

CHAPTER VII

ANIMALS

Section 700 - Animals

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700.01 Definition of Terms. For the purposes of this subsection, the following definitions shall apply, unless the context clearly indicates or requires a different meaning.

Subd. 1. Animal Shelter or City of Rice Animal Shelter. "Animal Shelter" or "City of Rice Animal Shelter" shall mean any premises designated by the City Council for the purpose of impounding or caring for animals held under the authority of this subsection.

Subd. 2. At Large. "At Large" shall mean off the premises of the owner and not under the control of the owner or other competent person by a leash not exceeding eight feet in length or otherwise restrained or confined.

Subd. 3. Dangerous Dog. "Dangerous Dog" shall mean any dog that has:

- (a) Without provocation, inflicted substantial bodily harm on a human being while on public or private property;
- (b) Killed a domestic animal without provocation while off the owner's property; or
- (c) Been found to be potentially dangerous and after the owner has notice that the dog is potentially dangerous, the dog aggressively bites, attacks, or endangers the safety of humans or domestic animals.

Subd. 4. Domestic Animals. "Domestic Animals" shall mean any of various non-venomous animals domesticated so as to live and breed in a tame condition and are limited to the following species:

- (a) Domestic dogs (*Canis lupus familiaris*);
- (b) Domestic cats (*Felis catus*);
- (c) Domestic rabbits (*Oryctolagus cuniculus*);
- (d) Domestic ferrets (*Mustela putorius furo*);

devices or the conduct of raffles shall not be the same person who accounts for bingo gross receipts, expenses and profits.

600.25 Location of Operation. Gambling devices shall be operated and raffles conducted by a licensed organization only upon premises which it owns or leases except that tickets for raffles conducted in accordance with this section may be sold off the premises. Leases, unless authorized in another location by the Rice City Council shall be for a period of not less than one year and shall be in writing. Copies of all leases shall be provided to the City Clerk. The City may authorize raffles to be conducted by a licensed organization on premises not owned or leased by the organization.

600.27 Prizes. Total prizes from the operation of paddlewheels, tip boards and pull-tabs (or ticket jars) awarded in any single day in which they are operated shall not exceed \$1,000.00. Total prizes resulting from any single spin of a paddlewheel, or from any single seal of a tip board, each tip board limited to a single seal, or from a single pull-tab (or ticket jar), shall not exceed \$150.00. Total prizes awarded in any calendar year by any organization from the operation of paddlewheels, tip boards and pull-tabs (or ticket jars) and the conduct of raffles shall not exceed \$35,000.00. Merchandise prizes shall be valued at fair market retail value.

600.29 Penalty. Violation of any provision of this section is a misdemeanor.

- (e) Birds (any of the class of *Aves*) that are caged and otherwise kept inside the residence with the exception that properties that are zoned Rural Residential or Agricultural by the Rice Zoning Ordinances may keep birds outside of residences and cages so long as they are not free to leave the property;
- (f) Domestic mice, rats, gerbils, hamsters, chinchillas, and guinea pigs;
- (g) Any of the class of *Reptilia* such as snakes, lizards, and turtles excepting those meeting the non-domestic animal definition;
- (h) Any of the class of *Amphibian* such as salamanders, frogs, and toads excepting those meeting the non-domestic animal definition;
- (i) Any of the order of *Erinaceomorpha* such as hedgehogs and moon rats; and
- (j) Sugar gliders (*Petaurus breviceps*).

Subd. 5. Farm Animals. "Farm Animals" shall mean those animals commonly associated with a farm or performing work in an agricultural setting. The term includes members of the equestrian family (horses, mules), bovine family (cows, bulls), sheep, poultry (chickens, turkeys), fowl (ducks, geese), swine (including Vietnamese pot bellied pigs), goats, bees, and other animals associated with a farm, ranch, or stable.

Subd. 6. Great Bodily Harm. "Great Bodily Harm" shall mean bodily injury that creates a high probability of death, or that causes serious permanent disfigurement, or which otherwise causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily harm.

Subd. 7. Kennel. "Kennel" shall mean any place, building, or tract of land where no more than two dogs are kept and maintained, with the exception of locations where the owners have been issued a Multiple Animal Permit. The term "kennel" does not include a veterinarian licensed to practice in the State of Minnesota who keeps, congregates, or confines dogs in the normal pursuit of the practice of veterinary medicine or an animal shelter owned and operated by any political subdivision of the State.

Subd. 8. Non-Domestic Animal. "Non-Domestic Animal" means those animals considered to be naturally wild and not naturally trained or domesticated; or that are considered to be inherently dangerous to the public health, safety, and welfare. Unless otherwise defined, non-domestic animals shall include:

- (a) Any member of the cat family (*felidae*) including but not limited to, lions, tigers, cougars, bobcats, leopards, and jaguars, but excluding those recognized as domestic cats.
- (b) Any naturally wild member of the canine family (*canidae*) including but not limited to, wolves, foxes, coyotes, dingoes, and jackals, but excluding those recognized as domestic dogs;
- (c) Any hybrid or crossbreeds between an animal defined in clauses (a) or (b) and a domestic animal and offspring from all subsequent generations of those hybrids or crosses, such as the crossbreed between a wolf and a dog;
- (d) Any member or relative of the rodent family (*rodentia*) including, any skunk (whether or not descended), raccoon, or squirrel, but excluding those members defined in this subsection as domestic animals;

- (e) Any poisonous, venomous, constricting, or inherently dangerous member of the reptile or amphibian families including, but not limited to, rattlesnakes, boa constrictors, pit vipers, crocodiles and alligators;
- (f) Any other animal that is not explicitly listed above but that can be reasonably defined by the terms of this subsection, including, but not limited to primates, bears, deer, and game fish.

Subd. 9 Owner. "Owner" shall mean any person, keeper, custodian, or legal entity owning, harboring, or keeping an animal, whether temporary or permanent.

Subd. 10. Potentially Dangerous Dog. "Potentially Dangerous Dog" shall mean any dog that has:

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

Subd. 11. Premises. "Premises" shall mean any building, structure, shelter, or land whereupon animals are confined or kept.

Subd. 12. Proper Enclosure. "Proper Enclosure" shall mean securely confined indoors or in a securely enclosed and locked pen or structure to prevent the animal from escaping and providing protection from the elements for the animal. 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 obstacles that prevent an animal from exiting.

Subd. 13. Provocation. "Provocation" shall mean an act that an adult could reasonably expect may cause a dog to attack or bite.

Subd. 14. Substantial Bodily Harm. "Substantial Bodily Harm" shall mean bodily injury that involves a temporary but substantial disfigurement, or that causes a temporary but substantial loss or impairment of the function of any bodily member or organ, or that causes a fracture of any bodily member.

Subd. 15. Unprovoked. "Unprovoked" shall mean the condition in which the animal is not purposely agitated or disturbed. It is a rebuttable presumption that any attack on a child 14 years of age or younger for which a reasonable person connotes an intent to inflict bodily harm will be considered to be unprovoked.

700.03 Animals at Large Prohibited. It shall be unlawful for any person having or maintaining any animal to permit the animal to be at large in City. This restriction does not prohibit the appearance of any dog upon streets or public property when the dog is on a leash no longer than eight feet and is kept under the control of the person charged with its care.

700.05 Licenses.

Subd. 1. License Required. No person shall own, keep, or harbor any dog over six months of age within the City without obtaining a license from the City Clerk. The City Clerk shall keep a record of all licenses issued that includes the name and address of the person to whom it was issued and the license tag number. The license is valid for the lifetime of the dog and annual renewal is not required. If ownership of the dog is transferred to another person residing with the City or the dog's owner moves to another residence in the City, a new license is not required, however, the City must be notified of this information.

- (a) Dog License. No license will be issued by the City for any dog unless the applicant presents proof that the dog has been immunized against rabies by a licensed veterinarian, as required.
- (b) Information Required. The owner shall state the name, sex, breed, and color of the dog and the address of the premises where the dog resides on license application.
- (c) License Fee. The owner shall pay the City a one time license fee in the amount specified in the City's fee schedule.

Subd. 2. License Tags.

- (a) Upon the approval of a dog license application, the applicant will be provided with a license tag that shall be permanently fastened to the collar of the dog in such a manner that the tag may be seen easily. The tag will be worn constantly by such dog.
- (b) Duplicate Tags. When any license tag is lost, a duplicate may be obtained. The fee for the duplicate tag is set forth in the City's fee schedule.
- (c) Offenses Involving Tags. It is unlawful to counterfeit, or attempt to counterfeit the tags required by this subsection. It is also unlawful to remove from any dog a tag legally placed upon it with the intent of placing it upon another dog.

700.07 Animal Keeping Limitations. Except for kennels licensed under this subsection and persons who have been issued a Multiple Animal Permit, the following limitations on the number of animals that may be kept shall apply.

Subd. 1. Residential Zoned Properties that Contain a Single Dwelling Unit.

- (a) No more than two dogs over six months of age shall be owned, kept, or harbored.
- (b) No more than four cats over six months of age shall be owned, kept, or harbored.
- (c) Congregate Limit. No more than a total of 10 domestic animals may be owned, kept, or harbored. The total number of domestic animals that are cats or dogs must not exceed four, subject to the limitations above.

Examples: 4 hamsters, 4 birds, 2 turtles = allowed
1 dog, 3 cats, 6 birds = allowed
3 dogs, 1 cat, 6 birds = not allowed due to violation of 1(a)
2 dogs, 4 cats, 4 birds = not allowed due to violation 1(c)
2 dogs, 2 cats, 9 birds = not allowed due to violation 1(c)

Subd. 2. Commercial and Industrial Zoned Properties and Residential Properties that Contain More than a Single Dwelling Unit.

- (a) No more than two dogs over six months of age shall be owned, kept, or harbored.
- (b) No more than two cats over six months of age shall be owned, kept, or harbored.
- (c) Congregate Limit. No more than a total of six domestic animals may be kept or harbored. The total number of domestic animals that are cats or dogs must not exceed three, subject to the limitations above. See examples cited above.

Subd. 3. Multiple Animal Permits.

- (a) Application. Prior to exceeding the animal limits set forth in Subds. 1 and 2 of this subsection, a person must make application to the City Clerk for an annual Multiple Animal Permit that allows the limitations on the number of animals set forth in this subsection to be exceeded by no more than two animals. Multiple Animal Permits will only be issued to residents who are experiencing extraordinary circumstances such as caring for animals on behalf of a deployed armed forces member or residents who will be fostering animals for either the Tri-County Humane Society or for the City of Rice Animal Shelter.
 - (i) Application Information. Applicants must provide the following information for each animal on the permit application: name, color, species, approximate age, and housing as well as other pertinent information required by the City or by the local Health Inspector or Police Chief. Persons who provide foster care for animals through the Tri-County Humane Society or the City of Rice may be granted annual permits without being required to provide identification information of each animal being fostered.
 - (ii) Application Fee. An application fee in an amount set by the City's Fee Schedule must be submitted with the application. Persons who are caring for animals on behalf of a deployed armed service member are exempt from the permit fee. Proof of ownership and deployment will be required. The City may determine that other extraordinary circumstances also warrant exemption from the fee requirement.
 - (iii) Inspection Required. Permit approval will be subject to inspection by the City of the premises where the animal is to be located and a review of any past animal related complaints or violations.
- (b) Permit Conditions. Multiple Animal Permits may include certain restrictions, limitations, conditions, or prohibitions that the City deems reasonably necessary in order to protect the public health, safety, and welfare, including, but not limited to, unsanitary conditions and unreasonable noises or odors.
- (c) Modifications and Revocation. If any of the Multiple Animal Permit's restrictions, limitations, conditions, or prohibitions are violated or there are violations of this subsection related to the animals, the City Clerk may modify or revoke the permit. The City Clerk shall mail notice to the permit holder at least 20 days prior to the effective date of permit revocation or modification. A permit holder may appeal the modification or revocation to the City Council, provided that

notice of the appeal is given to the City Clerk prior to the effective date of the revocation or modification.

700.09 Keeping or Harboring Prohibited.

Subd. 1. Non-Domestic Animals. No person shall own, keep, harbor, or offer for sale any non-domestic animal without a permit issued under this Subdivision.

- (a) Non-domestic animals may be kept under the following circumstances upon obtaining a Non-Domestic Animal Permit from the City Clerk:
 - (i) Non-domestic animals specifically trained for and actually providing assistance to the handicapped or disabled;
 - (ii) Non-domestic animals temporarily brought into the City as part of an operating zoo;
 - (iii) Non-domestic animals located at veterinarian clinics;
- (b) Permit Application. An application for a permit to keep a non-domestic animal must be made in writing upon a form provided by the City Clerk. An application fee in the amount specified in the City's Fee Schedule must be paid. The application must include the following information:
 - (i) The name and address of the applicant;
 - (ii) The species and number of the animal(s); and
 - (iii) The purpose for which the animal(s) is/are to be kept; and
 - (iv) The location where the applicant proposes to keep the animal(s).
- (c) Permit Conditions. Non-Domestic Animal permits may include certain restrictions, limitations, conditions, or prohibitions that the City deems reasonably necessary in order to protect the public health, safety, and welfare, including, but not limited to, unsanitary conditions and unreasonable noises or odors or to ensure the humane treatment of the animal.
- (d) Modifications and Revocation. If any of the Non-Domestic Animal Permit's restrictions, limitations, conditions, or prohibitions are violated or there are violations of this subsection related to the animal(s), the City Clerk may modify or revoke the permit. The City Clerk shall mail notice to the permit holder at least 20 days prior to the effective date of permit revocation or modification. A permit holder may appeal the modification or revocation to the City Council, provided that notice of the appeal is given to the City Clerk prior to the effective date of the revocation or modification.

Subd. 2. Farm Animals. Farm animals may only be kept on properties that are authorized by the City's zoning regulations to keep such animals. Farm animals are not permitted to be kept on any other properties within the City with the exception of farm animals brought into the City as part of an operating zoo or veterinarian clinic.

700.11 Nuisances.

Subd. 1. Barking. No person shall keep or harbor a dog that habitually barks, cries, howls, or whines for an interval of at least of 10 minutes with less than one minute of interruption. Similar habitual noises by other animals such as cats are also prohibited.

Subd. 2. Damage to Property. No person having custody or control of a dog, cat, or other animal shall permit the animal to damage any lawn, garden, or other property, public or private. The person having custody or control of an animal must have in immediate possession supplies for the picking up and removal of the animal's feces. The person having custody or control of the animal must dispose of the animal's feces in a sanitary manner upon the animal defecating on public or private property of others.

- (a) Exception. The provisions of this subdivision do not apply to a guide dog or service animal accompanying a blind person or a dog when used in police or rescue activities by or with the permission of the City. This subsection will not be construed by implication or otherwise to allow dogs to be where they are otherwise prohibited by the ordinances of the City.

Subd. 3. Restaurants/Food Establishments. It is unlawful for the owner or operator of any establishment wherein the selling, handling, processing, or preparation of food is done to permit any animal in such establishment except as required by state statute.

700.13 Diseases/Vaccinations.

Subd. 1. Dogs, Cats, and Ferrets Rabies Vaccinations Required. All dogs, cats, and ferrets over the age of six (6) months harbored or maintained within the City must be immunized against rabies and distemper by a licensed veterinarian. Vaccines must be administered in the frequency that is recommended by the National Association of State Public Health Veterinarians (NASPHV) in its annual Compendium of Animal Rabies Prevention and Control. A certificate of vaccination must be kept by the animal's owner on which is stated the date of vaccination, the owner's name and address, the animal's name (if applicable), sex, description and weight, the type of vaccine, and the veterinarian's name and signature. Upon demand by the City, the animal's owner must present the require certificate of vaccination for the animal. If the certificate is not presented, the owner may have up to seven days in which to present the certificate to the City. Failure to do so is a violation of this subsection.

- (a) Exceptions. No dog, cat, or ferret is required to be vaccinated if a licensed veterinarian has examined the animal and certified that, at such time, vaccination would endanger the animal's health because of its age, infirmity, debility, illness, or other medical consideration and such exception certificate is presented to the City Clerk. The animal shall be vaccinated against rabies as soon as its health and age permit.
- (b) Exposure to Rabies. Dogs, cats, ferrets, or other animals known to have been bitten or exposed to a rabid animal must either be euthanized immediately or quarantined in an animal-tight enclosure constructed so that the animal cannot escape and to prove the animal from biting or coming into contact with persons or other animals and adhere to the procedures set forth in the NASPHV Compendium of Animal Rabies Prevention and Control. The animal must be quarantined for six months unless certain conditions set forth in Minnesota Rules Part 1705 are satisfied. Notification of exposure shall be made immediately to the Health Inspector or the Police Chief. Costs associated with quarantine or euthanization are the responsibility of the animal owner.

Subd. 2. Disposition of Diseased Animals. If a dog, cat or other animal is found to be sick or diseased, the Health Inspector or Police Chief may order that the animal be euthanized if such action is necessary to protect public health, safety, and welfare, as recommended by a licensed veterinarian.

700.15 Potentially Dangerous and Dangerous Dogs.

Subd. 1. Adoption by Reference. Except as otherwise provided in this subsection, the regulatory and procedural provisions of Minnesota Statutes, Sections 347.50 to 347.565 are adopted by reference.

Subd. 2. Declaration of Potentially Dangerous Dog or Dangerous Dog. The Health Inspector or the Police Chief may declare a dog to be dangerous or potentially dangerous if evidence is received that the dog performed an act that falls within the acts listed under the definitions of "potentially dangerous dog" or "dangerous dog" in this subsection.

Subd. 3. Exceptions.

- (a) The provisions of this subsection do not apply to dogs used by law enforcement officials for law enforcement work.
- (b) Dogs may not be declared dangerous or potentially dangerous if the threat, injury, or danger was sustained by a person who was:
 - (i) Committing a willful trespass or other tort upon the premises occupied by the owner of the dog;
 - (ii) Provoking, tormenting, abusing, or assaulting the dog, or who can be shown to have a history of repeatedly provoking, tormenting, abusing, or assaulting the dog; or
 - (iii) Committing or attempting to commit a crime.

Subd. 4. Notice to Owner. If a dog is declared potentially dangerous or dangerous, the City will give notice pursuant to the notice requirements set forth in Minnesota Statutes, Section 347.541.

Subd. 5. Right to a Hearing. The owner of any dog declared dangerous or potentially dangerous by the City has the right to a hearing by an impartial hearing officer concerning the declaration. The hearing must be requested by the owner within 14 days of the date of the notice. In the event that the dog's owner requests a hearing, the hearing must be held by the City within 14 days of the date of the request. The City must appoint a hearing officer who shall be either an impartial employee of the City or an impartial person retained by the City to conduct the hearing. The hearing officer shall issue a decision on the matter within 10 days of the date of the hearing. The City shall deliver the decision to the dog's owner by hand delivery or certified mail as soon as practical. In the event that the dangerous or potentially dangerous dog declaration is upheld by the hearing officer, actual expenses of the hearing up to a maximum of \$1000 shall be the responsibility of the dog's owner.

Subd. 6. Appeal. If the owner of the dog disputes the decision of the hearing officer, he or she shall have the right to appeal the decision to the City Council. The appeal must be filed with the City Clerk within 14 days of the date of the hearing officer's decision. If the dog owner disputes the findings of the City Council, he or she may appeal to the Minnesota Court of Appeals as provided by state law.

Subd. 7. Review of Designation. Beginning six months after a dog is declared potentially dangerous or dangerous, an owner may request annually that the City hearing officer review the designation. 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. If the City hearing officer finds sufficient evidence that the dog's behavior has changed, he or she may rescind the dangerous or potentially dangerous designation.

Subd. 8. Registration. If a dog is declared to be "dangerous," it must be registered with the City. A certificate of registration will be issued by the City Clerk to the owner of a dangerous dog if the owner presents sufficient evidence that:

- (a) A proper enclosure exists for the dangerous dog and a posting on the premises with a clearly visible warning sign, including a warning symbol to inform children, that there is a dangerous dog on the property;
- (b) A surety bond issued by a surety company authorized to conduct business in this state in a form acceptable to the City in the sum of at least \$300,000, payable to any person 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 \$300,000, insuring the owner for any personal injuries inflicted by the dangerous dog;
- (c) The owner has paid the City an annual fee of \$500, in addition to any regular dog licensing fees, to obtain a certificate of registration for a dangerous dog under this subsection; and
- (d) The owner has had microchip identification implanted into the dangerous dog as required under Minnesota Statutes, Section 347.515.

Upon issuing the certificate of registration, the City will also provide, for posting on the owner's property, a warning symbol from the Minnesota Department of Public Safety to inform children that there is a dangerous dog on the property. The owner shall be responsible for paying the City for the costs of obtaining the warning symbol from the Department of Public Safety.

Subd. 9. Dangerous Dogs: Other Requirements.

- (a) An owner of a dangerous dog shall keep the dog, while on the owner's property, in a proper enclosure. If the dog is outside the proper enclosure, the dog must be muzzled and restrained by a substantial chain or leash and under the physical restraint of a responsible person. The muzzle must be made in a manner 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.
- (b) An owner of a dangerous dog must renew the registration of the dog annually with the City until the dog is deceased. If the dog is removed from the City, it must be registered as a dangerous dog in its new location.
- (c) An owner of a dangerous dog must notify the City in writing of the death of the dog or its transfer to a new location outside of the City within 30 days of the death or transfer, and must, if requested by the City, execute an affidavit under oath 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 has been transferred.
- (d) A dangerous dog must be sterilized at the owner's expense. If the owner does not have the animal sterilized within 30 days of notification by the city, the City shall seize the dog and have the animal sterilized at the owner's expense.
- (e) A person who owns a dangerous dog and who rents property from another where the dog 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 dangerous dog that will reside at the property.

- (f) A person who transfers ownership of a dangerous dog must notify the new owner that the city has identified the dog as dangerous. The current owner must also notify the City in writing of the transfer of ownership and provide the City with the new owner's name, address, and telephone number.

Subd. 10. Identification.

- (a) Microchip Identification. The owner of a dangerous or potentially dangerous dog must have a microchip implanted in the dog for identification, and the name of the microchip manufacturer and identification number of the microchip must be provided to the City. If the microchip is not implanted by the owner, it may be implanted by the City. In either case, all costs related to purchase and implantation of the microchip must be borne by the dog's owner.
- (b) Tag. A dangerous dog must have a standardized, easily identifiable tag identifying the dog as dangerous and containing the uniform dangerous dog symbol affixed to the dog's collar at all times as specified in Minnesota Statutes, Section 347.51.

Subd. 11. Seizure. The City must immediately seize any dog that has been declared by the City to be "dangerous" if:

- (a) After 14 days after the owner has notice that the dog is dangerous, the dog is not validly registered as dangerous pursuant to this subsection;
- (b) After 14 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 by this subsection and Minnesota Statutes, Section 347.51, Subd. 2;
- (c) The dog is not maintained in the proper enclosure;
- (d) The dog is outside the proper enclosure and not under physical restraint of a responsible person as required under this subsection and Minnesota Statutes, Section 347.52; or
- (e) The dog is not sterilized within 30 days, pursuant to this subsection and Minnesota Statutes, Section 347.52 (d).

If an owner of a dog is convicted of a crime for which the dog was originally seized, the court may order that the dog be confiscated and destroyed in a proper and humane manner, and that the owner pay the costs incurred in confiscating, confining, and destroying the dog.

Seizure may be appealed by the dog's owner to the district court by serving a summons and complaint upon the City and filing it with the district court.

Subd. 12. Reclaiming Dogs. A dangerous dog seized under Subd. 11 may be reclaimed by the owner of the dog upon payment of impounding and boarding fees, and presenting proof to the Chief of Police that each of the requirements under this subsection and Minnesota Statutes, Sections 347.51 and 347.52 will be fulfilled. An animal not reclaimed under this Subdivision within seven days may be disposed of by the City, and the owner is liable to the city for costs incurred in confining and disposing of the dog.

Subd. 13. Subsequent Offenses. If a person has been convicted of a misdemeanor for violating a provision of Minnesota Statutes, Sections 347.51, 347.515, or 347.52, and the person is charged with a subsequent violation relating to the same dog, the dog must be

seized by the City. If the owner is convicted of the crime for which the dog was seized, the court shall order that the dog be destroyed in a proper and humane manner and the owner pay the cost of confining and destroying the animal. If the owner is not convicted and the dog is not reclaimed by the owner within seven days after the owner has been notified that the dog may be reclaimed, the dog may be disposed of by the City as provided under Minnesota Statutes, Sections 35.71, Subd. 3.

Subd. 14. Destruction of Dog in Certain Circumstances. A dog may be destroyed in a proper and humane manner by the City if the dog:

- (a) Inflicted substantial or great bodily harm on a human on public or private property without provocation;
- (b) Inflicted multiple bites on a human or public or private property without provocation;
- (c) Bit multiple human victims on public or private property in the same attack without provocation; or
- (d) Bit a human on public or private property without provocation in an attack where more than one dog participated in the attack.

The City may not destroy the dog until the owner has had the opportunity for a hearing before an impartial decision maker. The exemptions provided in Subd.3(b) of this section and Minnesota Statutes, Section 347.51, Subd. 5 apply to this subsection.

700.17 Impoundment.

Subd. 1. Violation. In the event of a violation of this subsection, the Chief of Police or any law enforcement officer may capture and impound an animal in the City-designated shelter.

Subd. 2. Notice. Immediately upon the impounding of any animal wearing a tag, the City will attempt to notify the owner of the impoundment and the conditions of regaining custody of the animal. Verbal notices will be confirmed in writing.

Subd. 3. Right of Entry. To enforce this subsection, designated City officers may enter upon private premises where it appears or where there is reasonable cause to believe that an animal is not licensed or is not being kept, confined, or restrained as required herein, or in pursuit of an animal running at large.

Subd. 3. Redemption. Animals may be redeemed by the owner from the City impoundment or Tri-County Humane Society during office hours. If an animal requires a City license, such license must be obtained before the animal is released.

- (a) City Impound. If the impounded animal is collected by the owner from the City Impoundment Area and the animal is required by this subsection to be licensed, the owner must provide proof to the City that a license has been issued for the animal. The owner is also responsible for payment of the redemption fees. Redemption fees are set forth in the City's Fee Schedule. If the owner requests disposal of the animal, the owner shall pay for the cost of disposal, including any boarding or other fees incurred prior to disposal. A request to dispose must be made in writing to the City, along with proof of ownership or an affidavit of ownership. Payment of the cost of disposal will be made to the City by the owner upon filing the request for disposal with the City and receiving approval.

- (b) Tri-County Humane Society. If the impounded animal has been taken to the Tri-County Humane Society by a duly authorized person of the City or peace officer, the owner will follow all redemption and disposal policies and procedures that the Tri-County Humane Society requires and is responsible for payment to Tri-County Humane Society of all redemption or disposal fees.

Subd. 4. Length of Impoundment. Any animal that is impounded shall be kept in the City impound or by the Tri-County Humane Society for at least five business days unless sooner reclaimed by its owner. If such animal is known to be or is suspected of being rabid or has bitten a person, it shall be kept quarantined for a period as required by this section. If at the end of the impoundment period, the animal is not reclaimed by its owner, the animal shall be deemed abandoned and may be placed for adoption or euthanized in a humane manner. Final determination on the adoptability of animals shall rest with the Chief of Police in consultation with Tri-County Humane Society and other pet adoption agencies.

700.19. Interference with Officers. It is unlawful for any unauthorized person to break open the City Impound Area, or attempt to do so, or to take or let out any animal, or to take or attempt to take, from any law enforcement officer any animal taken by the City in compliance with this subsection, or in any manner interfere with or hinder such officer in the discharge of his or her duties under this subsection.

700.21. Kennels, License Required.

Subd. 1. License Required. No person shall operate a kennel within the City except in a location that is permitted by the City's zoning regulations and upon obtaining a kennel license from the City.

Subd. 2. Applications. Application for a kennel license must be made to the City Clerk. The application shall include: the name and address of the owner and operator of the kennel; the address for which the kennel is to be located; a site plan for review; any required secure enclosure details; the number of dogs proposed to be kept.

Subd. 3. License Fee. Payment of a kennel license fee is required. The amount of the kennel license fee is set forth in the City's Fee Schedule and is based upon the maximum number of dogs allowed at the kennel. In the event that a kennel license application is issued midway through a license term, the entire license fee will be charged and will not be prorated.

Subd. 4. Expiration. The kennel license shall expire annually on May 31st of each year.

Subd. 5. License Conditions. Kennel licenses may include certain restrictions, limitations, conditions, or prohibitions that the City deems reasonably necessary in order to protect the public health, safety, and welfare, including, but not limited to, unsanitary conditions and unreasonable noises or odors or to ensure the humane treatment of the animals.

Subd. 6. Modifications, Suspension, and Revocation. If any of the Kennel License's restrictions, limitations, conditions, or prohibitions are violated or there are violations of this section or the City zoning regulations related to the operation, the City Council may modify, suspend, or revoke the license upon giving written notice of the intended action to the license holder and allowing the licensed holder an opportunity to be heard. The City Clerk shall mail notice to the license holder at least 20 days prior to the City Council meeting where the revocation, suspension or modification is to be considered by the Council.

700.23 Service Animals. Nothing in this subsection shall be construed to limit:

- (a) The right of a person with disabilities to access places of public accommodation while accompanied by a service animal as provided by law; or
- (b) The use of police dog by a licensed peace officer for law enforcement purposes.

700.25 Animal Cruelty. No person shall treat any animal in a cruel or inhumane manner. Minnesota Statutes, Sections 343.20 through 343.40, the Minnesota Pet and Animal Welfare Act is hereby adopted by reference.

700.27 Violations and Penalties.

Subd. 1. Petty misdemeanors. Violations of Subsections 700.11 (Nuisances), 700.03 (Animals at Large), 700.05 (Licenses), and 700.07 (Animal Keeping Limitations) of this subsection are petty misdemeanors subject to the penalties provided by law for petty misdemeanors. The owner or keeper of the animal is the chargeable party.

Subd. 2. Misdemeanors. A violation of any provision of this Ordinance not specifically identified as a petty misdemeanor is a misdemeanor subject to the penalties provided by law for misdemeanors. The owner or keeper of the animal is the chargeable party.

Subd. 3. Misdemeanors Relating to Potentially Dangerous and Dangerous Dogs. 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 or change of location where the dog will reside, to sign a false affidavit with respect to a dangerous dog's death or change of location where the dog will reside, or to fail to disclose ownership of a dangerous dog to a property owner from whom the person rents property. It is also a misdemeanor to violate Minnesota Statutes, Sections 347.51 (registration of dangerous dogs), 347.515 (dangerous dogs microchip identification requirements), or 347.52 (dangerous dog requirements). If a person is convicted of subsequent or second violation of either of the aforementioned subsections, that person is guilty of a gross misdemeanor. A person is also guilty of the gross misdemeanor if that person violates Minnesota Statutes, Section 347.542, Subds. 1 or 2 (restrictions on dog ownership).