

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

**ORDINANCE 81-30**

**AN ORDINANCE ADDING SECTION 1330 "DANGEROUS AND POTENTIALLY  
DANGEROUS DOGS" TO  
THE LAKE ELMO MUNICIPAL CODE**

**Section 1. Amendment:** Section 1330 and its subsections is hereby added to the Lake Elmo Municipal Code and shall read as follows:

Lake Elmo Municipal Code  
Chapter 13  
Section 1330 Dangerous and Potentially Dangerous Dogs

**SECTION 1330.01 REGULATION OF DANGEROUS DOGS**

**Subd. 1. Terms and Definitions.** For the purpose of Sections 1330.01 to 1330.07, the terms defined in this section have the meanings given them.

**Subd. 2. Dangerous Dog.** "Dangerous Dog" means any dog that has:

- A. Without provocation, inflicted substantial bodily harm on a human being 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. 3. Potentially Dangerous Dog.** "Potentially dangerous dog" means any dog that:

- A. When unprovoked, inflicts bites on a human or domestic animal on public or private property;
- B. When unprovoked, chases or approaches a person upon the streets sidewalks, or any public property in an apparent attitude of attack, or
- C. Has a known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.

**Subd. 4. Proper Enclosure.** "Proper Enclosure" means securely confined indoors, or in a securely enclosed and locked pen or structure suitable to prevent the animal from escaping and providing protection from the elements for the dog. A proper enclosure does not include a porch, patio, or any part of a house, garage, or other structure that would allow the dog to exit of its own volition, or any house or structure in which windows are open or in which door or window screens are the only obstacles that prevent the dog from exiting.

**Subd. 5. Owner.** "Owner" means any person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having care, custody, or control of a dog.

**Subd. 6. Substantial Bodily Harm.** "Substantial Bodily Harm" means bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily member or organ, or which causes a fracture of any bodily member.

**Subd. 7. Animal Control Officer.** "Animal Control Officer" means the person contracted with by the City that is responsible for animal control operations within its corporate limits.

**1330.02. DANGEROUS DOGS; REPORTING AND NOTIFICATION.**

**Subd. 1. Incident Report.** The Animal Control Officer shall complete an "Incident Report" on any incident listed in Section 1330.01, Subd. 2.

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**Subd. 2. 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 Section 1330.01, Subd. 2. 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.

- A. 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.
- B. 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.
- C. Dogs may not be declared dangerous if the threat, injury, or damage was sustained by a person:
  1. Who was committing, at the time, a willful trespass or other tort upon the premises occupied by the owner of the dog;
  2. Who was provoking, tormenting, abusing, or assaulting the dog or who can be shown to have repeatedly, in the past, provoked, tormented, abused, or assaulted the dog; or
  3. Who was committing or attempting to commit a crime.

**1330.03 DANGEROUS DOGS; REGISTRATION REQUIREMENT.** The owner of a dangerous dog shall obtain a certificate of registration from Washington County. Washington County regulations indicate that a certificate of registration will be issued if:

**Subd 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.

**Subd. 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.

**Subd. 3. Law Enforcement Exemption.** The provisions of this section do not apply to dangerous dogs used by law enforcement officials for police work.

**Subd. 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.

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**1330.04 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.

**1330.05 POTENTIALLY DANGEROUS DOGS; REPORTING AND NOTIFICATION.**

**Subd. 1. Incident Report.** The Animal Control Officer shall complete an "Incident Report" on any incident listed in Section 1330.01, Subd. 3.

**Subd. 2. 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 Section 1330.01, Subd. 3. 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.

- A. 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.
- B. 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.

**1330.06 POTENTIALLY DANGEROUS DOGS; CONTAINMENT REQUIREMENTS.** An owner of a potentially 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.

**1330.07. CONFISCATION.**

**Subd. 1. Seizure.** The Animal Control Officer shall immediately seize any dangerous dog if:

- A. After Fourteen (14) days after the owner has notice that the dog is dangerous, the dog is not validly registered under Section 1330.03 ;
- 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 Section 1330.04
- 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.

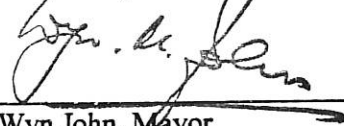
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**Subd. 2. Reclaimed.** A dangerous dog seized under subdivision 1 may be reclaimed by the owner of the dog upon payment of impounding and boarding fees, and presenting proof to the Animal Control Officer, and the City that the requirements of sections 1330.03 and 1330.04 will be met. A dog not reclaimed under this subdivision within seven (7) days may be disposed of as provided in §35.71 , subdivision 3,, and the owner is liable to the City for costs incurred in confining and disposing of the dog.


**Subd. 3. Subsequent Offenses; Seizure.** If a person has been convicted of a misdemeanor for violating a provision of Sections 1330.02 and 1330.03, 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. 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. 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. If 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 as provided under §35.71, subdivision 3, and the owner is liable to the City for the costs incurred in confining, impounding, and disposing of the dog.

**Section 2. Effective Date:** This ordinance shall become effective upon its passage and publication according to law.

Adopted by the Lake Elmo City Council this 6th day of February, 1996.

  
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Wyn John, Mayor

Attest

  
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Mary Kueffner, City Clerk/Administrator

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