APPLICATION FOR LICENSE

City of Crystal
4141 Douglas Drive N, Crystal, MN 55422
Telephone: (763) 531-1000 / Facsimile: (763) 531-1188
Deaf and hard-of-hearing callers may call Minnesota Relay at 711.
www.crystalmn.gov

PLEASE PRINT CLEARLY

Applicant's Name:	Fee:*(0100.4145)	$
Home Address:	Day Phone: ( )	
City/State/Zip:	Evening Phone: ( )	
Business Name:	Business Phone: ( )	
Doing Business As:	Fax Phone: ( )	
Location of kennel (full address, including zip code):		

I enclose the sum of _____ and 00/100 dollars to the City of Crystal as required by the Ordinances of said City and have complied with all the requirements of said Ordinances necessary for obtaining a (*check one*) ☐ **PRIVATE or** ☐ **COMMERCIAL** ANIMAL KENNEL LICENSE at the above address from _____through April 30, 20_____, subject to all conditions and provisions of said Ordinance.

ADDITIONAL REQUIREMENTS

1. *Commercial & Private licenses*: Kennel License Supplemental Form
2. *Private license*: Copy of current rabies vaccination forms
3. *Private license*: Copy of current dog licenses from the Crystal Police Department

The information in this Application For License is true and complete to the best of my knowledge.

_____ _____

Signature of Applicant **Date**

*Fee: *If exempt, fill out Licensing Fee Exemption Form*
(Fee: commercial kennel = $150/new or $130/renewal; private kennel = $100/new or $80/renewal)

APPLICATION FOR LICENSE INVOLVING PRIVATE OR CONFIDENTIAL INFORMATION
(Includes Tennessen Warning)

Under Minnesota law (M.S. 270.72), the agency issuing you this license is required to provide to the Minnesota Commissioner of Revenue your Minnesota business tax identification number or the Social Security number of each license applicant.

Under the Minnesota Government Data Practices Act and the Federal Privacy Act of 1974, we must advise you that:

- This information may be used to deny the issuance, renewal or transfer of your license if you owe the Minnesota Department of Revenue delinquent taxes, penalties, or interest;
- The licensing agency will supply this information only to the Minnesota Department of Revenue. However, under the Federal Exchange of Information Act, the Department of Revenue is allowed to supply this information to the Internal Revenue Service;
- Failure to supply this information may jeopardize or delay the issuance of your license or the processing of your renewal application.

CITY USE ONLY: JDE#_____ Date Entered: _____

PIMS ID#_____ Council Date: _____

Approved by: _____ _____

City Manager Anne Norris City Clerk Chrissy Serres

Certificate of Compliance
Minnesota Workers' Compensation Law

PRINT IN INK or TYPE.

Minnesota Statutes, Section 176.182 requires every state and local licensing agency to withhold the issuance or renewal of a license or permit to operate a business or engage in any activity in Minnesota until the applicant presents acceptable evidence of compliance with the workers' compensation insurance coverage requirement of Minnesota Statutes, Chapter 176. The required workers' compensation insurance information is the name of the insurance company, the policy number, and the dates of coverage, or the permit to self-insure. If the required information is not provided or is falsely stated, it shall result in a $2,000 penalty assessed against the applicant by the commissioner of the Department of Labor and Industry.

A valid workers' compensation policy must be kept in effect at all times by employers as required by law.

BUSINESS NAME (Individual name only if no company name used)	LICENSE OR PERMIT NO (if applicable)

DBA (doing business as name) (if applicable)

BUSINESS ADDRESS (PO Box must include street address)	CITY	STATE	ZIP CODE

YOUR LICENSE OR CERTIFICATE WILL NOT BE ISSUED WITHOUT THE FOLLOWING INFORMATION. You must complete number 1, 2 or 3 below.

NUMBER 1 COMPLETE THIS PORTION IF YOU ARE INSURED:

INSURANCE COMPANY NAME (not the insurance agent)

WORKERS' COMPENSATION INSURANCE POLICY NO.	EFFECTIVE DATE	EXPIRATION DATE

NUMBER 2 COMPLETE THIS PORTION IF SELF-INSURED:

☐ I have attached a copy of the permit to self-insure.

NUMBER 3 COMPLETE THIS PORTION IF EXEMPT:

I am not required to have workers' compensation insurance coverage because:

☐ I have no employees.

☐ I have employees but they are not covered by the workers' compensation law. (See Minn. Stat. Sec. 176.041 for a list of excluded employees.) Explain why your employees are not covered:_____

☐ Other:_____.

ALL APPLICANTS COMPLETE THIS PORTION:

I certify that the information provided on this form is accurate and complete. If I am signing on behalf of a business, I certify that I am authorized to sign on behalf of the business.

APPLICANT SIGNATURE (mandatory)	TITLE	DATE

NOTE: If your Workers' Compensation policy is canceled within the license or permit period, you must notify the City of Crystal by resubmitting this form.

This material can be made available in different forms, such as large print, Braille or on a tape. To request, call 1-800-342-5354 (DIAL-DLI) Voice or TDD (651) 297-4198.

KENNEL LICENSE SUPPLEMENTAL FORM

1. Type of kennel (check one): ☐ Commercial ☐ Private
2. Zoning classification of land: _____
3. Adjacent property uses:

   North: _____ East: _____

   South: _____ West: _____
4. Nature and/or extent of kennel operation, including number of animals on the premises:

   _____

   _____
5. Kennel layout and construction:

   _____

   _____

Please provide in the table below the information requested from neighbors located on either side of your property, the two houses across the street, and the two houses behind you. If your property is located on a corner lot, signatures must be obtained from the side houses and all corners. Please print clearly.

We, the undersigned, consent to the residence at _____,
(house number, street, and zip code)
in Crystal to have more than 3 dogs OR more than 3 cats OR a combination of more than 2 dogs and 2 cats **not exceeding a total of 5 dogs and cats** on the premises.

Print Name	Signature	Address w/ Zip Code	Home Phone	Work Phone

Please note that letters will be sent to each person listed in this table. The letter will include the applicant's name and address and the date of the council meeting at which this kennel license will be an agenda item.

Crystal City Code Section 910.01, Subd. 11

"Private kennel" means any premises where more than 3 dogs OR more than 3 cats OR a combination of more than 2 dogs and 2 cats **not exceeding a total of 5 dogs and cats** over three months of age, are kept or harbored within a dwelling unit.

Crystal City Code Section 910.07, Subd. 3

An applicant for a kennel license must provide an up-to-date detailed plan and description of the premises and structures wherein the kennel is to be operated, the number and types of animals proposed to be handled therein, and such other information as the City may deem necessary.

A kennel license may not be issued to an applicant located within 50 feet of an existing restaurant, except upon approval of the health authority and subject to such limitations as may be prescribed by the health authority.

Applicant Signature: _____ Dated: _____

CITY of CRYSTAL

4141 Douglas Drive North • Crystal, Minnesota 55422-1696

Tel: (763) 531-1000 • Fax: (763) 531-1188 • www.crystalmn.gov

Certification of Financial Responsibility

This form must be completed and returned with a City license application.

To the best of my knowledge, based upon a review of the status of the property/business located in the City of Crystal at _____, I attest that the foregoing property/business is financially responsible as outlined in Crystal City Code 1005.29 (a), printed in full on the reverse of this form.

I hereby certify that I/we are current on the following financial obligations:

(*Circle answers*)

Yes	No	Property Taxes paid
Yes	No	Utility Bills paid
Yes	No	State Taxes paid
Yes	No	Federal Taxes paid
Yes	No	Other governmental obligations or claims concerning me or the business entity named on this license application

If "NO" is circled for any of the above, describe the payment plan or other agreement approved by the applicable governmental entity.

_____

_____

_____

_____

See entire Crystal City Code 1005.29 (a) on the reverse side of this form.

I certify under penalty of perjury that the foregoing is true and correct.

Executed on:_____ (date)

_____ _____

Print Name Signature

Note: Filing a false statement with a government agency is a criminal offense.

Staff use only:

__UB __PrevUB __UB Cert __Tax __PrevTax

Verified compliance _____<*date*>

Staff initials: _____

The City of Crystal has adopted the following ordinance:

<u>Crystal City Code 1005.29 Financial responsibility; applicability</u>. (a) Prior to the issuance of a license the applicant must file with the city clerk satisfactory evidence of financial responsibility. "Satisfactory evidence of financial responsibility" shall be shown by a certification under oath that the property taxes, public utility bills, and all state and federal taxes or other governmental obligations or claims concerning the business entity applying for the license are current, and that no notice of delinquency or default has been issued, or if any of the financial obligations stated in this subsection are delinquent or in default, that any such delinquency or default is subject to a payment plan or other agreement approved by the applicable governmental entity. "Satisfactory evidence of financial responsibility" as required by this subsection shall in addition be shown by any individual applicant and all individual owners and/or shareholders of the business entity. Operation of a business licensed under this section without having on-going evidence on file with the City of the financial responsibility required by this subsection is grounds for revocation or suspension of the license.

What does this mean for a City-issued business license?

Prior to issuance of a City-issued business license or renewal license, license holders are required to certify that the property taxes, utility bill, and all state and federal taxes for the property or the business entity applying are current. Also, the applicant must certify that no notice of delinquency or default has been issued or is subject to a payment plan.

What will happen if a license holder is not financially responsible?

A hearing is granted before the City Council. The Council may deny, suspend or revoke the City-issued business license. Upon providing satisfactory evidence of financial responsibility, the business owner may re-apply for the license.

Section 910 - Dog control; animals

910.01. Definitions. Subdivision 1. For purposes of this section, the terms defined in this subsection have the meanings given them.

Subd. 2. "Animal" means a dog, domestic animal, or wild animal. (Amended, Ord. No. 2010-04, Sec. 1)

Subd. 3. "Animal control officer" means the person, entity, position, department or agency designated by the city council to enforce the provisions of this section. (Added, Ord. No. 2010-04, Sec. 1)

Subd. 4. "Appropriate license" means a dog, private kennel, or commercial kennel license. (Amended, Ord. No. 2010-04, Sec. 1)

Subd. 5. "Owner" means any person, firm, corporation, organization, or department possessing, owning, harboring, having an interest in, or having care, custody, or control of a dog or other animal. (Amended, Ord. No. 2019-04, Sec. 1)

Subd. 6 "Commercial kennel" means any place where dogs or other animals are kept, and where the business of raising, selling, boarding, breeding, showing, treating, or grooming of dogs or other animals is conducted. The term includes pet shops, animal hospitals, kennel and other similar type operations. (Amended, Ord. No. 2010-04, Sec. 1)

Subd. 7. "Dangerous dog" means: (Added, Ord. No. 2010-04, Sec. 1)

a) Any dog that has:

1) without provocation, inflicted substantial bodily harm on a human being on public or private property;

2) killed a domestic animal without provocation while off the Owner's property; or

3) 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; or

b) Any dog that:

1) displays evidence that it has been or will be used for fighting; and

2) whose Owner is in possession of training apparatus, paraphernalia, or drugs intended to be used to prepare or train a dog for fighting.

Subd. 8. "Domestic animal" means a domesticated dog, cat, ferret, chicken or rabbit. (Added, Ord. No. 2010-04, Sec. 1, Amended Ord. No. 2013-03, Sec. 1)

Subd. 9. "Great bodily harm" has the meaning given it under Minnesota Statutes, Section 609.02, subdivision 8. (Added, Ord. No. 2010-04, Sec. 1)

Subd. 10. "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, including a person on a bicycle, upon the streets, sidewalks, or any public or private property, other than the dog Owner's property, in an apparent attitude of attack; or

c) has a known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.

(Added, Ord. No. 2010-04, Sec. 1)

Subd. 11. "Private kennel" means any premises where more than three (3) dogs, (3) cats, or more than two (2) dogs and two (2) cats not exceeding a total of five (5) dogs and cats over three months of age, are kept or harbored within a dwelling unit. This limitation does not apply to fish, pet fowl, reptiles, or rodents which are confined or caged at all times and maintained within the dwelling unit, or chickens regulated by subsection 910.05. (Amended, Ord. No. 2010-04, Sec. 1, Amended, Ord. No. 2013-03, Sec. 1)

Subd. 12. "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. (Added, Ord. No. 2010-04, Sec. 1)

Subd. 13. "Provocation" means an act that an adult could reasonably expect may cause a dog to attack or bite. (Added, Ord. No. 2010-04, Sec. 1)

Subd. 14. "Substantial bodily harm" has the meaning given it under Minnesota Statutes, section 609.02, subdivision 7a).

910.03. Dog licenses. Subdivision 1. Licenses. Every Owner of one or more dogs within the city must obtain the appropriate license from the city clerk, or clerk's agent, and said license or evidence thereof must be properly displayed. No license is required for a dog which is less than six months old. Kenneled dogs in commercial kennels need not be individually licensed. (Amended, Ord. No. 2010-04, Sec. 2)

Subd. 2. License term. A dog license is effective for the duration of the rabies vaccine effectiveness as specified in subsection 910.04. A dog license is not transferable to any other Owner or animal. Refunds of the dog license fee will not be made. (Amended, Ord. No. 2001-09, Sec. 1; Ord. No. 2010-04, Sec. 2)

Subd. 3. Application. Application for a dog license must be made upon forms provided by the city and be submitted together with the payment of the appropriate fees required by Appendix IV of this code. (Amended, Ord. No. 2010-04, Sec. 2)

910.04. Vaccination of dogs, cats and ferrets. Each Owner of a dog, cat or ferret within the city must vaccinate its dog, cat or ferret for rabies. The vaccination must be performed by a licensed doctor of veterinary medicine. The certificate or statement of vaccination must show that the animal has been vaccinated in accordance with the current recommendation of the National Association of State Public Health Veterinarians, Inc. and the Center for Disease Control of the United States Department of Health, Education and Welfare. The certificate or statement is prima facie proof of the required vaccination. (Added, Ord. No. 2010-04, Sec. 3)

910.05. Special rules. Subdivision 1. General. Notwithstanding the provisions of subsection 910.07, subdivision 3, a person may keep not to exceed 24 rabbits in a private kennel. The licensing procedures, fees, and rules of this section applicable to animals and private kennels apply to a private kennel for any number of rabbits maintained pursuant to the subsection. (Amended, Ord. No. 2002-14, Sec. 1)

Subd. 2. Number of domestic animals allowed. Up to three (3) dogs, (3) cats, or two (2) dogs and two (2) cats, are permitted without a kennel license in a dwelling unit. (Added, Ord. No. 2013-03, Sec. 1)

Subd. 3. Additional conditions. Rabbits kept in a private kennel pursuant to this subsection are to be kept solely for the private use and enjoyment of the licensee of the private kennel, and no sales of the rabbits, except occasional sales, are permitted. Slaughtering of rabbits on the premises where the private kennel is located or in the private kennel is prohibited. Rabbit cages or hutches within a private kennel must be housed in a screened enclosure. Violation of the provisions of this subdivision is grounds for revocation of the private kennel license.

Subd. 4. Pot-bellied pigs. Notwithstanding the provisions of subsection 910.39, a pot-bellied pig is considered a household pet for the purposes of section 910, subject to the conditions of this subdivision.

a) A person may keep no more than one-pot-bellied pig, which must be kept solely for the private use and enjoyment of the person.

b) A pot-bellied pig may be kept only by residents of single family detached dwellings.

c) Every owner or keeper of a pot-bellied pig must obtain a license in accordance with the procedure for dogs under subsections 910.03 and 910.07, as supplemented by the provisions of this subdivision. Notwithstanding anything to the contrary in subsection 910.03, pot-bellied pigs of any age require a license. The provisions of subsection 910.09 regarding tags do not apply to pot-bellied pigs.

d) All male pot-bellied pigs must be neutered by the age of three months, and all female pot-bellied pigs must be neutered by the age of one year. In addition to all other requirements for a license under subsection 910.07, an applicant for a pot-bellied pig license must present to the office of the city clerk a certificate executed by a licensed doctor of veterinary medicine showing that the animal has been timely neutered, or that the animal has not reached the age for required neutering by the date of application.

e) All other provisions of section 910 of the city code relating to animals, including without limitation the provisions of subsection 910.13, apply to pot-bellied pigs. Pot-bellied pigs will be considered along with any other animals when determining whether a private kennel license is required or permitted under subsection 910.01, subdivision 5 and subsection 910.07. (Added, Ord. No. 2002-14, Sec. 2)

Subd. 4a. Chickens. No person shall keep on any single family or two family residential property more than four (4) total hen chickens. This is an addition to the maximum number of animals authorized by Section 910.01, Subd. 11.

b) Three or More Dwelling Unit Properties. Chickens are not allowed on properties with three or more dwelling units.

c) No Roosters. No person shall keep roosters, or adult male chickens, on any property within the city.

d) No Cockfighting. Cockfighting is specifically prohibited within the city.

e) No Slaughtering. The slaughter of chickens is prohibited in the city.

f) Ownership Occupancy. The owner of the chickens shall live in the dwelling on the property. If the property is not owner-occupied, then the property owner must provide a written statement to the city confirming that the tenant may have chickens at the property.

g) No Breeding. The raising of chickens for breeding purposes is prohibited in the city.

h) No Chickens in Dwellings or Garages. Chickens over the age of four weeks shall not be kept inside of a dwelling or garage.

i) Shelter and Enclosure Requirements. Chickens shall be properly protected from the weather and predators in a shelter or coop, and have access to the outdoors in an enclosure or fenced area. The shelter and/or enclosure shall meet all of the following requirements:

1) Applicable building, property maintenance and zoning requirements of Chapters 4 and 5.

2) Applicable electrical work shall be done according to applicable codes and with appropriate permits.

3) The shelter shall be situated closer to the chicken owner's dwelling than to any of the neighboring dwellings but in no case closer than 5 feet to the lot line.

4) Shelter and enclosure must not be located closer to an adjacent street than the owner's dwelling.

5) Screening from abutting residentially used properties and streets in the form of a solid privacy fence of at least four (4) feet in height constructed according to the fence standards of Section 515.13 Subd. 7 shall be provided for the shelter and enclosure.

6) A shelter shall not exceed 120 square feet in size and shall not exceed six (6) feet in height.

7) An enclosure or fenced area for chickens shall not exceed 20 square feet per bird and shall not exceed six (6) feet in height and shall have protected overhead netting to prevent attracting predators and other animals running at large.

8) An enclosure or fenced area may be constructed with wood and/or woven wire materials that allow chickens to contact the ground.

9) Constructed in a workmanship-like manner to deter rodents and predators.

j) Prevention of Nuisance Conditions. Owners shall care for chickens in a humane manner and shall prevent nuisance conditions by ensuring the following conditions are met:

1) The shelter and enclosure are maintained in good repair, and in a clean and sanitary manner free of vermin and objectionable odors.

2) Feces and discarded feed is regularly collected and stored in a leak-proof container with a tight-fitting cover to prevent nuisance odors and the attraction of vermin until it can be disposed properly.

3) Chicken feed shall be stored in leak-proof containers with a tight-fitting cover to prevent attracting vermin.

4) Chickens shall be secured inside of a shelter from sunset to sunrise each day to prevent nuisance noise and attracting predators.

5) Chickens shall remain in either the shelter or enclosure at all times and shall not run at large.

6) The shelter shall be winterized to protect the chickens in cold weather.

k) Sale of Farm Poultry or Eggs. Owners must comply with all requirements and performance standards for home enterprises in Section 515.33 Subd. 3b and all Minnesota Department of Agriculture requirements for the sale of eggs.

(Added, Ord. No. 2013-03, Sec. 1)

910.07. Procedures for Commercial and Private Kennel license applications. Subdivision 1. Application. Every Owner or operator of a private or commercial kennel within the city must obtain the appropriate license from the city clerk, or clerk's agent, and said license or evidence thereof must be posted as provided below. Application for an appropriate license must be made upon forms provided by the city and be submitted together with the payment of the appropriate fees required by Appendix IV of this code. A kennel license applies solely to the named licensee and is not transferable to any other person. Refunds of the kennel license fee will not be made. (Amended, Ord. No. 2010-04, Sec. 4)

Subd. 2. Vaccination. An applicant for private kennel license must present to the office of the city clerk a certificate of vaccination for rabies or other statement to the same effect, executed by a licensed doctor of veterinary medicine. The certificate or statement is prima facie proof of the required vaccination. The certificate must show that the animal has been vaccinated in accordance with the current recommendations of the National Association of State Public Health Veterinarians, Inc. and the Center for Disease Control of the United States Department of Health, Education and Welfare. The city clerk must maintain three copies of the recommendations available for public inspection. The period that the vaccine used must be effective, extends over the period that the license is effective plus three months. (Amended, Ord. No. 2010-04, Sec. 4)

Subd. 3. Kennels. An applicant for a Commercial Kennel or Private Kennel license must provide an up-to-date detailed plan and description of the premises and structures wherein the kennel is to be operated, the number and types of animals proposed to be handled therein, and such other information as the city may deem necessary. If the application is for a renewal of a previous license and no changes in the premises, structures, or operation have been made or are contemplated to be made, a new plan or description need not be provided but the completeness and accuracy of the existing plan must be so certified. A kennel license may not be issued to an applicant located within 50 feet of an existing restaurant, except upon approval of the health authority and subject to such limitations as may be prescribed by the health authority. (Amended, Ord. No. 2010-04, Sec. 4)

Subd. 4. Administration. Applications for Commercial Kennel or Private Kennel licenses must be submitted to the public health sanitarian for review and recommendation prior to council action. The public health sanitarian must make the necessary investigations concerning kennels. The public health sanitarian is a representative of the city manager for the purpose of administering and enforcing the provisions of this section. (Amended, Ord. No. 2010-04, Sec. 4)

Subd. 5. Term. Commercial Kennel or Private Kennel licenses expire on April 30 of each year. (Added, Ord. No. 2010-04, Sec. 4)

Subd. 6. Posting. A commercial kennel license must be posted in a conspicuous place. A private kennel license need not be posted in a conspicuous place, but must be produced upon request. (Added, Ord. No. 2010-04, Sec. 4)

Subd. 7. Special rules regarding a Private Kennel. The maximum number of dogs or other domestic animals that may be kept in a private kennel is five. The council may require that an applicant for a private kennel license show evidence that abutting property owners have been informed of his intentions. (Added, Ord. No. 2010-04, Sec. 4)

910.09. Dog tags. Subdivision 1. Required. The clerk must provide and furnish for each licensed dog, a metallic tag upon which must have stamped or engraved the register number of the dog, the word "Crystal" and the year when registered. The design of such metallic tag must be changed each year.

Subd. 2. Receipts and tags. Upon the payment of the license fee, the clerk must execute a receipt. The clerk must deliver the receipt and metallic tag to the person who pays the fee.

Subd. 3. Affixing tags. The owner must attach the tag by a permanent metal fastening to the collar of the dog in such a manner that that tag may be easily seen by the officers of the city. The owner must insure that the tag is constantly worn by the dog.

Subd. 4. Counterfeits. It is unlawful to make, sell, purchase, possess, or place or allow to be placed on a dog any metallic tag of the same form, shape or intended to be like the official tag, or to attempt in any way to counterfeit the design adopted for such official tag.

Subd. 5. Lost, stolen, destroyed, or mutilated tags. If the metallic tag is lost, stolen, destroyed or mutilated after having been regularly issued, the owner or keeper of a dog, upon presenting and surrendering to the clerk the tag or receipt issued when the dog was registered, numbered, described and licensed, must receive a duplicate tag upon the payment of the appropriate fee. A person may not be granted a duplicate tag or license unless the original tag has actually been lost or stolen. The clerk may, before issuing such duplicate tag and license, require an affidavit to be made and furnished by the applicant for a duplicate license and tag, setting forth the fact that such tag has been lost or stolen and is not at the time in that person's possession.

Subd. 6. Removal. It is unlawful for any person, except the owner, the owner's authorized agent, a police officer or animal warden, to remove a license tag from a dog collar or remove a collar with an attached license from a dog.

Subd. 7. Dangerous dog tag. The Owner of a dog designated as dangerous must obtain from the city and affix an additional tag to the dog's collar identifying the dog as dangerous and containing the dangerous dog symbol as further set forth in Minnesota Statutes, section 347.51. The city may charge the Owner a reasonable fee for the dangerous dog tag. (Added, Ord. No. 2010-04, Sec. 5)

910.11. Manner of keeping animals. Subdivision 1. Sanitary conditions. It is unlawful to keep an animal in an unclean and unsanitary place or in an unclean and unsanitary condition so as to endanger the animal's health or safety.

Subd. 2. Odors. It is unlawful to own, harbor, keep or have in possession or on one's premises an animal in a manner that produces an odor that can be detected by any person from a location outside of the building or premises where the animal is kept.

Subd. 3. Noise. It is unlawful to own, harbor or keep or have in possession or on one's premises an animal that by howling, yelping, barking, fighting or otherwise, produces noise that disturbs the peace, quiet or repose of a person of ordinary sensibility.

Subd. 4. Basic care. All animals shall receive kind and humane treatment from their Owners, which shall include proper and adequate, clean, ventilated, and sanitary housing or shelter from the elements and sufficient food and water for their comfort. Failure to provide basic care is a violation of this section. (Added, Ord. No. 2010-04, Sec. 6)

Subd. 5. Removal of animal feces required. Any person being the Owner of or having charge of any animal not confined to that person's property must immediately remove any feces deposited on public or private property. Any such person must have in their possession a means to collect and dispose of all fecal matter in a property manner. (Added, Ord. No. 2010-04, Sec. 6)

Subd. 6. Accumulation of feces prohibited. The Owner of any animal must keep its premises free from an unreasonable accumulation of fecal matter. (Added, Ord. No. 2010-04, Sec. 6)

910.13. Confinement and control. A person who owns or keeps an animal, or the parent or guardian of a person under 18 years of age who keeps an animal, may not permit the animal to be on private land in the city unless the animal is effectively restrained from leaving the land by leashing or fencing, except on the owner's own private land. The owner of the land may keep an animal on that land but the animal must be kept under the immediate supervision and verbal command of a responsible person. A person having custody or control of an animal may not permit the animal to be on public property in the city unless the animal is effectively restrained by leash not exceeding six (6) feet in length. An animal in heat must be confined in an enclosure that prevents its escape and the entry of other animals. While on the Owner's property, a dog designated as dangerous must be kept in a proper enclosure and as otherwise provided in Minnesota Statutes, sections 347.51 and 347.52 and this section. (Amended, Ord. No. 2010-04, Sec. 7)

910.15. Public nuisance. Subdivision 1. Violation. An animal is a public nuisance if its owner or keeper violates subsection 910.11:

a) three times within a period of 60 consecutive days,

b) four times within a period of 180 consecutive days, or

c) five times within a period of 360 consecutive days.

For purposes of this subsection, the date of a violation is the date the violation occurs, not the date of conviction for the violation.

Subd. 2. Other nuisance conditions. An animal is a public nuisance if the animal:

a) attacks a person without provocation, causing injury to that person;

b) attacks a domestic animal outside the premises of the animal's owner, causing injury to that domestic animal;

c) has a demonstrated propensity to attack without being provoked or to otherwise endanger the safety of persons or domestic animals;

d) habitually interferes with the public use of a public right-of-way;

e) habitually destroys or damages real or personal property of a person other than its owner; or

f) is required to be quarantined pursuant to subsection 910.27 but is at large.

Subd. 3. Proceedings for disposition of nuisance animals. An animal that is a public nuisance pursuant to subsection 910.15 is to be disposed of in the manner provided by Minnesota Statutes, sections 347.04 to 347.07 (Act). (Added, Ord. No. 2010-04, Sec. 8)

Suibd. 4. Complaint. The complaint required by the Act may be prepared and presented to the district court by the animal control warden or any peace officer designated by the Chief of Police. The complaint may be based upon written information supplied to the animal control officer or peace officer by a resident of the city. (Added, Ord. No. 2010-04, Sec. 8)

910.17. Muzzles. When the health authority determines that a dog is infected with rabies or hydrophobia, the Chief of Police, or its designee, by order and notice thereof posted in three public places in the city, require that all dogs be muzzled in the manner set forth in the order. While the order is in effect, a public officer, animal warden or any person authorized by the manager may summarily kill and destroy an unmuzzled dog if the dog cannot, with reasonable care and safety, be taken up and impounded. (Amended, Ord. No. 2010-04, Sec. 9)

910.19. Commercial and private kennels. Subdivision 1. Design. Kennel floors and walls must be constructed of impervious and easily cleanable materials and all structures, areas, and appurtenances so designed as to facilitate frequent and easy cleaning. All areas must be adequately and properly ventilated. Every kennel must be suitably enclosed or fenced in such a manner as to prevent the running at large or escape of animals confined therein. Doors, windows and other openings must be screened from May 1 to October 1. The premises must be provided with the adequate and safe sewer and water connections, plumbing and plumbing fixtures. (Amended, Ord. No. 2010-04, Sec. 10)

Subd. 2. Construction. New kennels or repairs or alterations of existing kennels must have plans filed with and approved by the health authority before a building permit may be issued. All new construction or reconstruction must comply with this section and other applicable provisions of this code.

Subd. 3. Operation. Kennels must be maintained in a clean, healthful, sanitary, and safe condition and so as not to create a health hazard or public nuisance. Kennels must be operated in a humane manner, and the licensee and persons having charge thereof and their employees or agents may not deprive the animals of necessary food, water or shelter, or perform any act of cruelty to the animals or in any way further any acts of cruelty toward them or any act tending to produce such cruelty.

Subd. 4. Conditions. Cages, pens, benches, boxes or receptacles in which the animals are confined must be kept clean, sanitary and in good repair and must be properly sufficient and humane in size for the confinement of the animals. Show or display cases, windows, counters and shelves used in handling the animals must be kept clean, sanitary, free from dust and dirt and in good repair. Plumbing fixtures and other appurtenances must be kept in a clean and sanitary condition and in good repair. Delivery vehicles must be kept clean. Utensils used in the preparation of food and the feeding of the animals must be kept clean, sanitary and in good repair. The use of the utensils for such purpose that are badly worn, rusted or corroded or in such condition that they cannot be rendered clean and sanitary, is prohibited.

Subd. 5. Waste disposal. Refuse and other wastes must be removed frequently and stored and disposed of as set forth in section 605 of the code or by a method approved by the health authority.

910.21. Dog pound. Subdivision 1. Conduct of. The council may designate a suitable place as a dog pound either within or outside of the city limits. The city may operate its own dog pound. Dogs conveyed to the pound must be kept with kind treatment and sufficient food and water for their comfort for at least five days unless sooner reclaimed by their owner as provided in this section. At the end of the five-day period, a dog that has not been reclaimed by the owner may then be sold by the keeper of the pound for a sum of not less than the cost of the keep of such dog, plus an impounding fee as set forth in appendix IV to any person who procures a license for such dog, provided that the license receipt and tag must be exhibited to the poundkeeper before the poundkeeper gives possession of the dog to the licensee.

Subd. 2. Disposal. After the five-day holding period, the poundkeeper may cause the dog to be disposed of in a humane manner pursuant to the provisions of Minnesota Statutes, section 35.71, and must properly dispose of the remains thereof and the poundkeeper must accept for and pay over monthly to the finance director, all monies received from all license, impounding, and boarding fees as set forth in appendix IV. The poundkeeper must also keep an accurate account of all dogs received at the dog pound and all dogs killed or released therefrom and must turn in such account monthly to the clerk.

Subd. 3. Duties of poundkeeper. The poundkeeper must:

a) Maintain the facilities approved by the governing body as the municipal pound in a clean, healthful, sanitary, secure and safe condition, and in a humane manner.

b) Notify the person named as licensee that the dog bearing licensee's license has been impounded and may be redeemed pursuant to the provisions of this code.

c) Carry out the provisions of this code as directed by the police department and health authority.

d) Dispose of unclaimed animals pursuant to the provisions of this section and in accordance with state law.

e) Adopt such handling practices and take such measures as may be necessary or may be prescribed by the city to prevent the loss of any animal impounded by the city.

910.23. Reclamation. An owner or claimant of a dog impounded by reason of violation of any provision of this section may reclaim the dog within five business days upon obtaining a license therefor, if unlicensed, and paying the appropriate impounding fees as set forth in appendix IV. The reclamation of a dangerous dog is set forth in subsection 910.59, subdivision 2, of this section. (Amended, Ord. No. 2010-04, Sec. 11)

910.25. Animal warden services. The animal warden service will be designated by the city council. The service and its employees or agents have the powers and duties to patrol the streets of the city and enforce the provisions of this section, including the issuing of citations for violations thereof.

910.27. Impounding. Subdivision 1. Animal bites. An animal that is capable of transmitting rabies and that has bitten a person such that the skin has been broken, as determined by the responding officer, or the person seeks the services of a doctor, must be taken up and impounded at the municipal dog pound and quarantined for at least ten days from the time of the bite, and in any event until it is determined whether or not the animal had or has rabies. If the animal has bitten a person, the animal may be immediately euthanized if required to test for rabies as determined by the state or county health authority, as recommended by the Centers for Disease Control may be, or at the request of the Owner. If non-lethal testing is possible and the animal is found to be rabid, it must be destroyed; if it is found not to be rabid, it will be returned to the owner provided that owner first pays for the cost of impounding and quarantining it. If the owner does not pay such costs within five business days after being notified to claim or retrieve the animal, the animal may be disposed of as provided in subsection 910.21. If the animal control officer determines that exceptional medical conditions so require, the officer may permit the animal to be impounded and quarantined at an impounding facility other than the municipal dog pound, provided that the facility must be one acceptable to the health authority and the animal must be kept separate and apart from all other animals and under the care and supervision of a licensed veterinarian. The cost incurred by the city in carrying out the provisions of this subsection must be paid by the owner of the impounded animal. (Amended Ord. No. 99-12, Sec. 1; Ord. No. 2002-14, Sec. 3; Ord. No. 2010-04, Sec. 12)

Subd. 2. Bitten animals. An animal that has been bitten by a known rabid animal must be picked up and destroyed, provided, however, that the animal may be immediately killed if with reasonable effort it cannot first be taken up and impounded. If so picked up and impounded, the animal may not be destroyed if the owner thereof makes provisions for a suitable quarantine for a period of not less than six months for unvaccinated animals, or for 30 days, if proof of previous immunization is furnished and booster injections are given by a licensed veterinarian at the expense of the owner of such animal.

Subd. 3. Potentially dangerous or dangerous dogs. A potentially dangerous or dangerous dog shall not be returned to its Owner until the Owner has complied with the relevant provisions of state law and this section and paid all associated costs. The Police Chief, or its designee, has the discretion to determine if the dog may be returned to its Owner before the Owner has complied with all the relevant provisions. (Added, Ord. No. 2010-04, Sec. 12)

910.29. Record of purchases and sales. A kennel licensee must keep the records deemed necessary by the city.

910.31. Diseased animals prohibited. It is unlawful to knowingly bring into the city, or have in one's possession, an animal that is afflicted with infectious or contagious diseases. Such diseased animals must be destroyed in a humane manner unless the disease is curable and the animal is under the care of, and receiving treatment from, a licensed veterinarian.

910.33. Suspension and revocation of kennel license. A kennel license may be temporarily suspended by the health authority, with the approval of the city manager, for violation by the licensee of any of the terms of this section that constitute a health hazard or creates a nuisance, or revoked after an opportunity for a hearing by the city council upon a serious violation or repeated violations upon recommendation of the health authority.

910.35. Enforcement. The police department, health authority and animal warden must enforce the provisions of this chapter and transport to the city dog pound, or destroy any animals kept within the city, or running at large contrary to the provisions of this section.

910.37. Interference with officers. An unauthorized person may not break open the pound or attempt to do so, or take or let out any dogs therefrom, or take or attempt to take from any officer any dog taken up in compliance with this section, or in any manner interfere with or hinder the officer or agent of the city in the discharge of duties.

910.39. Zoning regulations. It is unlawful to keep or harbor an animal or fowl, except dogs, cats and other similar household pets, within any district of the city zoned residential unless the activity was being carried on continuously within that residential district since March 3, 1959, in which case the activity may not be expanded or enlarged after that date, nor transferred with title to property or with change in occupant.

910.41. Not applicable to bait shops. The provisions of this section do not apply to persons or places selling only frogs, fish, worms or reptiles for use as live bait for fishing.

910.43. (Repealed, Ord. No. 2002-14, Sec. 4)

910.45. (Repealed, Ord. No. 2010-04, Sec. 13)

910.47. (Added, Ord. No. 96-4, Sec. 1) Animals: special events. Subdivision 1. Definition. For purposes of this subsection, the term special event means i) an event conducted as part of the Crystal Frolics, ii) a city sponsored event conducted on the Fourth of July at Becker Park, or iii) a special event designated by council resolution after recommendation by the Park and Recreation Advisory Commission.

Subd. 2. Prohibition. It is unlawful to bring an animal on municipal park property during a special event conducted on that park property.

Subd. 3. Exceptions. The prohibition in subdivision 2 does not apply to (i) animals actually used by handicapped persons for personal assistance and (ii) animals used for entertainment purposes as part of a special event.

Subd. 4. Further regulations. The city manager is authorized and directed to prepare and promulgate rules specifying the beginning and ending times of the special events specified pursuant to this subsection during which the prohibition of this subsection will be in effect.

910.49. Exemptions. This section does not apply to a dog owned and controlled by local, state and federal law enforcement agencies that are used in law enforcement or related activities. Dogs may not be declared potentially dangerous or dangerous if the threat, injury, or danger was sustained by a person who was: (Added, Ord. No. 2010-04, Sec. 14)

a) Committing a willful trespass or other tort upon the premises occupied by the Owner of the dog; (Added, Ord. No. 2010-04, Sec. 14)

b) Provoking, tormenting, abusing or assaulting the dog, or who can be shown to have a history of repeatedly provoking, tormenting, abusing, or assaulting the dog; or (Added, Ord. No. 2010-04, Sec. 14)

c) Committing or attempting to commit a crime. (Added, Ord. No. 2010-04, Sec. 14)

910.51. Animals posing an imminent threat. If an animal is diseased, vicious, rabid, or exposed to rabies, or poses an imminent threat to public safety, and if such animal cannot be impounded after a reasonable effort, or cannot be impounded without serious risk to the persons attempting it, the animal may be immediately killed by or under the direction of the Animal Control Officer or a police officer. (Added, Ord. No. 2010-04, Sec. 14)

910.53. Adoption by reference. Except as otherwise provided in this section, the regulatory and procedural provisions of Minnesota Statutes, sections 347.50 to 347.565 are adopted by reference. (Added, Ord. No. 2010-04, Sec. 14)

910.55. Potentially dangerous dogs. Subdivision 1. Notice to owner of declaration. The Animal Control Officer shall notify the Owner by delivering, mailing, or posting on the Owner's residence a notification informing the Owner of the declaration of its dog as potentially dangerous, the basis for the declaration, the procedure for appealing the declaration, and the result of the Owner's failure to appeal the declaration as described in subdivision 2. (Added, Ord. No. 2010-04, Sec. 14)

Subd. 2. Appeal. An appeal of the declaration must be submitted on the form supplied by the city. The completed form and appeal fee must be returned to the police department within 14 days of notification. Appeals consist of a record review by the Chief of Police, or its designee. The Owner shall be notified of the results of the record review within ten days of the receipt of the completed appeal form and appeal fee. If the Owner fails to appeal the declaration within 14 days, the Owner forfeits the right to appeal and the declaration of the dog as potentially dangerous is final. If the declaration is upheld, the Owner must comply with all applicable requirements. (Added, Ord. No. 2010-04, Sec. 14)

Subd. 3. Registration. Any person who has a dog that has been designated as potentially dangerous dog pursuant to this section or pursuant to Minnesota Statutes, section 347.50, must register the dog as a potentially dangerous dog with the city. (Added, Ord. No. 2010-04, Sec. 14)

a) The Owner shall make the potentially dangerous dog available to be photographed by the Animal Control Officer for identification purposes at a time and place specified by the Animal Control Officer. (Added, Ord. No. 2010-04, Sec. 14)

b) The registration of the potentially dangerous dog must be renewed annually with the city until the dog is deceased or is determined to be no longer potentially dangerous. The current Owner of a potentially dangerous dog must notify the Animal Control Officer in writing of the death of the dog or its transfer to another owner or to another location within 30 days of the dog's death or transfer. If requested by the city, the Owner must execute an affidavit under oath setting forth the circumstances of the dog's death and disposition or the complete name, address and telephone number of the person to whom the dog was transferred to. The Animal Control Officer, or its designee, shall be allowed to inspect the animal and the place where the animal is now located at any reasonable time. (Added, Ord. No. 2010-04, Sec. 14)

c) The Owner of a potentially dangerous dog must be 18 years of age or older. (Added, Ord. No. 2010-04, Sec. 14)

Subd. 4. Microchip implantation. Any dog that is determined to be potentially dangerous by the city pursuant to the definition and process contained in this section or pursuant to Minnesota Statutes, section 347.50 shall be implanted with a microchip for identification purposes within 14 days of the final declaration of the dog as potentially dangerous. All costs related to purchase and implantation of the microchip shall be borne by the Owner of the dog. The name of the microchip manufacturer and identification number of the microchip must be provided to the city. If the microchip is not implanted by the Owner, the city may have a microchip implanted in the dog at the Owner's expense. Upon request, the Owner or custodian of a potentially dangerous dog must make the dog available to the Animal Control Officer, or its designee, for an inspection to determine whether a microchip has been implanted. (Added, Ord. No. 2010-04, Sec. 14)

Subd. 5. Sterilization. The city may require a potentially dangerous dog to be sterilized at the Owner's expense within 30 days of the final declaration of the dog as potentially dangerous. If the Owner does not have the dog sterilized, the Animal Control Officer, or its designee, may arrange for and have the dog sterilized at the Owner's expense. Upon request, the Owner of a potentially dangerous dog must make the dog available to the Animal Control Officer, or its designee, for an inspection or provide proof in the form of a statement from a licensed veterinarian to determine whether the dog has been sterilized. (Added, Ord. No. 2010-04, Sec. 14)

Subd. 6. Obedience class. The city may require that the Owner and its potentially dangerous dog attend and complete an approved obedience class. (Added, Ord. No. 2010-04, Sec. 14)

910.57. Dangerous dogs. Subdivision 1. Notice to owner of declaration. The Animal Control Officer shall notify the Owner of the declaration by delivering, mailing, telephoning if possible, or posting a notification on the Owner's residence. The notice shall include:

a) a description of the dog; the authority for and purpose of the dangerous dog declaration and seizure, if applicable; the time, place, and circumstances under which the dog was declared dangerous; and the telephone number and contact person where the dog is being kept, if applicable; (Added, Ord. No. 2010-04, Sec. 14)

b) a statement that the Owner of the dog may request a hearing concerning the dangerous dog declaration and, if applicable, prior potentially dangerous dog declarations for the dog, and that failure to do so within 14 days of the date of the notice will terminate the Owner's right to a hearing; (Added, Ord. No. 2010-04, Sec. 14)

c) a statement that if an appeal request is made within 14 days of the notice, the Owner must immediately comply with the requirements of Minnesota Statutes, section 347.52, paragraphs a) and c), and until such time as the hearing officer issues an opinion; (Added, Ord. No. 2010-04, Sec. 14)

d) a statement that if the hearing officer affirms the dangerous dog declaration, the Owner will have 14 days from receipt of that decision to comply with all other requirements of Minnesota Statutes, sections 347.51, 347.515, and 347.52 and this section. (Added, Ord. No. 2010-04, Sec. 14)

e) a form to request a hearing; and (Added, Ord. No. 2010-04, Sec. 14)

f) a statement that all actual costs of the care, keeping, and disposition of the dog are the responsibility of the person claiming an interest in the dog, except to the extent that a court or hearing officer finds that the seizure or impoundment, if applicable, was not substantially justified by law. (Added, Ord. No. 2010-04, Sec. 14)

Subd. 2. Hearing. Any hearing must be held within 14 days of the request to determine the validity of the dangerous dog declaration. The hearing will be held before an impartial hearing officer. In the event that the dangerous dog declaration is upheld by the hearing officer, actual expenses of the hearing up to a maximum of $1,000 will be the responsibility of the dog's Owner. The hearing officer shall issue a decision within ten days after the hearing. The decision must be delivered to the dog's Owner by hand delivery or registered mail as soon as practical and a copy must be provided to the Animal Control Officer. (Added, Ord. No. 2010-04, Sec. 14)

Subd. 3. Registration. Any person who has a dog that has been designated as a dangerous dog pursuant to this section or pursuant to Minnesota Statutes, section 347.50, subdivision 1, must register the dog as a dangerous dog with the city, pay an annual fee in addition to the dog license fee, and meet at other requirements set forth in this subsection as well as those provided in Minnesota Statutes, sections 347.51, 347.515, and 347.52. After being presented with sufficient evidence that the state law and the city requirements have been met as provided below and in state law, the city shall issue a certificate of registration to the Owner of a dangerous dog. (Added, Ord. No. 2010-04, Sec. 14)

a) The Owner shall make the dangerous dog available to be photographed by the Animal Control Officer for identification purpose at a time and place specified by the Animal Control Officer. (Added, Ord. No. 2010-04, Sec. 14)

b) The registration of the dangerous dog must be renewed annually with the city until the dog is deceased or is determined to be no longer dangerous. The current Owner of the dangerous dog must notify the Animal Control Officer in writing of the death of the dog or its transfer to another owner or to another location within 30 days of the dog's death or transfer. If requested by the city, the Owner must execute an affidavit under oath setting forth the circumstances of the dog's death and disposition or the complete name, address and telephone number of the person to whom the dog was transferred to. (Added, Ord. No. 2010-04, Sec. 14)

c) The Owner of the dangerous dog must be 18 years of age or older. (Added, Ord. No. 2010-04, Sec. 14)

d) The Owner of a dangerous dog must post a sign with the uniform dangerous dog warning symbol in a conspicuous location near the front door of the property. The city shall provide the Owner with a warning symbol for posting on the Owner's property pursuant to Minnesota Statutes, section 347.51, subdivision 2a). The city may charge the registrant a reasonable fee for the symbol. (Added, Ord. No. 2010-04, Sec. 14)

e) A dangerous dog must be securely confined indoors or confined in a secure outdoor enclosure suitably sized for the dog and otherwise meeting the requirements of a proper enclosure. An enclosure is secure and proper within the meaning of this section if it meets the following minimum specifications: (Added, Ord. No. 2010-04, Sec. 14)

i) a floor area of 32 square feet per animal kept in such enclosure;

ii) a sidewall height of five feet, constructed of 11 gauge or heavier wire with openings that do not exceed two inches; and

iii) if the enclosure is on a permeable surface, the fence must be buried in a minimum of 18 inches into the ground;

iv) the support posts are one and one-quarter (1-1/4) inch or larger steel pipe buried a minimum of 18 inches into the ground;

v) a cover over the entire kennel that is constructed of the same gauge wire as the sidewalls or heavier with openings to greater than two inches;

vi) an entrance/exit self closing, self locking gate constructed of the same material as the sidewalls and with openings no greater than two inches; and

vii) in compliance with all zoning setbacks requirements unless a variance is obtained.

When the dog is confined in an enclosure, all access points of the enclosure must be locked. The Animal Control Officer may seize a dangerous dog that is unconfined while on the Owner's property and not otherwise restrained as provided below. (Added, Ord. No. 2010-04, Sec. 14)

f) A dangerous dog shall be sterilized at the Owner's expense within 30 days of the final determination of the dog as dangerous. If the Owner does not have the dog sterilized, the Animal Control Officer, or its designee, may arrange for and may have the dog sterilized at the Owner's expense. Upon request, the Owner of a dangerous dog must make the dog available to the Animal Control Officer, or its designee, for an inspection to determine whether the dog has been sterilized. (Added, Ord. No. 2010-04, Sec. 14)

g) Any dog that is determined to be dangerous by the city pursuant to the definition contained within this section or pursuant to Minnesota Statutes, section 347.50 shall be implanted with a microchip for identification purposes within 14 days of the final determination of the dog as dangerous. All costs related to purchase and implantation of the microchip shall be borne by the Owner of the dog. The name of the microchip manufacturer and identification number of the microchip must be provided to the city. If the microchip is not implanted by the Owner, the city may have a microchip implanted in the dog at the Owner's expense. Upon request, the Owner or custodian of a dangerous dog must make the dog available to the Animal Control Officer, or its designee, for an inspection to determine whether a microchip has been implanted. (Added, Ord. No. 2010-04, Sec. 14)

h) The Owner must obtain a surety bond or a policy of liability insurance from a company authorized to conduct business in Minnesota in the amounts set forth in Minnesota Statutes, section 347.51, subdivision 2. (Added, Ord. No. 2010-04, Sec. 14)

Subd. 4. Obedience class. The city may require that the Owner and its dangerous dog attend and complete an approved obedience class. (Added, Ord. No. 2010-04, Sec. 14)

Subd. 5. Restraint. If a dangerous dog is outside of the proper enclosure, it must be securely muzzled and restrained with a chain not exceeding three feet in length, and having a tensile strength sufficient to restrain it. The dog's muzzle must be designed in a manner that will prevent it from biting any person or animal but that will not cause injury to the dog or interfere with its vision or respiration. (Added, Ord. No. 2010-04, Sec. 14)

Subd. 6. Removal of dangerous dog classification. Beginning six months after a dog is declared a dangerous dog, pursuant to Minnesota Statutes, section 347.51, subdivision 3a), the Owner may request on an annual basis that the city review the dog's designation as a dangerous dog. The Owner must provide evidence that the dog's behavior has changed due to the dog's age, neutering, environment, completion of obedience training that includes modification of aggressive behavior, or other factors. If the police department, or its designee, finds sufficient evidence that the dog's behavior has changed, the city may rescind the dangerous dog classification or take any other reasonable action suggested by the facts. The Owner of the dog shall be notified in writing of the review results within ten days of receipt of the request. (Added, Ord. No. 2010-04, Sec. 14)

Subd. 7. Concealment. Any person who harbors, hides, or conceals a dog declared dangerous that has been ordered into custody shall be guilty of a misdemeanor. (Added, Ord. No. 2010-04, Sec. 14)

910.59. Seizure of dangerous dogs. Subdivision 1. The Animal Control Officer shall immediately seize a dangerous dog if:

a) after 14 days after the Owner has notice that the dog is dangerous, the dog is not validly registered under Minnesota Statutes, section 347.51;

b) after 14 days after the Owner has notice that the dog is dangerous, the Owner does not secure the proper liability insurance or surety coverage;

c) the dog is not maintained in the proper enclosure;

d) the dog is outside the proper enclosure and not under physical restraint of a responsible person; or

e) the dog is not sterilized within 30 days.

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. (Added, Ord. No. 2010-04, Sec. 14)

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, or its designee, that the requirements of Minnesota Statutes, sections 347.51 and 347.52 will be met. A dog not reclaimed under this subdivision within seven days may be disposed of as provided under Minnesota Statutes, section 35.71, subdivision 3, and the Owner is liable for costs incurred in confining and disposing of the dog. (Added, Ord. No. 2010-04, Sec. 14)

Subd. 3. Subsequent offenses. If a person has been convicted of a misdemeanor for violating a provision of Minnesota Statutes, sections 347.51, 347.515, or 347.52, and the person is charged with a subsequent violation relating to the same dog, the dog will be seized by the Animal Control Officer. If the Owner is convicted of the crime for which the dog was seized, the court shall order that the dog be destroyed in a proper and humane manner and the Owner pay the cost of confining and destroying the animal. If the Owner is not convicted and the dog is not reclaimed by the Owner within seven days after the Owner has been notified that the dog may be reclaimed, the dog may be disposed of as provided under Minnesota Statutes, section 35.71, subdivision 3. (Added, Ord. No. 2010-04, Sec. 14)

Subd. 4. Prevention of disposition of seized dogs. A person claiming an interest in a seized dog may prevent disposition of the dog by posting security in an amount sufficient to provide for the dog's actual cost of care and keeping. The security must be posted within seven days of the seizure inclusive of the date of the seizure. (Added, Ord. No. 2010-04, Sec. 14)

Subd. 5. Right to a hearing when dog seized. The Owner of any seized dog has the right to a hearing before an impartial hearing officer. The notice and hearing requirements provided in section 910.57, subdivisions 1 and 2, shall apply. (Added, Ord. No. 2010-04, Sec. 14)

910.61. Restrictions on future ownership. Subdivision 1. Convictions. A person may not own a dog if he or she has been convicted of any of the violations set forth in Minnesota Statutes, section 347.542. This prohibition applies to any member of that same person's household. (Added, Ord. No. 2010-04, Sec. 14)

Subd. 2. Non-compliance. An Owner of a potentially dangerous dog or dangerous dog that fails to comply with the requirements of this section or state law may be prohibited or restricted from future ownership or custody of other dogs. An Owner in violation of this section or state law shall be notified in writing and may request a hearing within 14 days of the receipt of the notice of violation. If a hearing is requested, the Chief of Police, or its designee, shall schedule a hearing before an impartial hearing officer within 14 days of the receipt of the request. A hearing fee shall be paid to the city prior to the scheduling of the hearing. The Owner shall be notified of the hearing results in writing within ten days. (Added, Ord. No. 2010-04, Sec. 14)

910.63. Penalty. Subdivision 1. A person who violates a provision of Minnesota Statutes, sections 347.51, 347.515, or 347.52 is guilty of a misdemeanor. (Added, Ord. No. 2010-04, Sec. 14)

Subd. 2. It is a misdemeanor to remove a microchip from a dangerous or potentially dangerous dog, to fail to renew the registration of a dangerous dog, to fail to account for a dangerous dog's death or change of location where the dog will reside, to sign a false affidavit with respect to a dangerous dog's death or change of location where the dog will reside, or to fail to disclose ownership of a dangerous dog to a property owner from whom the person rents property. (Added, Ord. No. 2010-04, Sec. 14)

Subd. 3. A person who is convicted of a second or subsequent violation of subdivisions 1 or 2 is guilty of a gross misdemeanor. (Added, Ord. No. 2010-04, Sec.14)

Subd. 4. An Owner who violates Minnesota Statutes, section 347.542, subdivision 1, or section 910.61, subdivision 1, of this code is guilty of a gross misdemeanor. (Added, Ord. No. 2010-04, Sec. 14)

Subd. 5. Any household member who knowingly violates Minnesota Statutes, section 374.542, subdivision 2, or section 910.61, subdivision 1, of this code is guilty of a gross misdemeanor. (Added, Ord. No. 2010-04, Sec. 14)

910.65. Destruction of a dog in certain circumstances. Notwithstanding Minnesota Statutes, section 347.51 to 347.55, a dog may be destroyed in a proper and humane manner by the Animal Control Officer, or its designee, if the dog:

a) inflicted substantial or great bodily harm on a human on public or private property without provocation;

b) inflicted multiple bites on a human on public or private property without provocation;

c) bit multiple human victims on public or private property in the same attack without provocation; or

d) bit a human on public or private property without provocation in an attack where more than one dog participated in the attack.

(Added, Ord. No. 2010-04, Sec. 14)

Subd. 2. Hearing. The dog may not be destroyed until the Owner has had the opportunity for a hearing before an impartial decision maker. (Added, Ord. No. 2010-04, Sec. 14)

910.67. Public protection from dogs. An Owner of a dog shall at all times prevent the dog from attacking, biting or otherwise causing injury or attempting to cause injury to any person engaged in a lawful act or from causing injury or attempting to cause injury to a domestic animal. (Added, Ord. No. 2010-04, Sec. 14)

910.69. Conditioning equipment prohibited. Subdivision 1. No person shall use or possess any device, equipment, treatment or products for the strengthening or conditioning of an animal with the intent to enhance the animal's ability to inflict bodily injury upon human beings or domestic animals on public or private property. (Added, Ord. No. 2010-04, Sec. 14)

Subd. 2. This prohibition shall not apply to equipment used to train a dog for recreational hunting assistance. Recreational hunting training assistance equippment shall include but not be limited to soft hold training and decoy retrieval apparatuses. (Added, Ord. No. 2010-04, Sec. 14)

910.70. Collars, leashes, tie outs. Subdivision 1. Collars. Collars may not exceed two pounds in weight and must be made of durable material strong enough to hold the dog it is intended for. No collars are to be used other than for humane restraint. Collars may not be equipped with any type of sharp prongs on the inside of the collar or weighted devices that may cause injury or discomfort to the animal's neck. Blunt pronged training collars are permitted if property fitted and unaltered from the manufactured design. (Added, Ord. No. 2010-04, Sec. 14)

Subd. 2. Leashes. Leashes must not exceed six feet in length and may not exceed four pounds in total weight. (Added, Ord. No. 2010-04, Sec. 14)

Subd. 3. Chains, kennels, tethers and tie outs. Chains, tethers, or tie outs must be at least three times the length of the animal secured to it and may not exceed ten pounds in total weight. Tie outs must be of durable material, strong enough to hold the animal it is intended for. Any animal secured with a tie out must be so in an area that would not allow the animal to become tangled around objects while allowing access to shelter and water. Tie outs must be placed in such a location as to inhibit the animal secured from reaching a public sidewalk, street or alley. The tie out must not allow the secured animal access to any neighboring property unless written permission has been obtained from the property owner. (Added, Ord. No. 2010-04, Sec. 14)