1981.

Section 29. - Interference with officers.

It shall be unlawful for any person to break open the pound or to attempt to do so, or to take or let out any animal therefrom, or to take or attempt to take from any officer any animal taken up by him in compliance with this article, or in any manner to interfere with or hinder such officer in the discharge of his duties under this article.

(Ord. No. 281, Sec. 7, 6/18/79)

Section 30. - Authority of officers to enter private property.

Any police or animal control officer of the City may enter upon the private property of any person in pursuit of any animal under probable cause to believe that such animal has bitten a person or animal, or that such animal is rabid.

(Ord. No. 281, Sec. 8, 6/18/79)

Section 31. - Proceedings for destruction of certain animals.

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

- (a) That any animal other than a dog at any time has destroyed property or habitually trespasses in a damaging manner on property of persons other than the owner;
- (b) That any animal other than a dog at any time has attacked or bitten a person at a place away from the owner's or custodians' premises;
- (c) That any animal other than a dog is vicious or shows vicious habits or molests pedestrians or interferes with vehicles on the public rights-of-way or highways;
- (d) That any animal other than a dog is a nuisance as hereinbefore defined; or

(e) That any animal other than a dog is running at large in violation of this article;

Said court may issue a summons directed to the owner or custodian of said animal other than a dog commanding him to appear before said court to show cause why said animal other than a dog should not be seized and destroyed by any police or animal control officer, or otherwise disposed of in the manner authorized in this article. Such summons shall be served not less than five (5) days before the time of the appearance mentioned therein. Upon hearing and finding the facts true as complained of, the court may either order the animal other than a dog destroyed 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 or animal control officer may impound or destroy any animal other than a dog described in such order. The provisions of this section are in addition to and supplemental to other provisions of this article. Costs of the proceedings specified by this section shall be assessed against the owner or custodian of the animal other than a dog if the facts in the complaint are found to be true, or to the complainant if the facts are found to be untrue.

(Ord. No. 281, Sec. 9, 6/18/79, Ord. No. [922](#), Sec. 3, 8/15/16)

Section 32. - Authority to destroy animals.

Except as expressly authorized by statute, it shall be unlawful for any person other than an officer or agent of the City acting pursuant to this article, to destroy any animal which has bitten any person, dog, or other animal unless such dog or other animal has been determined to be or is rabid.

(Ord. No. 281, Sec. 10, 6/18/79)

Section 33. - Muzzling proclamation.

Whenever the prevalence of rabies renders such action necessary to protect the public health and safety, the Mayor shall issue a proclamation ordering every person owning or keeping an animal to muzzle it securely so that it cannot bite. No person shall violate such proclamation, and any animal running at large during the time fixed in the proclamation shall be killed by the police or animal control officer without notice to the owner.

(Ord. No. 281, Sec. 11, 6/18/79)

Section 34. - Abandonment prohibited.

No person, firm or corporation shall abandon any animal within the City.

(Ord. No. 281, Sec. 12, 6/18/79; Ord. No. 437, Sec. 1, 8/29/88)

Division 2. - Licenses

Section 35. - Required.

Every person owning or keeping a dog over the age of six (6) months within the City shall, on or before the first day of January each and every year, cause such dog to be registered, licensed and numbered; provided, however, that if any dog shall have come into the person's possession or ownership after the first day of January of the then current year, the owner or the person entitled to its possession shall cause said dog to be registered, licensed and numbered at such time as such dog shall come into his possession.

(Ord. No. 210, Sec. 12, 2/27/73; Ord. No. 437, Sec. 1, 8/29/88)

Section 35.1. - Vaccination required prior to issuance.

No license shall be issued for a dog which does not have current rabies vaccination covering the entire license period. Vaccinations shall be performed only by a doctor of veterinary medicine licensed to practice in the state in which the dog is vaccinated. No license shall be issued unless documentary evidence of said vaccination signed by the veterinarian who made the vaccination accompanies the application for a license. This section shall be mandatory for licenses issued October 1, 1973 and thereafter.

(Ord. No. 210, Sec. 13, 2/27/73; Ord. No. 437, Sec. 2, 8/29/88)

Section 36. - Contents of registration.

The registration shall contain the sex, breed and name of the dog and the name and address of the owner.

(Ord. No. 210, Sec. 2, 2/27/73)

Section 37. - Terms of license and fees.

Every license required by this division shall be valid for one (1) year from and after the first day of January of each year with the payment of an eighteen dollar (\$18.00) annual fee or for two (2) years from and after the first of January with payment of a thirty dollar (\$30.00) fee. A license for a new dog license in Chaska after June 30th may be prorated for one-half ($\frac{1}{2}$) the annual rate for the year.

- (a) Dog licenses shall be provided to owners of guide dogs for either hearing or seeing impaired individuals at no charge.

(Ord. No. 210, Sec. 2, 2/27/73; Ord. No. 226, Sec. 1, 9/2/75; Ord. No. 281, Sec. 13, 6/18/79; Ord. No. 437, Sec. 4, 8/29/88; Ord. No. 520, Sec. 1, 1/4/93; Ord. No. 556, Sec. 2, 8/1/94; Ord. No. 750, 6/30/03)

Section 38. - Reserved.

Section 39. - Issuance of tag.

Upon compliance with the requirements of this division a tag shall be issued to the applicant.

Section 40. - Tag to be fastened to dog.

It shall be the duty of the owner or keeper of every dog to cause the license tag issued pursuant to this division to be securely attached around the dog's neck and kept there at all times during the license period.

(Ord. No. 210, Sec. 2, 2/27/73)

Section 41. - Removal of tag prohibited.

It shall be unlawful for any person to remove the collar or tag from any dog licensed or tagged as herein provided, or to entice or carry away any such dog.

(Ord. No. 210, Sec. 2, 2/27/73)

Section 42. - Animal tags non-transferable; fees nonrefundable.

Animal tags shall not be transferred from one animal to another, and no refund shall be made of any animal license fee because of death of the animal, or because of the leaving of the City by the owner prior to the expiration date.

(Ord. No. 281, Sec. 14, 6/18/79)

Sections 43—47. - Reserved.

Division 3. - Impoundment

Section 48. - Authority to impound.

Dogs found running at large in violation of this article shall be impounded by the poundkeeper or any officer of the City authorized to enforce this chapter whether such dog is licensed or not.

(Ord. No. 210, Sec. 7, 2/27/73)

Section 49. - Fees for impounding and keeping.

The fees and charges for impounding and keeping any dog impounded under the provisions of this article and disposing of impounded animals shall be as set forth in that contract between the City and the appointed poundkeeper, which contract is on file in the office of the City Clerk.

(Ord. No. 210, Sec. 8, 2/27/73)

Section 50. - Records to be kept; contents.

Within twenty-four (24) hours after impounding any dog hereunder it shall be the duty of the poundkeeper to enter upon the records of the pound, in a book to be kept by him for such purpose, the date of impounding, a description of the dog impounded, the general area where said dog was found at the time of impounding, any record as to whether or not such dog has been licensed and tagged as required by this article.

(Ord. No. 210, Sec. 10, 2/27/73)

Section 51. - Public notice.

Public notice of the impounding of any dog shall be given by posting one (1) copy of the description of such dog and date of impounding on the bulletin board at the front door of the City Hall.

(Ord. No. 210, Sec. 10, 2/27/73)

Section 52. - Redemption of impounded dogs.

The owner of any dog impounded pursuant to this article may redeem the same by securing a license for such dog if a current license has not been issued for the dog, and paying all the costs and charges required herein that may have accrued up to the time of making the redemption pursuant to Section 49 of

this article. Such costs, together with an impoundment fee as hereinafter set forth shall be paid to the poundkeeper.

- (a) Twenty dollars (\$20.00) for the first impoundment;
- (b) Forty dollars (\$40.00) for the second impoundment;
- (c) Eighty dollars (\$80.00) for the third impoundment and each successive impoundment within a twelve (12) month period from the first impoundment.

(Ord. No. 210, Sec. 9, 2/27/73; Ord. No. 281, Sec. 15, 6/18/79; Ord. No. 392, Sec. 1, 3/17/86)

Section 53. - Disposal of unredeemed dogs.

Any dog impounded and not redeemed within five (5) days after the date of impoundment may be destroyed in a humane manner, sold or disposed of in such other way as the poundkeeper or City shall determine.

Any unredeemed dog may be surrendered to any licensed educational or scientific institution pursuant to Minnesota Statutes, Section 35.71.

(Ord. No. 210, Sec. 14, 2/27/73)

Sections 54—69. - Reserved.

Division 4. - Kennels

Section 70. - Reference.

The provisions of Minnesota Statutes, 1992, Section 347.35 and 347.37 are hereby incorporated herein and adopted by reference.

(Ord. No. 281, Sec. 16, 6/18/79; Ord. No. 556, Sec. 4, 8/1/94)

Section 71. - Definitions.

Cat means a feline of either male or female gender.

Commercial kennel means a place where any number of dogs and/or cats of any age are kept, confined or congregated for the purpose of selling, boarding, breeding, training, treating or grooming.

Dog means a canine of either male or female gender.

Owner means any person, firm or organization owning, keeping or harboring a dog or cat.

(Ord. No. 556, Sec. 5, 8/1/94; Ord. No. [922](#), Sec. 4, 8/15/16)

Section 72. - Kennels restricted to certain areas.

Commercial kennels shall be allowed by Special Use Permit only in the R-Rural District as authorized by the Chaska Zoning Ordinance and subject to the conditions set forth therein; or if permitted as a part of a veterinary clinic permitted and regulated pursuant to the City of Chaska zoning ordinances.

(Ord. No. 281, Sec. 16, 6/18/79; Ord. No. 556, Sec. 6, 8/1/94; Ord. No. [922](#), Sec. 5, 8/15/16)

Section 73. - Maintenance of kennels, dogs in kennels.

All commercial kennels shall be maintained in the following manner:

- (a) Kennels shall be kept in a clean, sanitary and well ventilated condition at all times, and shall be open to inspection by the Community Services Officer of the City at all reasonable times.
- (b) All dogs kept outside shall be provided with access to shelter protecting them from the sun, rain and snow, together with adequate bedding when the temperature falls below fifty (50) degrees Fahrenheit.
- (c) All dogs and cats confined by chains shall have the chain so attached that they cannot become entangled with the chains of other dogs, cats or any other objects. Such chains shall be attached to the dog or cat by means of a well-fitted collar and shall be of such length as to allow said animal to enjoy a reasonable amount of freedom and to obtain access to food, water and shelter.

(Ord. No. 281, Sec. 16, 6/18/79; Ord. No. 556, Sec. 8, 8/1/9; Ord. No. [922](#), Sec. 6, 8/15/16)

Section 74. - Kennel license required.

No person, firm or corporation shall own, harbor, keep or allow the keeping of more than two dogs or more than two cats over the age of six (6) months on his or her premises without first obtaining either a commercial or private kennel license from the City of Chaska.

(Ord. No. 281, Sec. 16, 6/18/79; Ord. No. 556, Sec. 8, 8/1/94)

Section 75. - Kennel license fee.

The license fee for a commercial kennel shall be one hundred dollars (\$100.00) per year.

(Ord. No. 556, Sec. 9, 8/1/94; Ord. No. [922](#), Sec. 7, 8/15/16)

Section 76. - Kennel license restrictions.

- (a) An application for a kennel license shall be submitted to the City of Chaska accompanied by the appropriate fee. The applicant must also submit an acknowledgment form signed by each of the surrounding property owners. The form shall state that the applicant has notified the property owners of the application and that they may contact the City with any comments they might have.
- (b) A kennel license may be issued after an inspection shows that adequate safeguards are present to protect the surrounding neighborhood from nuisances and to insure compliance with this section. A license may not be issued if the kennel does not comply with the applicable State health and maintenance standards promulgated pursuant to Minnesota Statutes, 1992, Section 347.35.
- (c) A license may be issued for one or two years and shall expire on December 31. A license may be revoked by the City because of a violation of this section, or any other relevant law, ordinance or regulation.
- (d) All licensed commercial kennels within the City are subject to inspections as provided in Minnesota Statutes, 1992, Section 347.37. A license violation not corrected within ten (10) days after notice will be grounds for revocation of the license.

In other cases, the kennel license shall be renewed only upon City Council approval.

(Ord. No. 281, Sec. 16, 6/18/79; Ord. No. 556, Sec. 10, 8/1/94)

Sections 77—80. - Reserved.

Article III. - Dangerous and Non-Domestic Animals

Section 81. - Definitions.

Domestic animal means and includes dogs (*Canis Familiaris*) and specifically excludes wolves or other members of the dog family (*Canidae*); cats (*Felis Catus*) and specifically excludes any other feline or member of the cat family; birds kept indoors, hamsters, gerbils and such other small rodents; chinchillas, rabbits; non-poisonous lizards except crocodiles and alligators, and non-poisonous snakes, which animals or reptiles are capable of being maintained continuously in cages; and other living creatures generally referred to as domestic pets. The term "domestic animal" shall also mean animals of husbandry when maintained in connection with a bona fide farming operation or otherwise permitted under the Zoning Ordinance of the City of Chaska.

Non-domestic animals shall include all other animals and reptiles not included in Subsection(a) above.

(Ord. No. 292, Sec. 1, 11/19/79)

Section 82. - Keeping non-domestic animals prohibited.

Except as provided in Section 84 of this chapter, the maintaining, keeping or harboring of non-domestic animals in the City of Chaska is hereby declared a nuisance and therefore prohibited.

(Ord. No. 292, Sec. 1, 11/19/79)

Section 83. - Impounding of non-domestic creatures.

Any non-domestic creature kept in violation of Section 82 of this chapter may be impounded by the City and, after being so impounded for five (5) days or more without being reclaimed by the owner, may be destroyed or sold. Any person reclaiming any such impounded animal shall pay the costs of impounding and keeping the same.

(Ord. No. 292, Sec. 1, 11/19/79)

Section 84. - Exceptions.

The prohibitions set forth in Section 82 of this chapter shall not be applicable in the following:

- (a) The keeping of such animals for exhibition to the public by a circus, carnival or other exhibit or show possessing a permit issued by the Commissioner of Natural Resources pursuant to Minnesota Statutes 97.611, and possessing such other permits as required pursuant to the ordinances of the City of Chaska.
- (b) The keeping of such animals in a licensed veterinary hospital for treatment.
- (c) Dangerous or poisonous reptiles maintained by a bona fide educational or medical institution for the purpose of instruction or study, provided such reptiles are securely confined and are properly cared for in a manner satisfactory to the health officer and Chief of Police.

(Ord. No. 292, Sec. 1, 11/19/79)

Sections 85—90. - Reserved.

Article IV. - Dangerous and Potentially Dangerous Dogs

Section 91. - Purpose and intent.

- (a) Dogs classified as "dangerous" or "potentially dangerous" pose a direct threat to the people, domestic animals and livestock of and in the City of Chaska community. It is the intent of City of Chaska to protect the public against the health and safety risks posed by dangerous and potentially dangerous dogs. In order to do so, the City of Chaska intends this article to address the threat posed by these animals. To that end, this article utilizes the statutory framework in Minnesota Statutes, Sections 347.50 through 347.565, which establishes how municipalities are to address reports of dog attacks.
- (b) Minnesota Statute Section 347.51, subd. 8, and Minnesota Statutes, Section 347.565 authorize counties to establish a procedure by which a dog may be declared dangerous or potentially dangerous, including the right to appeal that designation. Pursuant to the authority granted by Minnesota Statutes, the City Council of the City of Chaska prescribes the following procedures and enforcement regulations governing dangerous dog designations. This article does not regulate, govern, or control dogs not considered dangerous or potentially dangerous, or otherwise impact the regulation and control of other animals, whether wild or domestic.

(Ord. No. [922](#), Sec. 8, 8/15/16)

Section 92. - Title.

This article shall be known as, and may be cited and referenced as, the "City of Chaska Dangerous and Potentially Dangerous Dogs Article;" and when referred to herein, it shall be referenced to as "this article."

(Ord. No. [922](#), Sec. 8, 8/15/16)

Section 93. - Validity.

All sections and provisions of this article are deemed severable in nature. Should a court of competent jurisdiction declare any particular section or provision to be void, invalid, or unenforceable, that decision shall not affect the validity of this article as a whole nor be construed as a determination that any other section or provision is void, invalid, or unenforceable.

(Ord. No. [922](#), Sec. 8, 8/15/16)

Section 94. - Jurisdiction.

This article shall apply to all areas of the City of Chaska. This article also does not apply to any dog used by law enforcement officials for police work.

(Ord. No. [922](#), Sec. 8, 8/15/16)

Section 95. - Incorporation.

This article expressly adopts and incorporates the provisions of Minnesota Statutes, Sections 347.50 through 347.565. When the provisions of this article impose greater restrictions than those of any other statute, ordinance, rule, or regulation, the provisions of this article shall be controlling. Where the provisions of any other statute, ordinance, rule, or regulation impose greater restrictions than this article, the provision of such statute, ordinance, rule, or regulation shall be controlling.

(Ord. No. [922](#), Sec. 8, 8/15/16)

Section 96. - Definitions.

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

Animal control authority. Chaska Police Department or any law enforcement agent or other public official acting under its direction and control. Additionally, "animal control authority" shall mean any individual, organization, partnership, or entity operating under contract to perform animal control operations pursuant to a written agreement authorized and approved by the Chaska City Council, which has declared itself to be the "animal control authority" within its jurisdiction.

Bodily harm, great bodily harm, and substantial bodily harm shall have the meaning given to it under Minnesota Statutes, Section 609.02.

City of Chaska. The City of Chaska, a municipal corporation organized under the laws of the State of Minnesota.

City Council. The Chaska City Council, a municipal corporation organized under the laws of the State of Minnesota.

County. The County of Carver, a political subdivision of the State of Minnesota.

Dangerous dog. Any dog that has:

- (1) Without provocation, inflicted substantial bodily harm on a human being on public or private property;
- (2) When unprovoked, engaged in any attack on any person under circumstances which indicated danger to personal safety;
- (3) Killed a domestic animal without provocation while off the owner's property;
- (4) Been found to be potentially dangerous, and after the owner has received notice that the dog is potentially dangerous, the dog aggressively bites, attacks, or endangers the safety of humans or domestic animals;
- (5) When unprovoked, has bitten one or more persons on two or more separate occasions; or
- (6) Been or will be used, trained, or encouraged to fight with another animal; or whose owner has in their custody or possession any training apparatus, paraphernalia, or drugs used to prepare such dog for fighting with another animal.

Hearing. A proceeding conducted by a hearing officer in accordance with the requirements of this article.

Hearing officer. A licensed doctor of veterinary medicine, an Animal Control Authority official, the City Administrator, or any otherwise qualified impartial "hearing officer" appointed by the City Administrator.

Kill, kills or killed. Any act in which there is a direct causal connection between the act of the attacking dog and the death of the person or other animal. For domestic animals which were euthanized following such an attack, "killed" or "kills" shall mean the death was the direct consequence of the attack, extensive veterinarian assistance would be futile, and that euthanasia merely hastened the inevitable death of the victim animal.

Owner. Any person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having care, custody, or control of a dog. Any person in possession of a dog five consecutive days or more shall, for the purposes of this article, be deemed to be an "owner" thereof.

Potentially dangerous dog. Any dog that:

- (1) When unprovoked, inflicts a bite on a human or domestic animal on public or private property;
- (2) 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
- (3) Has a known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.

Proper enclosure. Securely confined indoors, or in a securely enclosed and locked pen or structure outdoors, suitable to prevent the animal from escaping and providing the dog protection 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 of its own volition, or any house or structure in which windows are open or in which door or window screens are the only obstacles that prevent the dog from exiting. Such enclosure shall not allow the egress of the animal in any manner without human assistance.

A pen or kennel, in order to qualify as a "proper enclosure," shall meet the following minimum specifications:

- (1) The overall floor size shall have a minimum area of 32 square feet;
- (2) Sidewalls shall have a minimum height of five feet and be constructed of 11-gauge or heavier wire. Openings in the wire shall not exceed two inches, support posts shall be one and one-quarter-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 into the ground;
- (3) A cover over the entire pen or kennel shall be provided, shall be constructed of the same gauge wire or heavier as the sidewalls, and shall also have no openings in the wire greater than two inches; and
- (4) 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 two 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. The area under the gate shall be constructed and maintained in such a way as to prevent the dog from digging under the gate.

Unprovoked. The condition in which the dog is not purposely excited, stimulated, agitated, or disturbed. Any attack on a child 14 years of age or younger is presumed to be "unprovoked." This presumption can be rebutted if sufficient evidence is shown to prove beyond a reasonable doubt that the child was engaged in the commission of a crime or illegal activity, including activities classified under Minnesota Statutes, Section 343 as cruelty to animals.

(Ord. No. [922](#), Sec. 8, 8/15/16)

Section 97. - Designation of a potentially dangerous dog.

- (A) *Designation.* Following the investigation of a dog attack incident, the Animal Control Authority shall review all reports. Following that review, the Animal Control Authority shall designate any dog potentially dangerous if there is a preponderance of evidence that the dog acted in a manner described in the definition of Dangerous Dog in Section 96 above.
- (B) *Notice.*
 - (1) Upon determination that a dog is potentially dangerous, the Animal Control Authority shall provide a written notice of potentially dangerous dog to the owner of record, or if there is no owner

of record, any owner of such dog by personally serving the owner or a person of suitable age and discretion at the residence of such owner.

- (2) Service upon any owner shall be effective as to all owners.
 - (3) The notice shall state the dates, times, places, and facts of the incidents which form the basis for the determination and shall include the following:
 - (a) A description of the dog deemed to be potentially dangerous;
 - (b) The factual basis for that determination; and
 - (c) The identity of the official who made the determination.
 - (d) The notice shall also set forth the restrictions imposed upon a potentially dangerous dog under this article.
 - (4) The notice shall also advise the owner(s) that they have five days to ask the Office of the Carver County Attorney to review the designation and shall include a pre-printed form that the owner may use to request the review. The request for a review shall be made directly to the Animal Control Authority and Office of the Carver County Attorney and must be submitted in writing.
 - (5) If the owner does not request a review within the allotted five days, the designation of potentially dangerous dog as issued in the written notice of potentially dangerous dog will stand, and the owner will be subject to all restrictions and requirements as set forth in the notice by the Animal Control Authority.
- (C) *Appeal of a potentially dangerous dog designation.*
- (1) Within five business days of being notified that their dog has been designated a potentially dangerous dog by the Animal Control Authority, the owner or custodian of the dog may request a review of the designation in writing on a form provided by the Animal Control Authority and may submit written and other documentary evidence that disputes the designation to the Office of the Carver County Attorney. The Office of the Carver County Attorney shall make a decision within seven days following the receipt of the written request, based only upon the written evidence.
 - (2) Within five business days after a potentially dangerous dog designation is confirmed by the Office of the Carver County Attorney, the owner or custodian of the dog may request a hearing to contest the designation. The request for a hearing shall be made in writing on a form provided by the Office of the Carver County Attorney.
 - (3) The hearing shall be held before the City of Chaska Administrator or by an independent hearing examiner selected by the City of Chaska Administrator, not more than 15 days after receipt of the request for hearing. The Hearing Officer may allow the hearing date to be extended beyond the 15 day period for good cause. Any dog owner who requests such a hearing is liable to the county for all costs and expenses related to the hearing.
 - (4) The Hearing Officer shall hear testimony of the parties and their witnesses and shall consider exhibits offered by the parties. At the hearing, both the owner and the Animal Control Authority may present the testimony of live witnesses, cross-examine witnesses, and present documentary evidence. The party offering an exhibit shall mark the party's name on the exhibit in a manner that will not obscure the exhibit. All exhibits will be returned to the parties at the conclusion of the hearing unless otherwise ordered by the Hearing Officer. The Hearing Officer shall normally receive only evidence admissible under the rules of evidence, but in the exercise of discretion and in the interests of justice, may receive otherwise inadmissible evidence. The records of the Animal Control Authority, any police reports relating to an attack or bite, medical records, and all reliable hearsay shall be admissible for consideration by the Hearing Officer without further foundation. The Animal Control Authority and the dog's owner may apply to the District Court for subpoenas for hearings.
 - (5) The county shall have the burden of proving the dog is potentially dangerous by a preponderance of the evidence. The owner may be represented by private legal counsel of the owner's choosing,

although the owner does not have the right to an attorney at public expense. The Animal Control Authority may be represented by the Office of the Carver County Attorney.

- (6) The Hearing Officer shall make a final decision within seven days of the hearing. After considering all evidence pertaining to the dog, the Hearing Officer shall issue a written order which rejects or upholds the determination. If the Hearing Officer upholds the determination as potentially dangerous, the order may affirm or modify the conditions recommended by the Animal Control Authority. If, as a result of testimony or other evidence at the hearing, there are grounds for declaring the dog to be a dangerous dog pursuant to Section 98(a) of this article, the Hearing Officer may change the designation and issue the appropriate orders. The petitioner shall pay the Hearing Officer's fees, unless the City of Chaska's designation is set aside.
 - (7) The decision of the Hearing Officer is a quasi-judicial determination that is subject to review by a court of competition jurisdiction.
 - (8) Except to the extent that a court or Hearing Officer finds that the seizure or impoundment was not substantially justified by law, the owner or person claiming an interest in the dog is liable for all actual costs of care, keeping, and disposal of the dog. The costs must be paid in full, or a mutually satisfactory arrangement for payment must be made between the county and the person claiming an interest in the dog, before the dog is returned to the person. If the owner or person claiming an interest in the dog does not pay the costs in full or enter into a payment schedule, the owner or person claiming an interest in the dog shall forfeit all rights and interests in the dog.
 - (9) The Animal Control Authority, or Hearing Officer, may, upon the written request of the owner, review the status of a dog which has been determined to be potentially dangerous if a period of two years has passed without any further incidents or violations of this article and may use discretion in determining whether any conditions which have been ordered are still required. If the review is conducted by the Hearing Officer, the burden of proof shall be upon the dog's owner, and the standard of proof shall be by clear and convincing evidence. The owner must provide evidence that the dog's behavior has changed due to the dog's age, neutering, environment, completion of obedience training that includes modification of aggressive behavior, or other factors. This designation may be reviewed again no sooner than one year following the Hearing Officer's most recent order regarding the designation of the dog as dangerous. An administrative hearing fee shall be required prior to such a review. In the event that the potentially dangerous dog designation is upheld by the Hearing Officer, all actual expenses of the hearing will be the responsibility of the dog's owner.
 - (10) If the Hearing Officer confirms the potentially dangerous dog designation, the owner or custodian of the dog shall complete the potentially dangerous dog registration form and file it with the Animal Control Authority with evidence as set forth in Section 97(d)(1) through (7) of this article within 14 days of the final decision.
- (D) *Potentially dangerous dog requirements.*
- (1) Any dog determined to be potentially dangerous shall be microchipped in accordance with Section 99 of this article.
 - (2) The owner of a dog may be required to complete an approved dog obedience class within a designated period of time and provide proof of completion to the Animal Control Authority.
 - (3) The dog may be required to be kept in a proper enclosure, or restrained by chain or leash not to exceed six feet in length, and/or muzzled, and under the control of a responsible person 18 years of age or older at all times it is outdoors and not inside a proper enclosure.
 - (4) The owner may be required to post the property where the dog resides with a warning symbol that children can understand, containing a written notice and warning that a potentially dangerous dog is present on the property. Such signs shall conform to the requirements set forth in Minnesota Statutes, Section 347.51, subd. 2(a) and Section 98 (L)(4) of this article.
 - (5) The owner may be required to show proof of up-to-date rabies vaccination and, if required, licensing.

- (6) The dog may be required to wear, at all times, a tag or marker identifying it as a potentially dangerous dog.
- (7) The dog may be required to be sterilized within 30 days of the owner receiving notice. Penalty, see Section 99.

(Ord. No. [922](#), Sec. 8, 8/15/16)

Section 98. - Designation of a dangerous dog.

- (A) *Designation.* Following the investigation of a dog attack incident, the Animal Control Authority shall review all reports. Following that review, the Animal Control Authority shall designate any dog dangerous if a preponderance of evidence exists that the dog acted in a manner described in the definition of Dangerous Dogs in Section 96.
- (B) *Impound.* The Animal Control Authority may impound, at the animal owner's expense, any dog determined to pose a threat to public safety pending a final dangerous dog designation order. The Animal Control Authority shall quarantine, at the animal owner's expense, any dog without proof of current rabies vaccination upon receiving evidence that the dog has bitten any person or domestic animal. Any person who fails or refuses to release a dog to the Animal Control Authority or law enforcement agent upon demand, or after it has been found by a Hearing Officer to be dangerous and ordered into custody, at any time in the investigation, review or requirement stages as described in any part of this article, shall be guilty of a misdemeanor.
- (C) *Notice.*
 - (1) Upon a designation that a dog is dangerous, the Animal Control Authority shall provide a written notice of dangerous dog to the owner of record or, if none, to any owner of such dog by personally serving the owner or a person of suitable age and discretion at the residence of such owner. Service upon any owner shall be effective as to all owners. The notice shall state the dates, times, places, and facts of the incidents which form the basis for the determination and include the following:
 - (a) A description of the dog deemed to be dangerous;
 - (b) The factual basis for that determination; and
 - (c) The identity of the official who made the determination.
 - (2) The notice shall also set forth the registration requirements and other restrictions imposed upon a dangerous dog under this article or Minnesota Statutes, Chapter 347.
 - (3) The notice shall also advise the owner(s) that they have five days to appeal the determination by requesting a hearing before the Hearing Officer and shall include a pre-printed form which the owner can use to request a hearing. The request for a hearing shall be made directly to the Animal Control Authority and Office of the Carver County Attorney and must be submitted in writing.
 - (4) If the owner does not request a hearing within the allotted ten days, the designation of dangerous dog as issued in the written notice of dangerous dog will stand, and the owner will be subject to all restrictions and requirements as set forth in the notice by the Animal Control Authority.
- (D) *Appeal of dangerous dog designation.*
 - (1) Within five days after receiving notice of a dangerous dog designation, the owner or custodian of the dog may request a hearing to contest the designation. The request for a hearing shall be made in writing on a form provided by the Animal Control Authority.
 - (2) Except as otherwise described in this section, the hearing shall be conducted pursuant to the requirements of Section 97(c) of this article.
 - (3) Pending a hearing, the dog may be seized and held by the Animal Control Authority at a place of the Animal Control Authority's designation unless the owner shows proof that the dog is

properly licensed, if required; has met the requirement for rabies vaccinations; keeps the dog only in a proper enclosure unless restrained on a leash with a muzzle; and otherwise demonstrates to the Animal Control Authority that the dog, under its present circumstances, does not present an unreasonable risk of harm to persons or other domestic animals.

- (4) After considering all evidence pertaining to the dog, the Hearing Officer shall make such order(s) as the Hearing Officer deems proper including ordering the Animal Control Authority to take the dog into custody if the dog is not currently in custody.
- (E) *Authority to order destruction.* The Hearing 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 findings of fact establishing that each of the following criteria are present:
- (1) The dog is dangerous as demonstrated by a vicious attack, an unprovoked attack, an attack without warning, or multiple attacks;
 - (2) The owner of the dog has demonstrated an inability or unwillingness to sufficiently control the dog in order to prevent injury to persons or other animals; and
 - (3) The owner cannot, will not, does not, or otherwise refuses to provide proof of the liability insurance for the dog as required by Section 98(G)(3)(c) of this article.
- (F) *Cost.* The owner or person claiming an interest in the dog is liable for all actual costs of care, keeping, and disposal of the dog, except to the extent that a court or Hearing Officer finds that the seizure or impoundment was not substantially justified by law. The costs must be paid in full, or a mutually satisfactory arrangement for payment must be made between the county and the person claiming an interest in the dog, before the dog is returned to the person.
- (G) *Dangerous dog registration.*
- (1) *Requirements.* For any dog determined or declared to be dangerous by operation of this article, state statute, court order, ordinance, or regulation from another jurisdiction, or valid declaration from an Animal Control Authority, the dog shall, at all times during the dog's life, be registered as a dangerous dog pursuant to this article or state law.
 - (2) *Registration.* No person may own or possess a dangerous dog in this county unless the dog is registered as provided in this article or applicable state law. All dogs deemed dangerous by the Animal Control Authority or Hearing Officer, as applicable, shall be registered as a dangerous dog with the Animal Control Authority within 30 days after the date the dog was so deemed.
 - (3) *Registration requirements.* The Animal Control Authority shall issue a certificate of registration to the owner of a dangerous dog only if the owner presents sufficient evidence that all of the following are met:
 - (a) The owner provides and maintains a proper enclosure for the dangerous dog, as defined in Section 96;
 - (b) The owner posts clearly visible warning symbol, understandable to children, that there is a dangerous dog on the property. These warning signs must be posted on the front and the rear of all buildings on the property and upon the proper enclosure for the dog. The warning symbol must meet the requirements set forth in Minnesota Statutes, Section 347.51, subd. 2(a) and Section 98(L)(4);
 - (c) The owner provides, and annually shows proof of, public liability insurance pre-paid in full in the minimum amount of \$500,000 per person and \$1,000,000 per incident, payable to any person or persons injured by the dangerous dog or a policy of liability insurance issued by an insurance company authorized to conduct business in this state in the amount of at least \$500,000 per person and \$1,000,000 per incident insuring the owner for any personal injuries inflicted by the dangerous dog;
 - (d) The owner pays the annual registration fee set by the Board;

- (e) An identification microchip was implanted in the dog as required under Minnesota Statutes, Section 347.515 and Section 99;
 - (f) The owner provides proof that all applicable dog licensing requirements are met;
 - (g) The owner provides proof that the dog is current on all commonly required vaccines;
 - (h) The dog must be sterilized. If proof of the sterilization is not delivered to the Animal Control Authority, within 30 days of the designation of a dog as dangerous, the Animal Control Authority shall seize the dog and have it sterilized at the owner's expense. If the owner does not surrender the dog after the 30-day period expires, then the Animal Control Authority may seize the dog pursuant to Section 98(b).
 - (i) An owner of a dangerous dog shall renew the registration of the dog annually until the dog is deceased.
- (H) *Release.* If a dangerous dog was impounded by the Animal Control Authority or upon order of a Hearing Officer, the dog shall not be released until the owner demonstrates to the Animal Control Authority that all applicable requirements of this article, including all registration requirements imposed by this section or applicable state law, have been complied with. The owner shall have a maximum of 30 days to comply with all requirements. The owner shall be responsible for all costs incurred in the seizure and boarding of the dog, prior or the dog's return.
- (I) *Revocation.*
- (1) Any certificate of registration for a dangerous dog may be revoked, if the owner fails to maintain compliance with any registration requirement or fails to keep or maintain the dangerous dog as required by any provision of this article or applicable state law. The provisions of Section 100 and Section 101, applicable to the seizure and disposition of dogs, shall apply.
 - (2) The Animal Control Authority shall serve upon the owner a written notice setting forth the alleged reasons how the dog is not being kept in conformance with this article and shall also notify the owner of the date, time, and location of the hearing. Any hearing to revoke a certificate of registration shall be held before a Hearing Officer within 20 days of the date of the notice, and shall comply with all the requirements as set forth in Section 97(B). The Hearing Officer may allow the hearing date to be extended beyond the 20-day period for good cause.
 - (3) If a dangerous dog certificate of registration is revoked following the hearing, the Hearing Officer shall order the dog disposed of immediately or, in the alternative, permit the owner a reasonable time period, not to exceed 30 days, to obtain the dog if the owner is in compliance with all registration requirements.
- (J) *Death or relocation of dangerous dog.* An owner of a dangerous dog shall notify the Animal Control Authority, in writing, of the death of the dog, or if the dog relocates or transfers out of the County to a new location or new jurisdiction, within 30 days of the death or relocation. An owner shall, if instructed by the Animal Control Authority, execute an affidavit, under oath and penalty of perjury, setting forth either the circumstances of the dog's death and disposition; or the complete name, address, and telephone number of the person to whom the dog was transferred.
- (K) *Sale or transfer of dangerous dogs.* A person who sells or otherwise transfers ownership or control of a dangerous dog must notify any potential purchaser or transferee, prior to the consummation of the transaction that the dog was previously designated as dangerous. The seller must also notify the Animal Control Authority, in writing, of the sale and provide the Animal Control Authority with the new owner's name, address, and telephone number.
- (L) *Dangerous dog requirements.*
- (1) *Requirements.* For any dog determined or declared to be dangerous by operation of this article, state statute, court order, ordinance or regulation from another jurisdiction, or valid declaration from an Animal Control Authority, the dog shall, at all times during the dog's life, be registered as a dangerous dog pursuant to this article or state law.

- (2) *Restraint.* An owner of a dangerous dog shall, at all times, keep the dog, while on the owner's property, in a proper enclosure as defined by Section 96. If for any reason and at any time a dangerous dog is not in a proper enclosure the dangerous dog must be muzzled and restrained by a substantial chain or leash not to exceed six feet in length and under the physical restraint of a responsible person 18 years of age or older. The muzzle, chain, and leash must all be of such a design, manufacture, and maintained in a condition that will prevent the dog from biting any person or animal, but that will not cause injury to the dog or interfere with its vision or respiration.
- (3) *Leased property.* A person who owns a dangerous or potentially dangerous dog and who rents property from another where the dog will reside shall disclose to the property owner prior to when the dog begins to reside on the property, or prior to entering the lease agreement, and at the time of any lease renewal, that the person owns a dangerous or potentially dangerous dog that will reside at the property.
- (4) *Warning symbol.* If the county issues a certificate of registration to the owner of a dangerous dog pursuant to this article, the county must provide, for posting on the owner's property, an adequate number of warning symbols to inform all persons, including children, that there is a dangerous dog on the property. The design of the warning symbol must be uniform with any specifications for such a sign as issued by the Minnesota Commissioner of Public Safety, if any, and shall otherwise be obtained by the county from the Commissioner of Public Safety. The county will charge the owner a reasonable fee to cover its administrative costs and the cost of the warning symbol.
- (5) *Tag.* A dangerous dog registered under this section shall have a standardized, easily identifiable tag identifying the dog as dangerous and containing the uniform dangerous dog symbol, as developed by the Commissioner of Public Safety or the Animal Control Authority, affixed to the dog's collar at all times.
- (6) *Property inspection.* The owner of a dangerous dog shall permit the Animal Control Authority and/or law enforcement to enter the property where a dangerous dog is kept or located, at all hours reasonable under the circumstances, without a warrant or other advance judicial process, to inspect the premises so as to ensure compliance with the provisions of this article, applicable state statutes, order from a Hearing Officer, or directive from the Animal Control Authority. The failure of an owner to permit such inspection is, by itself, a ground to immediately seize the dog pursuant to Section 100 and revoke the dangerous dog registration pursuant to division (l) of this section.
- (7) *Violation.* The Animal Control Authority shall immediately seize a dangerous dog if requirements imposed by this article are not followed. The owner or custodian may reclaim the dog upon payment of impounding and boarding fees and upon presenting proof to the Animal Control Authority that the requirements of Minnesota Statutes, Sections 347.51 and 347.52 have been met. A dangerous dog not reclaimed under this section within 14 days may be disposed of as provided by law, and the owner is liable to the Animal Control Authority for costs incurred in confining and disposing of the dog.
- (8) *Review of conditions.* If, in reviewing the conditions for keeping a dangerous dog, there have been no ordinance violations for a period of two years, the Animal Control Authority or Hearing Officer may use discretion in determining whether the conditions set forth above are still required.
- (9) *Review of designation.* The Animal Control Authority or Hearing Officer may, upon the written request of the owner, review the status of a dog which has been determined to be dangerous if a period of two years has passed without any further incidents or violations of this article and may use discretion in determining whether any conditions which have been ordered are still required. If the review is conducted by the Hearing Officer, the burden of proof shall be upon the dog's owner and the standard of proof shall be by clear and convincing evidence. The owner must provide evidence that the dog's behavior has changed due to the dog's age, neutering, environment, completion of obedience training that includes modification of aggressive behavior, or other factors. This designation may be reviewed again no sooner than one year following the Hearing Officer's most recent order regarding the designation of the dog as dangerous. An

administrative hearing fee shall be required prior to such a review. In the event that the dangerous dog designation is upheld by the Hearing Officer, all actual expenses of the hearing will be the responsibility of the dog's owner.

(Ord. No. [922](#), Sec. 8, 8/15/16)

Section 99. - Microchip identification.

It shall be the responsibility of each owner of any dog kept or harbored within the county and determined to be a dangerous or potentially dangerous dog under this article, court order, state statute, designation from the Animal Control Authority, or a substantially similar ordinance from another jurisdiction to ensure that a microchip is implanted in the dog for identification. The name of the microchip manufacturer and identification number of the microchip must be provided to the Animal Control Authority. If the microchip is not implanted by the owner, the Animal Control Authority may seize the dog to have a microchip implanted by a qualified veterinarian, clinic or shelter staff. In either case, all costs related to purchase and implantation of the microchip must be borne by the dog's owner.

(Ord. No. [922](#), Sec. 8, 8/15/16)

Section 100. - Confiscation.

(A) *Seizure.* The Animal Control Authority shall immediately seize any dangerous dog or potentially dangerous dog if:

- (1) After 30 days after the owner has notice that the dog is dangerous or potentially dangerous, the dog is not validly registered under this article or applicable state law;
- (2) After 30 days after the owner has notice that the dog is dangerous, the owner does not secure the proper liability insurance or surety coverage as required under this article;
- (3) The dog is not maintained in a proper enclosure as defined in Section 96;
- (4) The dog is outside the proper enclosure and not under the proper physical restraint of a responsible person as required under this article or any applicable state law;
- (5) The owner is served with written notice, by certified mail to the owner's last known address, that the owner is in violation of any of the requirements of this article or any applicable state statute, or is in violation of any directive issued by the Animal Control Authority or order from a Hearing Officer, and within 30 days of service of such written notice, has refused or failed to achieve satisfactory compliance;
- (6) The Animal Control Authority has reason to believe that the dog is a dangerous or potentially dangerous dog and is kept or maintained under conditions or circumstances creating an unacceptable risk of harm to physical persons or other domesticated animals; or
- (7) For any other reason authorized by law.

(B) *Additional dogs subject to seizure.*

- (1) Any dog found to be in circumstances, which, to a reasonable person, indicate that the dog has been or will be used, trained, or encouraged to fight with another animal, or any animal whose owner has in custody or possession any training apparatus, paraphernalia, or drugs used to prepare such dog to be fought with another animal is hereby declared to be a public nuisance and shall be immediately seized and held.
- (2) Any dog may be seized and held to determine if rabid.
- (3) Any dog which meets the definitions of dangerous dog or potentially dangerous dog found in Section 96 may be seized and held by the Animal Control Authority at a place designated by the

Animal Control Authority pending a determination whether the animal is dangerous or potentially dangerous.

- (C) *Reclaiming dogs.* A dog seized under this article may be released to the owner upon payment of impounding and boarding fees and upon presenting proof to the Animal Control Authority that all requirements of this article and state law have or will be met. A dog not reclaimed under this subdivision within five days may be disposed of as provided under Minnesota Statutes, Section 35.71, subd. 3, and the owner is liable to the Animal Control Authority for costs incurred in confining and disposing of the dog.
- (D) *Subsequent offenses.* If a person has been convicted of a misdemeanor for violating a provision of this article and the person is charged with a subsequent violation relating to the same dog, the dog shall be seized by the Animal Control Authority. If the owner is convicted of the crime for which the dog was seized, the court shall order the dog be destroyed in a proper and humane manner and order the owner to pay the cost of confining and destroying the dog. If the person is not convicted of the crime for which the dog was seized, the owner may reclaim the dog upon payment to the Animal Control Authority of a fee for the care and boarding of the dog. If the dog is not reclaimed by the owner within 30 days after the owner has been notified that the dog may be reclaimed, the dog may be disposed of as provided under Minnesota Statutes, Section 35.71, subd. 3. The owner is liable to the Animal Control Authority for the costs incurred in confining, impounding, and disposing of the dog.

(Ord. No. [922](#), Sec. 8, 8/15/16)

Section 101. - Destruction of dogs.

- (A) *Upon infliction of death or bodily harm.* A dog that, when unprovoked, inflicted death or substantial or great bodily harm on a human being on public or private property, or when unprovoked, bit multiple human victims on public or private property in the same attack may be destroyed in a proper and humane manner by the Animal Control Authority. The Animal Control Authority may not destroy the dog until the dog owner is provided the opportunity for a hearing before a Hearing Officer, as set forth in this article.
- (B) *Suffering beyond cure.* Notwithstanding any other provision of this article, any dog taken into custody may be immediately disposed of when the dog is suffering and is beyond cure through reasonable care and treatment, upon a proper determination by a licensed doctor of veterinary medicine. The county shall recover from the dog's owner all costs incurred under this section.
- (C) *Unclaimed dogs.* At the expiration of the time a dog is impounded as provided for in this article, if the dog has not been reclaimed in accordance with the provisions hereof, it shall be the duty of the Animal Control Authority to cause such dog to be destroyed according to the most humane and approved methods or otherwise disposed of pursuant to Minnesota Statutes, Section 343.
- (D) *No appeal.* If no appeal is filed, the dangerous dog designation will stand and the animal may be destroyed. The dog owner shall pay for the cost of the dog's destruction pursuant to Minnesota Statutes, Section 347.56.

(Ord. No. [922](#), Sec. 8, 8/15/16)

Section 102. - Restrictions.

- (A) *Dog ownership prohibited.* Except as otherwise provided by this statute or Minnesota law no person may own a dog if the person has:
 - (1) Been convicted of a third or subsequent violation of Section 98(G) or (L), or Section 99;
 - (2) Been convicted of a violation under Minnesota Statutes, Section 609.205, subd. 4;
 - (3) Been convicted of a gross misdemeanor under Minnesota Statutes, Section 609.226, subd. 1;

- (4) Been convicted of a violation under Minnesota Statutes, Section 609.226, subd 2; or
 - (5) Has a dog ordered destroyed under Section 101 and been convicted of one or more violations of Section 98(G) or (L), Section 99, or Minnesota Statutes, Section 609.226, subd. 2.
- (B) *Household member.* If any member of a household is prohibited from owning a dog in division (a) of this section, unless specifically approved with or without restriction by an Animal Control Authority, no person in the household is permitted to own a dog.
- (C) *Dog ownership prohibition review.* Beginning three years after a conviction listed in division (a) of this section that prohibits a person from owning a dog, and annually thereafter, the person may request that the Animal Control Authority review the prohibition. The Animal Control Authority may consider such facts as the seriousness of the violation or violations that led to the prohibition, any criminal convictions, or other facts that the Animal Control Authority deem appropriate. The Animal Control Authority may rescind the prohibition entirely or rescind it with limitations. The Animal Control Authority also may establish conditions a person must meet before the prohibition is rescinded, including, but not limited to, successfully completing dog training or dog handling courses. If the Animal Control Authority rescinds a person's prohibition and the person subsequently fails to comply with any limitation imposed by the Animal Control Authority or the person is convicted of any animal violation involving unprovoked bites or dog attacks, the Animal Control Authority may permanently prohibit the person from owning a dog.

(Ord. No. [922](#), Sec. 8, 8/15/16)

Section 103. - Exemptions.

- (A) The provisions of this section do not apply to police K-9 dogs used by law enforcement officials for police work.
- (B) Dogs may not be declared dangerous or potentially dangerous if the threat, injury, or damage was sustained by a person:
 - (1) Who was committing, at the time, a willful trespass or other tort upon the premises occupied by the owner of the dog;
 - (2) 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
 - (3) Who was committing or attempting to commit a crime.

(Ord. No. [922](#), Sec. 8, 8/15/16)

Section 104. - Rabies quarantine.

- (A) Whenever any dog has bitten any person or domestic animal and the owner or custodian does not provide proof of current rabies vaccination, the owner or custodian of the dog, upon being notified by the Animal Control Authority or local law enforcement, will immediately cause the dog to be quarantined, in either a proper enclosure, as defined in Section 96, or if the animal control officer feels it is needed, at a state licensed veterinarian, and in a manner that is in accord with all applicable Minnesota statutes, administrative rules, and Minnesota Department of Health guidelines, with the Animal Control Authority, or by a veterinarian licensed to practice in the State of Minnesota, for a period of ten days after the dog bite occurred.
- (B) Within 24 hours of impoundment, the dog owner or custodian will have the dog examined by a state licensed veterinarian who will observe the animal and examine the animal if necessary to ascertain whether symptoms of rabies exist. At the end of the ten-day quarantine period, the dog will again be examined by a state licensed veterinarian. If the veterinarian diagnoses the dog to be free of the signs of rabies, the dog will be released from quarantine. If the dog becomes ill or dies during the period of

quarantine, the owner shall immediately notify the Animal Control Authority for examination by a state licensed veterinarian. If the veterinarian determines that the dog has rabies, the dog shall immediately be euthanized in a humane manner. Upon the death of the dog, its head will be sent to the State Department of Health, the University of Minnesota, or another appropriate agency as designated by the State of Minnesota for examination for rabies.

(Ord. No. [922](#), Sec. 8, 8/15/16)

Section 105. - Cost.

The owner is responsible for the cost of seizures, impoundment, quarantine, examination by a veterinarian, veterinarian services, and disposal of the dog or any other cost incurred as a result of enforcement of this article, unless otherwise specified herein.

(Ord. No. [922](#), Sec. 8, 8/15/16)

Section 106. - Penalty.

- (A) The owner of a dog declared dangerous or potentially dangerous who fails to comply with the requirements of this article shall be guilty of a misdemeanor with penalties as provided under Minnesota law.
- (B) It is a misdemeanor to remove a microchip from a dangerous or potentially dangerous dog; to fail to renew the registration of a dangerous dog; to fail to account for a dangerous dog's death, transfer of ownership, or removal from the jurisdiction; to sign a false affidavit with respect to a dangerous dog's death, transfer of ownership, or removal from the jurisdiction; or to fail to disclose ownership of a dangerous or potentially dangerous dog to a property owner from whom the person rents property.

(Ord. No. [922](#), Sec. 8, 8/15/16)