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Lake Elmo, MN Code of Ordinances

CHAPTER 95: ANIMALS

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HORSES

§ 95.01 HARD SURFACED ROADS.

No horses or ponies shall be allowed directly on and in contact with any street or public road in the city which is hard surfaced or which has been made ready for hard surfacing to the extent that the base for the hard surface has been applied. Horses, ponies, and horse-drawn vehicles shall only be allowed on paved shoulders of the street or public roads.

(1997 Code, § 1315.01) Penalty, see § 10.99

§ 95.02 RIDING.

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 unpaved shoulders of the street or public road.

(1997 Code, § 1315.02) Penalty, see § 10.99

DOGS; GENERALLY

§ 95.15 DOG LICENSING REQUIRED.

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 Administrator 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 §§ 95.15 *et seq.* to the Administrator 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 Administrator 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.

(1997 Code, § 1320.02) Penalty, see § 10.99

§ 95.16 RABIES SHOTS REQUIRED.

At the time of application for registration, the applicant shall present to the Administrator 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.

(1997 Code, § 1320.03) Penalty, see § 10.99

§ 95.17 RECEIPT FOR REGISTRATION FEES.

Upon payment of the registration fee, the Administrator shall execute a receipt in duplicate, the original of which shall be delivered to the person who pays the fee and the duplicate retained in the records of the city. The receipt shall describe the dog as to breed, age, color, and sex, and whether or not the dog has been neutered.

(1997 Code, § 1320.04)

§ 95.18 TAGS.

The Administrator shall also procure a sufficient number of suitable metallic tags, the shape of which shall be different for each registration year. The Administrator shall deliver 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 so 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 by the Administrator upon presentation of a receipt showing the payment of the registration fee for the current year. A charge of \$1 shall be made for the duplicate tag.

(1997 Code, § 1320.05) Penalty, see § 10.99

§ 95.19 OFFENSES INVOLVING TAGS.

It shall be unlawful to counterfeit or attempt to counterfeit the tag provided for in § 95.18 or take from any dog a tag legally placed upon it by its owner with the intent to place it upon another dog, or to place the tag upon another dog.

(1997 Code, § 1320.06) Penalty, see § 10.99

§ 95.20 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.

(1997 Code, § 1320.07)

§ 95.21 PROHIBITION OF DOGS RUNNING AT LARGE.

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

(1997 Code, § 1320.08) Penalty, see § 10.99

§ 95.22 DISTURBING PEACE.

No person owning, operating, having charge of, or occupying, any building or premise shall keep or allow to be kept, any animal which shall, by any noise, unreasonably disturb the peace and quiet of any person in the vicinity. The phrase "unreasonably disturb the peace and quiet" 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 5-minute period of time with 1 minute or less lapse of time between each animal noise during the 5-minute period.

(1997 Code, § 1320.09) Penalty, see § 10.99

§ 95.23 PROHIBITION OF UNSECURED FEMALE DOGS 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 in heat.

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

(1997 Code, § 1320.10) Penalty, see § 10.99

§ 95.24 DOGS WHICH ARE PUBLIC NUISANCES.

Every unregistered dog, unsecured female dog in heat, and every dog that runs at large or causes disturbance, or noise, in violation of the provisions of §§ 95.15 *et seq.* is declared a public nuisance.

(1997 Code, § 1320.11) Penalty, see § 10.99

§ 95.25 INTERFERENCE WITH ENFORCEMENT.

It shall be unlawful for any unauthorized person to take or attempt to take from any officer any dog taken up by the officer in compliance with §§ 95.15 *et seq.* or in any manner to interfere with or hinder the officer in the discharge of official duties under §§ 95.15 *et seq.*

(1997 Code, § 1320.12) Penalty, see § 10.99

§ 95.26 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, and demand to examine the animal and to take possession of the animal when in the agent's opinion it requires humane treatment.

(1997 Code, § 1320.13)

§ 95.27 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 the Administrator. Whenever the Administrator learns that any human being has been bitten by any dog within the city, the Administrator shall ascertain the identity of the dog and the person owning, possessing, or harboring it. The Administrator 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.

(B) Upon learning that a dog has bitten a human being, the Administrator shall immediately notify the Animal Control Officer and inform Animal Control Officer of the place where the dog is impounded. It shall be the duty of the Animal Control Officer to inspect the dog as necessary during its period of 10-days' confinement and to determine whether the dog is infected with rabies. 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. 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 and shall promptly deliver its carcass to the Animal Control Officer in case of its death during the period.

(1997 Code, § 1320.14) Penalty, see § 10.99

§ 95.28 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 the police without notice to the owner.

(1997 Code, § 1320.15)

§ 95.29 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.

(1997 Code, § 1320.16) Penalty, see § 10.99

§ 95.30 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 §§ 95.15 *et seq.* and shall be vested with all the authority conferred by §§ 95.15 *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.

(1997 Code, § 1320.17)

§ 95.31 POUNDKEEPER.

The Council shall appoint a person, persons, or firm as the Council may deem necessary and advisable as poundkeeper for the city. The Council shall designate or establish a pound in which dogs taken up under the provisions of §§ 95.15 *et seq.* shall be impounded. The poundkeeper shall be compensated in the manner as the Council may deem reasonable. The poundkeeper shall file a monthly report with the Council relating to the operation of the pound as it applies to the city.

(1997 Code, § 1320.18)

§ 95.32 IMPOUNDING OF DOGS.

The Animal Control Officer shall take up and impound any dogs found in the city without the tags provided in § 95.18 or any dogs which are in violation of any of the other provisions of §§ 95.15 *et seq.* To enforce §§ 95.15 *et seq.*, the Animal Control Officer is empowered and instructed to enter upon any private premises where the officer has reasonable cause to believe there is an unlicensed dog, a dog which has been at large during the same day, or an unsecured female dog in heat.

(1997 Code, § 1320.19)

§ 95.33 REDEMPTION.

(A) *Redemption.* Any dog may be redeemed from the pound by the owner within 5 days after impounding by payment of a fee as set forth from time to time by resolution of the Council for each day the dog is confined in the pound, as the cost of boarding, feeding.

(B) *Additional impoundment charge.* An additional fee, set from time to time by resolution of the Council, shall be charged for any dog that has been impounded more than once each year.

(C) *Double impoundment charge.* In the case of unregistered or untagged dogs, the poundkeeper shall not return the dog to the owner until a dog license and/or tag has been purchased at the city office or from the poundkeeper. In the case of unregistered or untagged dogs, a double impounding fee shall be paid due to the special handling required on an unregistered or untagged dog.

(D) *Registration certificate.* The poundkeeper shall remit to the city the sum paid to him/her for the dog license and/or tag. The poundkeeper shall furnish to the city all necessary information pertaining to the purchase, including a copy of any dog license issued in connection with the registration.

(1997 Code, § 1320.20)

§ 95.34 DISPOSITION OF UNCLAIMED DOGS.

Any dog which is not claimed as provided for in § 95.33 or by a licensed educational or scientific institution or sold, shall be painlessly put to death and the body properly disposed of by the poundkeeper.

(1997 Code, § 1320.21)

§ 95.35 PROCEEDINGS FOR DESTRUCTION OF CERTAIN DOGS.

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

(1) That any dog at any time has destroyed property or habitually trespassed in a damaging manner on property of persons other than the owner;

(2) That any dog at any time has attached or bitten a person outside the owner's or custodian's premises;

(3) That any dog is vicious or shows vicious habits, or molests pedestrians or interferes with the driving of automobiles on the public highways;

(4) 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

(5) That any dog is running at large or 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 of appearance 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 the dog killed. 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 kill any dog described 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.

(1997 Code, § 1320.22)

DANGEROUS AND POTENTIALLY DANGEROUS DOGS

§ 95.50 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.

(1997 Code, § 1320.24)

§ 95.51 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.

(1997 Code, § 1320.25) Penalty, see § 10.99

§ 95.52 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.

(1997 Code, § 1320.26) Penalty, see § 10.99

§ 95.53 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.

(1997 Code, § 1320.27)

§ 95.54 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.

(1997 Code, § 1320.28) Penalty, see § 10.99

§ 95.55 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 § 95.51;

(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 § 95.52.

(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 §§ 95.51 and 95.52, 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 § 95.35, 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 §§ 95.51 and 95.52, 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 7 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.

(1997 Code, § 1320.29)

DANGEROUS ANIMALS

§ 95.70 KEEPING OF ANIMALS.

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

(1997 Code, § 1325.01) Penalty, see § 10.99

§ 95.71 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.

(1997 Code, § 1325.02) Penalty, see § 10.99

§ 95.72 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*).

(1997 Code, § 1325.03) Penalty, see § 10.99