

AN ORDINANCE REGULATING DOGS AND CATS WITHIN THE CITY, INCLUDING
THE KEEPING THEREOF AND PROVIDING FOR THEIR LICENSING

THE CITY COUNCIL OF THE CITY OF OAK PARK HEIGHTS, WASHINGTON COUNTY,
MINNESOTA, DOES ORDAIN:

Sec. 601.01 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.

- A. “Abandoned” means to leave a dog or cat at large within the City without intending to return to or recover it. It shall also mean to purposefully leave a dog or cat in the possession of the Animal Warden to avoid paying impoundment and/or boarding costs.
- B. “Altered” means any female dog or cat that has been spayed or any male dog or cat that has been castrated.
- C. “Animal Control Officer” means the City Council and/or any persons or agencies designated by the City Council.
- D. “Animal Warden” means any person or agency designated by the City Council to house, hold, confine, or board dogs or cats seized and/or impounded herein. The Animal Warden shall be appointed and serve at the pleasure of the City Council. The Animal Warden shall also be construed to include the City Police Department and any other law enforcement agency routinely engaged in law enforcement within the City.
- E. “At Large” means off the premises of the owner and not under the physical control (by leash or by voice) of the owner, a member of the owner’s immediate family, or a person designated by the owner.
- F. “Bona Fide Livestock” operation means a farm (of forty (40) acres or more in size) on which horses, cows, swine, poultry, sheep, goats, or other common farm animals are kept, raised bred, or sold as a part of a business enterprise.
- G. “Cat” means any animal wholly or in part of the species *Felis Domesticus*.
- H. “Dog” means any animal wholly or in part of the species *Canis Familiaris*.
- I. “Commercial Kennel” means a kennel where dogs are bred and/or sold for re-sale, individually or in litter lots, whether or not any of these animals

are also kept for personal use and where the business may be a primary source of income. Commercial kennels are also places where dogs are boarded, groomed, or trained for a fee.

- J. “Dangerous Dog” and “Potentially Dangerous Dog” have the meaning ascribed to those terms by M. S. §347.50, and specifically as follows:
1. “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 noticed that the dog is potentially dangerous, the dog aggressively bites, attacks, or endangers the safety of humans or domestic animals.
 2. “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.
 3. The terms “Dangerous Dog” and “Potentially Dangerous Dog” shall also be construed to include similar classifications from other statutes or ordinances which are substantially in conformity with Minnesota Statutes §347.50, whether or not the same words are used.
- K. “Hobby Kennel” means a kennel where dogs are kept primarily for personal companionship, for recreational use, or for performance events in addition to the purpose of improving the physical soundness and temperament of such dogs, and where the breeding and selling of animals is incidental to occupancy of the premises for residential purposes, and is not a primary source of income.

- L. “Kennel” means any place where three (3) dogs or more (or up to the number of dogs permitted as an accessory use within the City’s Zoning Codes and within the limitations therein provided) over four (4) months of age are kept, raised, sold, boarded, bred, shown, treated, or groomed.
- M. “Owner” means any person or the parents or guardians of a person under eighteen (18) years of age who owns, harbors, keeps, or has custody of a dog or cat.
- N. “Person” means any individual, partnership, corporation, firm, or group, however organized.

601.02 Exemptions.
Except where duties are expressly stated, this article does not apply to hospitals, clinics, and other premises operated by licensed veterinarians exclusively for the care and treatment of dogs or cats.

601.03 Animal Control Officer.
The Animal Control Officer shall have police powers necessary for enforcement of this Chapter, including authority to issue complaints for violations.

601.04 Animal Warden.
The City Council may appoint an Animal Warden and establish compensation for said position. Such person or agency shall serve at the pleasure of the City Council. The City Council shall annually review the work and compensation of the Animal Warden. No person or agency shall be appointed Animal Warden unless that person or agency has a microchip scanner for use in the identification of animals using such means of identification.

601.05 Interference with Enforcement.
No unauthorized person shall break open the Animal Warden’s pound or attempt to do so, or to take or let out any animals therefrom, or to take or attempt to take from any Animal Control Officer or Animal Warden any dog or cat taken up by him in compliance with the City ordinance or statute, or in any manner to interfere with or hinder such officer or warden in the discharge of their duties.

601.06 Dog or Cat License.
A. No person shall own, keep, or harbor any dog or cat of more than six (6) months of age without first securing a license from the City Clerk, who shall keep a record of all licenses issued and shall issue a durable identification tag for such licenses. Upon receipt of an application reciting the name and address of the owner, the address where the dog or cat will be kept, and the sex, breed, age, color, and markings of the dog or cat for which a license is sought, and upon payment of the license fee established by resolution, the City Clerk shall issue a license in the form of a metal identification tag for each animal.

- B. The terms of a license shall run concurrently with a dog's or cat's rabies vaccination schedule. Specifically, a dog or cat license expires (and must be renewed) when a new rabies vaccination is needed. Failure to renew the license within thirty (30) days of a new rabies vaccination will result in a late license penalty fee being owed to the City in the amount established by resolution.
- C. Failure to purchase a license within sixty (60) days of establishing residence in the City, within sixty (60) days of acquiring a dog or cat, or within sixty (60) days of a dog or cat reaching the age of six (6) months during any calendar year will result in the late license penalty fee being owed to the City.
- D. Dog or cat licenses are not required for dogs or cats that are kept in the City for thirty (30) days or fewer. Such dogs or cats shall be known as "visiting dogs" or "visiting cats". Visiting dogs or cats must be kept in an enclosure or on a leash at all times.

601.07 Reserved For Future Use.

601.08 Kennels.

It shall be unlawful to operate any kennel unless a permit to operate the same has been secured from the City Council in advance.

601.09 Rabies Inoculation of Dogs and Cats.

- A. All dogs and cats in the City over the age of six (6) months shall be inoculated for rabies and shall be re-inoculated according to standard veterinary practices thereafter. Such vaccination must be performed by or under the direct supervision of a veterinarian duly licensed to practice veterinary medicine in the state in which the vaccine is administered. A certificate from the veterinarian inoculating said dogs or cats shall be exhibited to the Animal Control Officer upon demand, and will be required as written proof of such vaccination at the time a dog or cat license is obtained from the City.
- B. Each dog or cat shall wear a sturdy collar for aid in identification with the veterinarian's metal tag showing proof of said current rabies vaccination. At the owner's discretion, a tattoo or implanted microchip may be used in lieu of the collar and tag if the tattoo and chip identification numbers are placed on file at the City at the time of license application.

601.10 Animal Bites and Animals Exposed to Rabies.

- A. Any law enforcement officer or the Animal Control Officer may enter upon the private property of any person while in pursuit of any dog or cat

under probable cause to believe that such dog or cat has bitten a person or animal, or that such dog or cat is rabid.

- B. Subsection (A) notwithstanding, whenever any person who owns, possesses, or harbors any dog or cat within the City learns that the dog or cat has bitten any human being, such person shall immediately quarantine such dog or cat for a period of at least ten (10) days, keeping it apart from other animals until it is determined whether the dog or cat has rabies. The quarantine may be by the person owning the dog or cat if such dog or cat has a current license and rabies vaccination at the time the bite occurred. If the dog or cat does not have a current license and rabies vaccination at the time the bite occurred, the dog or cat must be impounded at a licensed pound or with a licensed veterinarian at the owner's expense. After the required ten (10) day quarantine, the dog or cat shall be examined by a licensed veterinarian to insure that there are no clinical signs of rabies. If the dog or cat is found to be rabid, it shall be humanely euthanized.
- C. If the dog or cat owner cannot be located or advised of the dog or cat bite within two (2) hours of the occurrence, or if the owner fails to quarantine the dog or cat as required by this Ordinance, the Animal Control Officer or Animal Warden shall cause the dog or cat to be impounded and so quarantined. After the required ten (10) day quarantine, if the dog or cat is still unclaimed, the dog or cat shall be humanely euthanized and tested for rabies; if claimed, the dog or cat shall be examined by a licensed veterinarian to insure there are no clinical signs of rabies. If no signs of rabies are observed, the dog or cat can be released to the owner as specified in Section 601.18 of this Ordinance. If the dog or cat is found to be rabid, it shall be humanely euthanized.
- D. The Animal Warden, Animal Control Officer, or other designate of the City shall have the authority to verify if the dog or cat is properly quarantined. Any veterinarian quarantining an animal shall notify the Animal Warden before the release of such animal.
- E. Any dog or cat to have been bitten by a rabid dog or cat or to have been exposed to rabies shall be impounded. If, however, the dog or cat is at large and cannot be apprehended after reasonable effort, the dog or cat may be immediately destroyed. After impoundment, if proof of rabies immunization is furnished and booster injections are given by a licensed veterinarian at the expense of the owner, the dog or cat may be released to the owner as specified in Section 601.18 of this Ordinance. If it cannot be proven that the animal has a current rabies immunization, the owner may, at his discretion, make provision for a suitable quarantine for a period of not less than six (6) months.

- A. No person shall allow a dog or cat to run at large at any time.
- B. Subsection (A) notwithstanding, this provision shall not apply to dogs used as a necessary element of a bona fide livestock operation. Dogs used in bona fide livestock operations shall be issued license tags of a different color than regular licensed dogs. Said tags shall be called “farm dog licenses” and shall be worn at all times.
- C. No person shall apply for a farm dog license unless their dog(s) is(are) a necessary element of a bona fide livestock operation.

601.12 Abandonment Prohibited.

No person shall abandon any dog or cat within the City.

601.13 Nuisances.

A. The following are public nuisances and unlawful:

1. Any dog or cat that damages property (that is not the property of the owner), including plantings, lawns or structures, or that deposits fecal matter off of the owner’s property that the owner fails to remove promptly.
2. Any dog or cat that, without provocation, chases, molests, or approaches pedestrians or bicyclists in a threatening manner upon the streets, sidewalks, right-of-way, or any public property, or habitually chases automobiles on the public streets or highways.
3. Any dog or cat that is kept under unsanitary and/or inhumane conditions such that the maintenance or keeping of the animal creates odors to the annoyance of the public in the vicinity.
4. Any dog or cat that kills or attacks another domestic animal or livestock without provocation while off the owner’s property.
5. The owning, keeping, or harboring of any dog or cat which shall, by any noise, unreasonably and/or excessively disturb the peace and quiet of any person in the vicinity. The phrase “unreasonably and/or excessively disturb the peace and quiet” shall include, but is not limited to, the creation of any noise by a dog or cat which can be heard by any person, including an Animal Control Officer or law enforcement officer, from a location off the dog or cat owner’s property where the dog or cat is being kept, and which noise occurs repeatedly over at least a five (5) minute period of time with one (1) minute or less lapse of time between each animal noise during the five (5) minute period. This provision shall not apply to

dogs or cats that are responding to trespassers or to dogs or cats that are teased or similarly provoked to bark or meow.

- B. Any person seeking immediate relief may, by telephone, notify the City Clerk, Animal Control Officer, or law enforcement officer of an alleged violation of this Ordinance. A telephone call does not, however, constitute a formal complaint to initiate the citation process. All formal complaints shall be submitted in writing to the attention of the City Clerk and shall describe the dog or cat, state the acts committed by the dog or cat, the name and address of the person owning or harboring the dog or cat, and the name and address of the person making the complaint. The City Clerk shall then promptly notify the person owning or harboring the dog or cat of the acts complained of, either by letter or door tag, and shall request that the nuisance be abated or eliminated within a specified time period. The City Clerk shall also cause the Animal Control Officer or law enforcement officer to investigate and file a report on the complaint.
- C. Upon receipt of a second complaint of a violation of this Ordinance, the City Clerk shall cause the Animal Control Officer or law enforcement officer to investigate and file a second report on the complaint. If the offense is corroborated by the investigation, the City Clerk shall, by certified letter, notify the person owning or harboring the dog or cat of the violations complained of, and require that the nuisance be abated or eliminated within twenty-four (24) hours or some other reasonable time specified in the letter. A copy of the letter shall be mailed to the Animal Control Officer and a copy shall be mailed to the person making the complaint.
- D. If the owner fails to take corrective action within twenty-four (24) hours (or within the time specified in the letter), the City Clerk shall contact the appropriate law enforcement agency and/or the City Attorney, inform them of the alleged violation, and request that the owner be cited.

601.14

Dangerous Dog Provision.

- A. It shall be illegal for any person to own, keep, possess, or harbor any dog that has been declared a dangerous dog or potentially dangerous dog. This prohibition shall apply whether said declaration has occurred in the City or in some other jurisdiction. This prohibition shall also apply whether said declaration was made pursuant to M.S. §347.50 or pursuant to another statute or ordinance which is substantially similar to M.S. §347.50.
 - 1. If a dangerous dog or potentially dangerous dog has bitten a person, then the dog shall first be quarantined according to the provisions of Section 601.18. Following said quarantine period, then the provisions of paragraphs (2) and (3) shall apply.

2. The Animal Control Officer or law enforcement officer shall immediately seize and impound any dangerous dog or potentially dangerous dog that is found within the City. The dog will be kept no fewer than ten (10) calendar days. The owner has until the end of this time period to provide written verification that the dog will be legally removed from the City, or that the dog will be euthanized. The owner must pay all associated impounding and boarding costs prior to the release of the dog. Upon its release, the dog shall be immediately transported to a location outside the City.
3. Any such dog that is not properly claimed within ten (10) calendar days shall be humanely euthanized. The owner of the dog that is euthanized shall be responsible to pay the impounding, boarding, and euthanization costs.

B. This Section shall not apply to police dogs under the control of a licensed law enforcement officer during the performance of official police activities.

601.15 Females in Heat.

Every female dog or cat in heat shall be confined in a building or other secure enclosure in such manner that such female cannot come in contact with another dog or cat, respectively, except for the express purpose of planned breeding, and shall be controlled on a leash while being exercised.

601.16 Sanitation.

Any person who owns, keeps, or harbors any dog or cat is responsible to keep his property clean of all fecal matter from the dog or cat. All dog or cat waste shall be removed daily so as to keep the surrounding area free from obnoxious odors.

601.17 Appointing of an Animal Warden.

The City Council may appoint an Animal Warden and establish compensation for said position. Such person shall serve at the pleasure of the City Council. The City Council shall annually review the work and compensation of the Animal Warden.

601.18 Seizure of Dogs and Cats – Impounding.

The Animal Warden, any law enforcement officer, the Animal Control Officer, or any other person may seize, impound, or restrain any dog or cat found running at large, any dog or cat without a veterinarian's metal tag attesting to its rabies vaccination and/or any dog or cat without its City license tag. Any person or officer (other than the Animal Warden) impounding or restraining such dog or cat shall immediately deliver the same to the Animal Warden. If the animal is collarless, the Animal Warden shall immediately ascertain whether the dog or cat has a tattoo or embedded microchip as a means of identification. The Animal Warden shall thereupon give notice of the impoundment to the owner or, if the

owner is unknown, shall post notice of the impoundment at the City Hall (and at such other places as may be designated by the City Council). If such dog or cat is not claimed within ten (10) calendar days of such posted notice and all fees and charges paid, the Animal Warden shall place the dog or cat in the custody of a suitable person or shall humanely euthanize the animal. Any dog or cat restrained or impounded shall receive humane treatment and sufficient food, water, and shelter.

601.19

Impounding and Boarding Fees.

- A. The Animal Warden may charge such reasonable impounding fees for the care and board of any dog or cat restrained or impounded and any and all such fees imposed shall be paid to the Animal Warden at the time of reclamation of the dog or cat. The City Council shall annually review all fees so imposed by the Animal Warden to determine their reasonableness and may, by resolution, impose such additional fees reasonably related to the necessary and reasonable expenses incurred by the City for the capture, transportation, and/or care of impounded dogs or cats. All such fees must be paid to the Animal Warden prior to the release of the animal. The Animal Warden shall issue a receipt to the owner evidencing such payment. Additionally, the Animal Warden may not release any dog or cat until the owner provides written proof that the dog or cat is currently vaccinated against rabies and that the dog or cat has received a current license from the City.
- B. In the case where any dog or cat has been impounded whose rabies vaccination and dog or cat license are not current, said dog or cat shall not be released unless the owner first obtains a City dog or cat license and provides written evidence, from a licensed veterinarian, that arrangements have been made to have the dog or cat vaccinated upon its release. Any written evidence submitted pursuant to this provision shall be deemed inadmissible in any criminal court action against the owner of the dog or cat.

601.20

Coordination with Veterinarians.

The City may enter into Agreements with veterinarians to assist in the administration of the provisions of this Ordinance. Said agreements shall insure that an orderly system is set up to coordinate the licensing, vaccination, impoundment, quarantine, and/or euthanization, as needed, of dogs or cats within the City. Said agreement shall also provide for a reasonable method of compensating veterinarians for the service that they provide to the City.

601.21

Constitutionality.

If any portion of this Ordinance is for any reason held invalid or unconstitutional, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

- 601.22 Penalty.
Any person, firm or corporation violating any of the provisions of this Ordinance shall be guilty of a misdemeanor.
- 601.23 Effective Date.
This Ordinance shall be in full force and effect from and after its passage and publication, according to law, and licenses required herein must be secured within thirty (30) days thereafter by persons owning, harboring, or keeping dogs or cats at the time of such passage and publication.
- 601.24 Repeal.
The former Chapter 601, dated October 28, 1997 is hereby repealed in its entirety and replaced by this Ordinance.