

**CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA**

ORDINANCE NO. 08-088

**AN ORDINANCE AMENDING THE ANIMALS CHAPTER OF THE GENERAL
REGULATIONS OF THE CITY OF LAKE ELMO**

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title IX: General Regulations; Chapter 95: Animals, by repealing City Code Sections 95.01 through 95.72 in their entirety.

SECTION 2. The City Council of the City of Lake Elmo hereby amends Title IX: General Regulations; Chapter 95: Animals, by adding the following language:

ARTICLE 1. ANIMAL CONTROL AND LICENSING

- § 95.00 Purpose and Intent
- § 95.01 State Code Adopted
- § 95.02 Construction and Application
- § 95.03 Definitions
- § 95.04 Care of Domesticated Animals
- § 95.05 Number of Dogs and Cats Limited
- § 95.06 Rabies Shots Required
- § 95.07 Dog Licensing Required
- § 95.08 Offenses Involving Tags
- § 95.09 Tags Not Transferable; Refunds
- § 95.10 Prohibition of Kennels
- § 95.11 Prohibition of Dogs or Cats Running at Large
- § 95.12 Unreasonable Disturbance Prohibited
- § 95.13 Dogs or Cats which are Public Nuisances
- § 95.14 Interference with Enforcement
- § 95.15 Investigation
- § 95.16 Quarantine
- § 95.17 Muzzling Proclamation
- § 95.18 Required Removal of Animal Excreta
- § 95.19 Animals on Owners Property
- § 95.20 Animal Control Officer
- § 95.21 Animal Control Agency
- § 95.22 Impounding of Dogs or Cats
- § 95.23 Impoundment Charges
- § 95.24 Disposition of Unclaimed Dogs or Cats
- § 95.25 Proceedings for Destruction of Certain Dogs
- § 95.26 Prohibition of Unsecured Female Dogs or Cats in Heat
- § 95.27 Liability

§ 95.28 Severability

§ 95.00 Purpose and intent

The purpose of this ordinance is to promote health, safety and general welfare of animals and the people around them by requiring animals be cared for in such a manner that they will not become a public nuisance, requiring animals be properly fed, sheltered and cared for, requiring the removal of animal defecation from public property and to ensure licensing of dogs and rabies vaccination of all dogs and cats within the City of Lake Elmo.

§ 95.01 State code adopted

All of the relevant provisions of Minnesota Statutes Chapter 343, as amended, are hereby incorporated by reference into this chapter with the same force and effect as if fully set forth in this chapter.

§ 95.02 Construction and application

This chapter shall not be interpreted as covering any law regulating the trapping of animals, the use of live animals in dog trials or in training of hunting dogs, or the slaughter of animals by persons acting under state and federal law, or taking of animals through hunting or fishing as permitted by law.

§ 95.03 Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Adult dog means a dog over four (4) months of age.

Animal means any live vertebrate or invertebrate creature either domestic or wild, except a human being.

Animal, dangerous means any animal that is declared to be dangerous by the animal control officer after a temperament test has been conducted on the animal or as defined by Section 11.01 of this Code.

Animal control officer means any person designated by the city to enforce State Statutes, adopted by reference, and local ordinances as they pertain to animal control.

Animal shelter, public means a facility operated by a humane society, or a governmental agency or its authorized agents for the purpose of impounding or caring for animals.

Animal, wild or exotic means apes, coyotes, foxes, wolves, bears, cougars, lynx, bobcats, wild boars, cheetahs, jaguars, lions, tigers, leopards, panthers, ocelots, monkeys, elephants or other similar animals as determined by the humane officer.

At large means to be off the premises of the owner and not under the control of some

person, either by leash or otherwise, but a dog or cat within an automobile of its owner or in an automobile of any other person with the consent of the dog's or cat's owner, shall be deemed to be upon the owner's premises.

Cat means a domesticated animal of the feline type (*Felis domesticus*), except for a feral cat.

Cat, altered means a cat which has been certified in writing by a veterinarian as being nonreproductive.

Cat, feral means a cat without owner identification of any kind whose usual and consistent temperament is extreme fear and resistance to contact with people. A feral cat is unsocialized to people.

Circus means a commercial variety show featuring animal acts for public entertainment.

Cruel means causing unnecessary and excessive pain or suffering or unjustifiable pain, injury or death to an animal.

Commercial Animal Establishment shall mean any pet shop, grooming shop or boarding kennel and shall exclude any city pound, humane society, animal shelter or veterinary facility.

Dog means a domesticated animal of the canine type (*Canis familiaris*); young animals (puppies) of this type are considered dogs. It shall not include any animal which is in whole or in part of the *canis lupus* or wolf species.

Dog, altered means a dog which has been certified in writing by a veterinarian as being nonreproductive.

Dog, service means any dog individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, minimal protection work, rescue work, pulling a wheelchair or fetching dropped items.

Dog, unlicensed means a dog for which a required license fee has not been paid, or to which the license tag required by this chapter is not attached.

Foster parent, animal means a person who provides temporary care for kittens, puppies, cats and dogs in their homes for 6 months or less at a time. Animals which are in temporary foster care are not required to be licensed.

Grooming shop means a commercial establishment where animals are bathed, clipped or otherwise groomed.

Kennel means a facility where dogs, cats or other animals are kept for 24 hours or more for boarding, training or similar purposes for compensation. This does not include animal shelters or a facility owned or operated by a veterinarian where animals are boarded only in conjunction with the provision of veterinary care.

Owner means any individual, partnership or corporation that has the right of property in an animal or who keeps, harbors, cares for or acts as its custodian or who knowingly permits an animal to remain on or about or return to his/her property/premises for five or more consecutive days is presumed to be harboring or keeping the animal within the meaning of this article.

Permanent animal exhibition means any spectacle, display, act or event other than circuses, in which animals perform or are displayed, with the exception of education programs presented by persons or organizations with proper state and federal education permits, as required, and which are perpetual in nature and in a stationary location.

Person means and includes all natural persons and any firm, sole proprietorship, limited liability corporation (LLC), partnership, corporation, trust and any association of persons, government agency or political subdivision.

Pet means an animal kept for pleasure rather than utility, which may/may not be susceptible to rabies.

Pet shop means any person, sole proprietorship, limited liability corporation (LLC), partnership or corporation, whether operated separately or in connection with another business enterprise, except for a kennel, that buys, gives away, sells or takes on consignment any species of animal.

Temperament testing means evaluating an individual dog's temperament through a series of tests that measure traits including stability, confidence, shyness, friendliness, aggressiveness, protectiveness, prey instincts, play drive, and self-defense instincts, and the ability to distinguish between threatening and nonthreatening situations.

Transient animal exhibition means any spectacle, display, act or event other than circuses, in which animals perform or are displayed, with the exception of education programs presented by persons or organizations with proper state and federal education permits, as required, and which are traveling shows of a temporary duration.

Veterinarian has the meaning as defined in Minnesota Administrative Rules, Chapter 9100.0100.

Veterinary hospital or clinic means any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of disease and injuries in animals.

Cross References--Definitions generally, Section 11.01.

§ 95.04 Care of Domesticated Animals

All domesticated animals shall be cared for, maintained and handled in a humane and sanitary manner and in such a way as to prevent noises such as barking, fighting or howling or other disturbance of the peace and quiet of the neighborhood. No domestic animal shall be abandoned or turned loose by its owner. No animal shall be inhumanely confined in a manner which causes or is likely to cause pain, suffering, injury or death. No person who owns, harbors,

or keeps any animal shall fail to provide proper medical attention to such animal when and if such animal becomes sick or injured.

§ 95.05 Number of Dogs and Cats Limited

- A. The keeping of a large number of dogs or cats poses health, safety and public welfare risks and is deemed a public nuisance.
- B. *Cats.* Unless the property owner holds a valid kennel license, no individual or family unit living together, firm or corporation shall keep more than three (3) cats over the age of four (4) months on any parcel.
- C. *Dogs.* Unless the property owner holds a valid kennel license, no individual or family unit living together, firm or corporation shall keep more than three (3) dogs over the age of four (4) months on any parcel.
- D. *Cats and Dogs.* Unless the property owner holds a valid kennel license, no individual or family unit living together, firm or corporation shall keep more than a combination of three (3) cats and dogs over the age of four (4) months on any parcel.
- E. *Grandfather clause.*
 - 1. Any person who owned, possessed, kept or harbored dogs and/or cats on or before October 15, 2013, in excess of the above allowed number of dogs and/or cats shall be permitted to continue ownership or possession as long as they meet all the requirements set forth under State and Federal Law in addition to those set forth in this Ordinance.
 - 2. Anyone whose animals fall under the grandfather clause shall have obtained license for the dogs within sixty days of the effective date of the original ordinance (October 15, 2013).
 - i. Any person who successfully obtains license within sixty days of the adoption of this Ordinance shall be permitted to hold, keep, harbor or maintain the number of animals that person had as of the date of the adoption of this Ordinance but shall not be permitted to increase the number of animals. Following death of the licensed animal, the property owner shall not acquire more animals until they have brought the number of animals down to legal limits through attrition.
 - ii. Any person who has not successfully obtained license for their animal within sixty days of the adoption of this Ordinance shall forfeit the right to keep the animal under the grandfather clause and be deemed to unlawfully possess the animal.

§ 95.06 Rabies Shots Required

At the time of application for registration, the applicant shall present to the City a written statement from a licensed veterinarian or other satisfactory evidence that a rabies shot has been administered, within the previous 24 months, to the dog or dogs being registered.

§ 95.07 Dog Licensing Required.

- A. No person shall own, keep, or harbor any dog over the age of 4 months, within the city, unless a dog license has first been secured. Dog licenses shall be issued by the City for a fee as set by resolution of the Council. It shall be the duty of each person owning, keeping, or harboring a dog to pay the license fee imposed by §95.07 *et seq.* to the City on or before the first day of January of each year, or upon establishing residence in the city to immediately pay the license fee. The City may cause a notice of the necessity of the license fee to be printed in the official newspaper in December prior to each license year.
1. The license fees are provided for in the city fee schedule for the following:
 - a. Altered dogs
 - b. Unaltered dogs
 - c. Service dogs
- B. All licenses shall be valid for one year from each January 1 to the following December. License applications may be made from January 1 through January 31 each year without penalty. When application is made after January 31 for any animal subject to licensing prior to that date, an additional fee shall be charged for the license. The additional fee herein prescribed is assessed to cover the additional costs of the administration and not as a penalty, and the payment of such a fee shall not exempt any owner from any penalties imposed for any violation of this subchapter.
- C. A license will be one-half of the amount set out in the fee schedule if properly obtained after June 30 of the license year.
- D. The City shall deliver one (1) appropriate tag to the owner when the fee is paid. The owner shall cause the tag to be affixed by a permanent metal fastener to the collar of the dog registered in a manner that the tag may be easily seen. The owner shall ensure that the tag is constantly worn by the dog. In case any dog tag is lost, a duplicate may be issued upon verification of the licensure for the current year. A charge of \$1 shall be made for the duplicate tag.
- E. The provisions of this section shall not be intended to apply to domestic animals brought into the city for the purpose of participating in any domestic animal show or for less than 30 days.

§ 95.08 Offenses Involving Tags

It shall be unlawful to counterfeit or attempt to counterfeit the tag provided for in §95.07 or take from any dog a tag legally placed upon by its owner with the intent to place it upon another dog.

§ 95.09 Tags Not Transferable; Refunds

Dog tags shall not be transferable. No refunds shall be made on any dog registration fee

because of leaving the city or death of the dog before the expiration of the registration period.

§ 95.10 Prohibition of Kennels

No kennels may be established in the city unless a special use permit has been issued for the kennel as provided by the city ordinances regulating land use.

§ 95.11 Prohibition of Dogs and Cats Running at Large

It shall be unlawful for any person who owns, harbors or keeps a dog or cat to allow the dog or cat to run at large in the city.

§ 95.12 Unreasonable Disturbance Prohibited

The following are prohibited:

A. The keeping or harboring of any animal or fowl, whether licensed or not, which by frequent or habitual howling, yelping, barking, crowing or making of other noises shall greatly annoy or disturb a neighborhood or any considerable number of persons within the city which tends to cause or create a disturbance is prohibited and is a public nuisance. An animal is considered to be in violation of this section when written complaints from two or more adults living in separate residences within audible distance of the noisy animal are filed with the law enforcement or the city within a four-week period. No prosecution shall be commenced, except upon the request of the law enforcement or city, following a written petition signed by two or more adult persons residing at different residences. Failure to correct the disturbance within 24 hours of written notification from law enforcement or other designee of the city shall constitute a violation of this section and will subject the owner or occupant of the premises to the penalties set forth in Sec. 10.99, Penalty. Each day that such nuisance exists constitutes a separate offense.

B. The phrase “unreasonable disturbance” shall include, but is not limited to, the creation of any noise by any animal which can be heard by any person, including a law enforcement officer or animal control officer, from a location outside of the building or premises where the animal is being kept and which animal noise occurs repeatedly over at least a 30 minute period of time with a 5 minute or less lapse of time between each animal noise during the 30 minute period.

C. *Exemptions.* The provisions of this section shall not apply to animal veterinary hospitals or clinics operated for the treatment of animals or to permitted kennels.

§ 95.13 Dogs or Cats which are Public Nuisances

Every unlicensed dog, unsecured female dog or cat in heat, and every dog or cat that runs at large or causes disturbance, or noise, in violation of the provisions of §95.07 *et seq.* is declared a public nuisance.

§ 95.14 Interference with Enforcement

It shall be unlawful for any unauthorized person to take or attempt to take from any officer any animal taken up by the officer in compliance with §95.07 *et seq.* or in any manner to interfere with or hinder the officer in the discharge of official duties under §95.07 *et seq.*

§ 95.15 Investigation

Any agent of the Council may enter the premises where any animal is kept in a reportedly cruel or inhumane manner, after obtaining required warrant or legal consent, and demand to examine the animal and to take possession of the animal when in the agent's opinion it requires humane treatment.

§ 95.16 Quarantine

A. Whenever any person owning, possessing, or harboring any dog within the corporate limits of the city shall learn that the dog has bitten any human being, the person shall immediately impound the dog in a place of confinement where it cannot escape or have access to any human being or other animal. The person shall also immediately notify either the Animal Control Officer or Agency, who shall ascertain the identity of the dog and the person owning, possessing, or harboring it. The Officer or Agency shall immediately direct the person to impound the dog as required. Any dog so impounded shall be kept continuously confined for a period of 10 days from the day the dog bit a human being. The person owning, possessing, or harboring the dog shall also notify the Minnesota Department of Health Infectious Disease Epidemiology, Prevention and Control Division.

B. Upon learning that a dog has bitten a human being, the City shall immediately notify the Animal Control Officer and inform Animal Control Officer of the place where the dog is impounded. If the animal is current on its rabies vaccination with proof provided by a rabies certificate, then the animal is safe to be quarantined in the owner's home. If no proof of a current rabies vaccine is able to be provided the animal must be impounded at the current impound facility. When an animal is impounded at home, the animal should be required to be inspected by a licensed veterinarian at the beginning of the rabies quarantine and at the end of the rabies quarantine. The Animal Control Officer will inspect the animal as needed during the 10 day quarantine only when the animal is kept in the home of the owner. For this purpose, the Animal Control Officer shall have access to the premises where the dog is kept at all reasonable hours and may take possession of the dog and confine it in a suitable place at the expense of the owner. In the circumstance that the animal is impounded at the impound facility it is the duty of the licensed veterinarian on staff to inspect the animal during the rabies quarantine.

C. The owner or person in possession or harboring the dog shall immediately notify the Animal Control Officer of any evidence of sickness or disease in the dog during its period of confinement. In the case that an animal dies during this period when the animal is kept in the owner's home, the animal is to be brought to the impound facility where it will then be transported to the U of MN for diagnostic testing. If the animal dies while being impounded at the impound facility, then the impound facility will be responsible for diagnostic rabies testing.

D. In the case that the owner of the animal that has bitten does not have a current rabies vaccine and it is impounded at the impound facility, and if the owner decides not to

reclaim the animal from the impound facility, the impound facility can then humanely euthanize the animal and send it for diagnostic testing without holding the animal for a 10 day quarantine.

§ 95.17 Muzzling Proclamation

Whenever the prevalence of hydrophobia renders action necessary to protect the public health and safety, the Mayor shall issue a proclamation ordering every person owning or keeping a dog to confine it securely on the owner's or keeper's premises unless it is muzzled so that it cannot bite. Any unmuzzled dog running at large during the time fixed in the proclamation shall be killed by law enforcement without notice to the owner.

§ 95.18 Required Removal of Animal Excreta

The owner or person having immediate care, custody or control of any animal shall promptly remove and dispose of, in a sanitary manner, any excreta left or deposited by the animal upon any public or private property. Failure to do so shall be a violation of this section and will subject the owner or occupant of the premises to the penalties set forth in section 10.99 Penalty. Each day that such act exists shall constitute a separate offense.

§ 95.19 Animals on Owners Property

The accumulation of dog feces or wastes upon private property in the city is declared to be a public nuisance. The owner or occupant of property upon which there exists any accumulation of dog feces or waste shall remove all such waste from his premises and dispose of the wastes in a safe and sanitary manner within 24 hours of written notification from law enforcement or the city to remove the wastes. Failure to do so shall be a violation of this section and will subject the owner or occupant of the premises to the penalties set forth in section 10.99 Penalty. Each day that such act exists shall constitute a separate offense.

§ 95.20 Animal Control Officer

The Council may appoint a person, persons, or firm as the Council may deem necessary and advisable as Animal Control Officer for the city. The Animal Control Officer shall be charged with the duty of enforcement of §95.07 *et seq.* and shall be vested with all the authority conferred by §95.07 *et seq.*, including the power to issue a summons requesting a violator to appear in court. The Council may provide for compensation for the Animal Control Officer as it may deem reasonable. The Animal Control Officer shall file a monthly report with the Council relating to the operation of the Animal Control Officer as it applies to the city.

§ 95.21 Animal Control Agency

The city may contract with or enter into an agreement with such person, persons, organization or corporation to provide for the operation of an animal shelter, impoundment of stray animals, confinement of certain animals, disposition of impounded animals, and for assisting in the administration of rabies vaccinations programs.

§ 95.22 Impounding of Dogs or Cats

The Animal Control Officer may take up and impound any dog found in the city without the tags provided in §95.07 or any dogs which are in violation of any other provisions of §95.07 *et seq.* To enforce §95.07 *et seq.*, the Animal Control Officer is empowered and instructed to go upon any premises to seize for impounding any dog or cat that may lawfully be seized and impounded when such officer is in immediate pursuit of such animals where the officer has reasonable cause to believe there is an unlicensed dog, a dog or cat which has been at large during the same day, or an unsecured female dog or cat in heat, except upon the premises of the owner of the dog or cat if said owner is present and forbids the same; in that case, or for entry into premises, the officer must obtain required warrant or legal consent to do so. Animals will not be impounded with any facility that sells, trades, or deals animals for licensed educational or scientific institution purposes.

§ 95.23 Impoundment Charges

A. *Redemption.* Any dog or cat may be redeemed from the impound facility by the owner within 5 days after impoundment by payment of a fee as set forth from time to time by resolution of the Council for each day the dog or cat is confined in the pound, as well as the cost of boarding, feeding, and required vet charges. The city may recover, from the owner, impoundment fees charged to it by the impound facility.

B. *Additional Impoundment Charge.* An additional fee, set forth from time to time by resolution of the Council, shall be charged for any dog or cat that has been impounded more than once each year.

C. *Unlicensed Additional Charge.* In the case of unlicensed or untagged dog, an additional fee, set forth from time to time by resolution of the Council, shall be charged due to the special handling required on an unlicensed or untagged dog.

D. If the owner does not pay fees, expenses, license and reclaim the animal within five (5) days of being notified of the impoundment, the animal will be put up for adoption without further notification, at the owner's expense. If the animal is adopted, the expenses and fees may be paid by the new owner through adoption fees.

§ 95.24 Disposition of Unclaimed Dogs or Cats

Any dog or cat which is not claimed as provided for in §95.23 or sold through a standard adoption process, shall be painlessly put to death and the body properly disposed of by the poundkeeper.

§ 95.25 Proceedings for Destruction of Certain Dogs

A. Upon sworn complaint to district court that any one (1) of the following facts exist:

1. That any dog at any time has attacked or bitten a person outside the owner's or custodian's premises;
2. That any dog is vicious or shows vicious habits, or molests pedestrians;

3. That any dog is a public nuisance as defined in M.S. §561.01, as it may be amended from time to time; and/or
4. That any dog violates its quarantine contrary to the provisions of the chapter.

B. The district court shall issue a summons directed to the owner or person having possession of the dog commanding the owner or person in possession to appear before the court and show cause why the dog should not be disposed of as authorized in this code. The summons shall be returnable not less than 2 nor more than 6 days from the date of delivery and shall be served at least 2 days before the time to appear mentioned in the summons. If, at the hearing, the district court finds that the facts stated in the complaint are true, the judge may either order: the owner or custodian to keep the dog confined to a designated place; the owner or custodian to remove the dog from the city; or humanely euthanized by certified veterinary staff. If the owner or custodian disobeys the order, the owner or custodian shall, upon the filing of a complaint and after a hearing and conviction before a district court, be liable to the punishment provided for violation of this chapter. Any Animal Control Officer may, upon disobedience of the order, impound and order the humane euthanasia of any dog describe in the order of the district court. The provisions of this section are in addition to and supplemental to other provisions of this code. Costs of the proceeding specified by this section shall be assessed against the owner or custodian of the dog.

§ 95.26 Prohibition of Unsecured Female Dogs or Cats in Heat

A. It shall be unlawful for any person to own, harbor, keep, or have in their possession or on their premises any unsecured female dog or cat in heat.

B. Any unsecured female dog or cat in heat shall be deemed to be any female dog or cat which is not confined in a building or secured in a manner that the dog or cat cannot come into contact with another animal except for planned breeding.

§ 95.27 Liability

The city and/or its animal control agents shall not be liable to any person for the death, destruction, damage, injury or disease caused to any animal that has been impounded pursuant to this chapter.

§ 95.28 Severability

The provisions of any part of this chapter are severable. If any provision or subsection hereof or the application thereof to any person or circumstance is held invalid, the other provisions, subsections and application of this chapter to other persons or circumstances shall not be affected thereby. It is the intent of this chapter that the same would have been adopted had such invalid provisions, if any, not been included herein.

ARTICLE 2. DANGEROUS AND POTENTIALLY DANGEROUS DOGS

§ 95.30 Dangerous dogs; reporting and notification

§ 95.31	Dangerous dogs; registration requirement
§ 95.32	Dangerous dogs; containment requirements
§ 95.33	Potentially dangerous dogs; reporting and notification
§ 95.34	Potentially dangerous dogs; containment requirements
§ 95.35	Confiscation
§ 95.36	Exceptions

§ 95.30 Dangerous Dogs; Reporting And Notification

(A) *Incident report.* The Animal Control Officer shall complete an "Incident Report" on any incident listed in the definition for "dangerous dog" in § 11.01.

(B) *Notice declaring a dangerous dog.* The Animal Control Officer shall provide the animal owner with a "Notice to Declare Dog Dangerous" for any incident listed in the definition for "dangerous dog" in § 11.01. The Animal Control Officer shall provide written notice to the City Clerk/Administrator that a "Notice to Declare Dog Dangerous" has been issued to an animal owner.

(1) Every reasonable attempt should be made by the Animal Control Officer to deliver the "Notice Declaring a Dangerous Dog" to the animal owner in person.

(2) If the "Notice to Declare Dog Dangerous" cannot be delivered to the animal owner, the Animal Control Officer shall provide the "Notice" to the City Clerk/Administrator for mailing. The "Notice Declaring Dog Dangerous" shall be mailed to the animal owner by certified mail.

(3) Dogs may not be declared dangerous if the threat, injury, or damage was sustained by a person:

(a) Who was committing, at the time, a willful trespass or other tort upon the premises occupied by the owner of the dog;

(b) 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

(c) Who was committing or attempting to commit a crime.

§ 95.31 Dangerous Dogs; Registration Requirement

(A) The owner of a dangerous dog shall obtain a certificate of registration from Washington County.

(B) Washington County regulations indicate that a certificate of registration will be issued if:

(1) *Registration.* The county shall issue a certificate of registration 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; and

(b) A surety bond issued by a surety company authorized to conduct business in this state in a form acceptable to the county in the sum of at least \$50,000, 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 \$50,000, insuring the owner for any personal injuries inflicted by the dangerous dog.

(2) *Fee.* The county may charge the owner an annual fee, in addition to any regular dog licensing fees, to obtain a certificate of registration for a dangerous dog under this section.

(3) *Law enforcement exemption.* The provisions of this section do not apply to dangerous dogs used by law enforcement officials for police work.

(4) *Tag.* A dangerous dog registered under this section must have a standardized, easily identifiable tag identifying the dog as dangerous affixed to the dog's collar at all times.

§ 95.32 Dangerous Dogs; Containment Requirements

An owner of a dangerous dog shall keep the dangerous 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.

§ 95.33 Potentially Dangerous Dogs; Reporting And Notification

(A) *Incident report.* The Animal Control Officer shall complete an "Incident Report" on any incident listed in the definition for "potentially dangerous dog" in § 11.01.

(B) *Notice declaring a potentially dangerous dog.* The Animal Control Officer shall provide the animal owner with a "Notice to Declare Dog Potentially Dangerous" for any incident listed in the definition for "potentially dangerous dog" in § 11.01. The Animal Control Officer shall provide written notice to the City Clerk/Administrator that a "Notice to Declare Dog Potentially Dangerous" has been issued to an animal owner.

(1) Every reasonable attempt should be made by the Animal Control Officer to deliver the "Notice To Declare a Potentially Dangerous Dog" to the animal owner in person.

(2) If the "Notice" cannot be delivered to the animal owner, the Animal Control Officer shall provide the "Notice" to the City Clerk/Administrator for mailing. The "Notice To Declare a Potentially Dangerous Dog" shall be mailed to the animal owner by certified mail.

§ 95.34 Potentially Dangerous Dogs; Containment Requirements

(A) An owner of a potentially dangerous dog shall keep the dangerous dog, while on the owner's property, in a proper enclosure.

(B) 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.

(C) 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.

§ 95.35 Confiscation

(A) *Seizure.*

(1) The Animal Control Officer shall immediately seize any dangerous dog if:

(a) After 14 days after the owner has notice that the dog is dangerous, the dog is not validly registered under § 95.31;

(b) The dog is not maintained in the proper enclosure; or

(c) The dog is outside the proper enclosure and not under physical restraint of a responsible person as required under § 95.32.

(2) 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.

(B) *Reclaimed.* A dangerous dog seized under division (A) above may be reclaimed by the owner of the dog upon payment of impounding and boarding fees, and presenting proof to the Animal Control Officer, and the city that the requirements of §§ 95.31 and 95.32, as they may be amended from time to time, will be met. A dog not reclaimed under this subdivision within 7 days may be disposed of as provided in § 95.25, and the owner is liable to the city for costs incurred in confining and disposing of the dog.

(C) *Subsequent offenses; seizure.*

(1) If a person has been convicted of a misdemeanor for violating a provision of §§ 95.31 and 95.32, and the person is charged with a subsequent violation relating to the same dog, the dog must be seized by the city's Animal Control Officer.

(2) If the owner is convicted of a 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.

(3) 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 city of a fee for the care and boarding of the dog.

(4) If the dog is not reclaimed by the owner within 5 days after the owner has been notified that the dog may be reclaimed, the dog may be disposed of as provided under § 95.35, and the owner is liable to the city for the costs incurred in confining, impounding, and disposing of the dog.

§ 95.36 Exceptions

- (1) This section does not apply to animals which are temporarily brought into the city for the purpose of participating in any circus or show; nor does it apply to any public zoo, or persons keeping animals for a public zoo as volunteers, docents or otherwise; nor to any bona fide research institution, or veterinary hospital, provided protective devices adequate to prevent such animal from escaping or injuring the public are provided.
- (2) In the case of regulated animals, those exemptions listed in Minn. Stat. § 346.155, subd. 7 shall apply.

ARTICLE 3. HORSES

§ 95.40 Horses; Requirements

§ 95.40 Horses; Requirements

- A. No person shall ride, drive, lead, or otherwise allow any horse or pony to directly travel over and in contact with any street or public road in the city which is hard surfaced or which has been ready for hard surfacing to the extent that the base for the hard surface has been applied, except the horses, ponies, and horse drawn vehicles shall be allowed on unpaved shoulders of the street or public road.
- B. No horse, pony, mule or other beast of burden shall be allowed on any public street, alley, sidewalk or other public right-of-way or upon public property unless the animal is properly attired to prevent animal waste from being deposited upon such public property or the owner of the animal shall be otherwise responsible for cleanup of all animal waste deposited upon public property by the animal.
- C. The restrictions of this section do not apply to animals that are part of a parade or other legally sanctioned event held in the city; however, all animals participating in such events are still subject to waste and cleanup requirements.

ARTICLE 6. DANGEROUS ANIMALS

§ 95.90 Keeping of Animals
§ 95.91 Other Animals
§ 95.92 Dangerous Animals Prohibited
§ 95.93 Exceptions

§ 95.90 Keeping Of Animals

The keeping of animals except for domesticated pets inside of the dwelling unit shall be prohibited.

§ 95.91 Other Animals

No person who owns or who has custody of any horse, mule, sheep, goat, swine, fowl, poultry, cattle, monkey, domesticated snake, cat, or any other animal shall permit the same to run at large in the city. Any animal or fowl found running at large shall be impounded by the Animal Control Officer who will then proceed, pursuant to §§ 95.33 through 95.36.

§ 95.92 Dangerous Animals Prohibited

A. No person shall harbor, maintain, or control any dangerous animal within the city.

B. A dangerous animal is 1 which is capable of inflicting severe bodily harm to humans, and shall include but not be limited to the following species:

1. *Class Mammalia.*

- a. African buffalo (*Syncerus caffer*);
- b. Hippopotamus (*Hippopotamus amphibious*);
- c. Wolves, dingoes, jackals, all species except foxes (Family Canidae);
- d. Hyenas, all species except aardwolves (*Proteles cristatus*)(Family Hyaenidae);
- e. Wolverine (*Gulo gulo*);
- f. Honey badger or ratel (*Mellivora campensis*);
- g. Old World badger (*Meles metes*);
- h. Bears (Family Ursidae);
- i. Lions, jaguars, leopards, tigers (Genus *Panthera*);
- j. Clouded leopard (*Neofelis nebulosa*);
- k. Cheetah (*Acinonyx jubatus*);
- l. Cougar or mountain lion (*Felis concolor*);
- m. Elephants (Family Elephantidae);

- n. Rhinoceroses (Family Rhinocerotidae);
- o. Gibbons, siamangs (Family Hylobatidae);
- p. Orangutans, chimpanzees, gorillas (Family Pongidae);
- q. Baboons, drills, mandrills (Genus Papio);
- r. Macaques (Genus Macaca); and
- s. Gelada baboon (*Theropithecus gelada*).

2. *Class Reptilia.*

- a. Gavials (Family Gavialidae);
- b. Crocodiles (Family Crocodylidae);
- c. Alligators, caimans (Family Alligatoridae);
- d. Cobras, coral snakes (Family Elapidae);
- e. Sea Snakes (Family Hydrophidae);
- f. Adders, vipers (Family Viperidae);
- g. Pit Vipers (Family Crotalidae); and
- h. All venomous rear-fanged species (Family Colubridae).

3. *The following species of constricting snakes over 8 feet in length.*

- a. Boa constrictor (*Boa constrictor*), all subspecies;
- b. Anaconda (*Eunectes murinus*);
- c. Indian python (*Python molurus*);
- d. Reticulate python (*Python reticulatus*); and
- e. Rock python (*Python sebae*).

4. *Other.*

- a. Gila monsters and beaded lizards (Family Helodermatidae); and
- b. Komodo dragon (*Varanus komodoensis*).

§ 95.93 Exceptions

A. This section does not apply to animals which are temporarily brought into the city for the purpose of participating in any circus or show; nor does it apply to any public zoo, or persons keeping animals for a public zoo as volunteers, docents or otherwise; nor to any bona fide research institution, or veterinary hospital, provided protective devices adequate to prevent such animal from escaping or injuring the public are provided.

B. In the case of regulated animals, those exemptions listed in Minn. Stat. § 346.155, subd. 7 shall apply.

SECTION 3. Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 4. Adoption Date. This Ordinance 08-088 was adopted on this fifteenth day of October 2013, by a vote of _____ Ayes and _____ Nays.

LAKE ELMO CITY COUNCIL

Mike Pearson
Mayor

ATTEST:

Adam Bell
City Clerk

This Ordinance 08-088 was published on the _____ day of _____, 2013.