

2005-Or-____
AN ORDINANCE
of the
CITY OF
MINNEAPOLIS

By _____

**Amending Title 4, Chapter 64 of the Minneapolis Code of Ordinances
relating to the Dogs and Cats.**

The City Council of The City of Minneapolis do ordain as follows:

That Chapter 64 of the Minneapolis Code of Ordinances be amended to read as follows:

CHAPTER 64. DOGS, ~~AND~~ CATS, FERRETS, AND RABBITS*

***Cross references:** Dogs in parks, § PB2-18.

64.10. License required. No person shall keep, harbor, or maintain care, custody, or control over any dog or cat over four (4) months of age, for a period in excess of five (5) days, without first having obtained a dog or cat license from the department of licenses and consumer services. This section shall not apply to any premises maintained by a licensed veterinarian or a licensed pet shop operator. Every person convicted of a violation of this provision shall be punished by a fine of not more than one hundred dollars (\$100.00). (Code 1960, As Amend., § 810.010; Ord. of 6-13-75, § 2; 83-Or-181, § 1, 7-29-83; 86-Or-113, § 1, 5-23-86)

Charter references: Authority to require dog license, Ch. 4, § 5(8).

64.20. Collars and tags required. Every person required to obtain a dog or cat license under this chapter shall place and keep around the neck of the dog or cat a permanent-type collar to which shall be securely attached the metallic license tag issued at the time the license was applied for. No person shall make, sell, purchase, possess, place or allow to be placed on any dog or cat any metallic tag of the same form, shape, or appearance as the official metallic license tag. (Code 1960, As Amend., § 810.020; Ord. of 6-13-75, § 2; 86-Or-113, § 2, 5-23-86)

64.30. License application and fee. Every person required to obtain a dog license under this chapter shall make application to the department of licenses and consumer services for a dog license which shall expire on January thirty-first next after the issuance. The annual fee for such a license shall be thirty dollars (\$30.00) for unspayed or unneutered dogs, and fifteen dollars (\$15.00) for spayed or neutered dogs or puppies under eight (8) months of age. Every person required to obtain a cat license under this chapter shall make application to the department of

licenses and consumer services for a cat license which shall expire on January thirty-first next after the issuance. The annual fee for such a license shall be thirty dollars (\$30.00) for unspayed or unneutered cats, and fifteen dollars (\$15.00) for spayed or neutered cats or kittens under eight (8) months of age. As a condition for the issuance of a dog or cat license, the applicant shall certify that the dog or cat has been vaccinated against rabies in conformance with the requirements of this Code. The department of licenses and consumer services shall provide each dog and cat licensed hereunder with a metallic tag upon which shall be stamped or engraved the register number of the dog or cat and the year registered. The design of such metallic tags shall be changed each year. Dogs in training with or trained by a recognized program with an established curriculum for training dogs for service to persons with disabilities, and dogs and cats awaiting adoption in foster homes under a recognized pet adoption program, shall be exempt from the license fees in this section. To qualify for an exemption, such programs shall be approved by the director of licenses and consumer services.

The department of licenses and consumer services may contract with approved veterinary clinics to receive dog and cat license applications and to remit the application and fee to the department. The department may further contract to pay the veterinary clinics processing the applications two dollars (\$2.00) per license to cover administrative expense. (Code 1960, As Amend., § 810.030; Ord. of 6-13-75, § 2; 77-Or-147, § 1, 7-15-77; 81-Or-199, § 1, 7-31-81; 84-Or-241, § 1, 12-28-84; 86-Or-113, § 3, 5-23-86; 86-Or-220, § 1, 9-26-86; 90-Or-014, § 1, 1-26-90; 91-Or-208, § 1, 10-25-91; 96-Or-117, § 1, 11-22-96; 2000-Or-006, § 1, 1-21-00; 2001-Or-164, § 1, 12-28-01)

64.40. Duplicate tags. In case the metallic license tag issued for a dog or cat is lost or stolen, the original applicant upon presenting and surrendering to the department of licenses and consumer services the license or receipt issued when the dog or cat was licensed as herein provided, shall receive a duplicate tag and a duplicate license upon payment of five dollars (\$5.00) to the department of licenses and consumer services, which duplicate license shall be issued as the original license. No person shall be granted a duplicate tag and license unless the original tag has been lost or stolen, and the department of licenses and consumer services may, before issuing such duplicate tag and license, require an affidavit to be made and furnished by such applicant for a duplicate tag and license, setting forth the fact that such tag has been lost or stolen and is not at the time in his possession. (Code 1960, As Amend., § 810.040; Ord. of 6-13-75, § 2; 81-Or-199, § 2, 7-31-81; 86-Or-113, § 4, 5-23-86; 2000-Or-006, § 2, 1-21-00)

64.50. Leashing; feces clean up. (a) No person having the custody or control of any dog or animal of the dog kind shall permit the same to be on any unfenced area or lot abutting upon a street, public park, public place or upon any other private land without being effectively restrained from moving beyond such unfenced area or lot; nor shall any person having the custody or control of any dog or animal of the dog kind permit the same at any time to be on any street, public park, school ground, or public place without being effectively restrained by chain or leash not exceeding eight (8) feet in length, except in areas officially designated for off leash activities.

(b) Any person having the custody or control of any dog or domestic animal shall have the responsibility for cleaning up any feces of the animal and disposing of such feces in a sanitary manner. It shall furthermore be the duty of any person having custody or control of any dog or domestic animal on or about any public place to have in such person's possession suitable equipment for the picking up, removal and sanitary disposal of animal feces. The provisions of

this paragraph shall not apply to a guide dog accompanying a blind person or to a service dog accompanying a disabled person or to a dog when used in police or rescue activities. Every person convicted of a violation of this provision shall be punished by a fine of not more than one hundred dollars (\$100.00).

(c) The provisions of this section shall not apply to the ownership or use of Seeing Eye dogs by blind persons, dogs used in police activities of the city, such as the canine corps or tracking dogs used by or with the permission of the city's police department. (Code 1960, As Amend., § 810.080; Ord. of 6-13-75, § 2; 83-Or-181, § 2, 7-29-83; 88-Or-086, 5-13-88; 2000-Or-074, § 1, 7-28-00; 2002-Or-010, § 1, 3-1-02)

Charter references: Authority to prevent dogs at large, Ch. 4, § 5(8).

64.55. Off leash dog areas; permits and regulations. (a) Dogs may be unrestrained by chain or leash in areas designated for off leash activities by the City or Minneapolis Park and Recreation Board. No person shall use a designated off leash area without first having obtained a permit for each dog using such an area from the department of licenses and consumer services. A dog deemed a dangerous animal under section 64.110 of this Code, or as a dangerous or potentially dangerous dog as defined under Minnesota Statute 347.50, is not permitted to use off leash areas.

(b) The annual fee for an off leash area permit for a resident of the city shall be twenty-five dollars (\$25.00) for one (1) dog and fifteen dollars (\$15.00) for each additional dog owned by the same person. A resident permit may only be issued upon verification that the dog has been issued a current Minneapolis dog license and verification of rabies vaccination. The annual fee for an off leash area permit for persons residing outside the city shall be fifty dollars (\$50.00) for one dog and thirty dollars (\$30.00) for each additional dog owned by the same person. A non-resident permit may only be issued upon verification of rabies vaccination. The department of licenses and consumer services shall provide a tag containing a registration number and the year registered for each permit. Permits shall be valid from the time they are issued until January thirty-first next after the date of issuance.

(c) Upon application for a permit, the applicant shall be provided with the rules for use of off leash areas. As a condition for the issuance of a permit, the applicant shall sign and agree to abide by these rules. A permit may be revoked for failure of the applicant, or any person who takes the dog into an off leash recreation area, to abide by these rules, or for violation of any of the provisions of this chapter or park board ordinances that occur within an off leash area. Permits may be revoked by the director of licenses and consumer services.

(d) The person responsible for a dog must have the dog restrained when entering and leaving an off leash area. If so directed by a law enforcement officer, animal control officer or animal warden, persons using an off leash area must immediately restrain their dogs and remove them from the off leash area. (2000-Or-074, § 2, 7-28-00)

64.60. Dogs and cats in heat. No person having the custody or control of any female dog or cat shall permit the same to be in any street, alley, or public place while it is in heat, but shall keep such animal confined so that it cannot come in contact with another dog or cat whether on public or private property except for breeding purposes within a building. (Code 1960, As Amend., § 810.060; Ord. of 6-13-75, § 2; 86-Or-113, § 5, 5-23-86)

64.70. Reserved.

Editor's note: Section 1 of 88-Or-087, adopted May 13, 1988, deleted § 64.70 in its entirety, which section pertained to diseased or vicious dogs or cats, and was derived from Code 1960, as amended, § 810.070; ordinance of June 13, 1975, § 2; and 86-Or-113, § 6, adopted May 23, 1986.

64.80. Killing or injuring prohibited; tranquilizing permitted. No person shall kill or injure any dog within the city unless it be in defense of himself or another person. This section shall not apply to veterinarians, or to employees of public dog control agencies, or to employees of private dog control agencies who have contracts with a governmental unit. Any city employee or other person charged by contract with the enforcement of this chapter may use tranquilizing equipment in capturing or controlling vicious dogs or dogs which cannot be otherwise captured or controlled. (Code 1960, As Amend., § 810.080; Ord. of 6-13-75, § 2)

Charter references: Authority to destroy dogs at large, Ch. 4, § 5(8).

64.90. Dogs disturbing the peace. It shall be unlawful for any person to own, keep, have in possession, or harbor any dog which by frequent and habitual howling, yelping, barking, or otherwise, produce noise that unreasonably disturbs the peace, quiet, or repose of a person or persons of ordinary sensibility, provided that the provisions of this section shall not apply to duly authorized hospitals or clinics conducted for the treatment of small animals. (Code 1960, As Amend., § 810.090; Ord. of 6-13-75, § 2; 86-Or-114, § 1, 5-23-86; Pet. No. 248858, § 2, 3-31-89; 91-Or-034, § 1, 2-22-91)

64.100. Maximum number animals of the dog, ~~or cat,~~ ferret, or rabbit kind. (a) No owner or caretaker of any residential building shall knowingly allow more than three (3) animals of the dog, ~~or cat,~~ ferret, or rabbit kind over the age of four (4) months to be kept, harbored or maintained within any residential building or on any residential lot or parcel of property in the city without a permit.

(b) The number of dog, ~~or cat,~~ ferret, or rabbits permitted in subsection (a) may be increased by obtaining a permit issued by the commissioner of health or their designee. Such permit shall specify any restrictions, limitations, conditions or prohibitions which the commissioner of health or their designee deems reasonably necessary to protect any person or neighboring use from unsanitary conditions, unreasonable noise or odors, or annoyance, or to protect the public health or safety. Such a permit may be modified from time to time or revoked by the commissioner or their designee for failure to conform to such restrictions, limitations, conditions or prohibitions. Such modification or revocation shall be effective from and after ten (10) days following the mailing of written notice thereof by certified mail to the person or persons keeping or maintaining such dog, ~~or cat,~~ ferret, or rabbits.

(c) All permits issued hereunder shall expire on February first next after its issuance unless sooner revoked. The annual fee for such permit shall be twenty dollars (\$20.00) which shall be paid at the time of the making of the application therefor. Animal control shall inspect the premises every other year prior to issuing a renewal of the permit. (Code 1960, As Amend., § 810.100; Ord. of 6-13-75, § 2; 85-Or-039, § 1, 2-22-85; 86-Or-113, § 7, 5-23-86; 2000-Or-006, § 3, 1-21-00)

64.110. Dangerous animals. (a) As used in this section, "dangerous animals" may mean and include:

- (1) Any animal which attacks a human being or domestic animal without provocation; or
 - (2) Any animal with a known propensity, tendency, or disposition to attack unprovoked, to cause injury to or to otherwise endanger the safety of humans or other domestic animals; or
 - (3) Any animal declared by the animal control officer to be a dangerous animal, as defined herein, or any animal determined to be a dangerous animal under the authority of section 64.120 of this Code.
- (b) No person owning or harboring or having the care or custody of a dangerous animal shall suffer or permit such animal to go unconfined on the premises of such person. A dangerous animal is "unconfined" as the term is used in this section if such animal is not securely confined indoors or confined in a secure enclosure suitably sized for the animal so confined upon the premises of said person. An "enclosure" is secure within the meaning of this section if it is constructed of heavy gauge steel mesh, or other suitable material; consists of a top and sides, with the bottom of such sides fastened along their perimeter to a slab floor of concrete or other suitable material; where no slab floor is provided, the sides must be embedded into the ground no less than one foot; all access points of the enclosure must be locked when the animal is confined therein. Animal control may seize an animal that has been declared dangerous that is unconfined.
- (c) No person owning or harboring, or having the care of a dangerous animal shall suffer or permit such animal to go beyond the premises of such person unless such animal is securely muzzled and restrained with a chain not exceeding three (3) feet in length, and having a tensile strength sufficient to restrain the animal. Animals which are actively participating in recognized local, regional or national trials, training or other such sponsored competition, need not be muzzled while being transported to or from or during such competition.
- (d) No person shall own or harbor any animal for the purpose of fighting, or train, torment, badger, bait or use any animal for the purpose of causing or encouraging said animal to unprovoked attacks upon human beings or domestic animals.
- (e) Any person harboring or owning a dangerous animal that is found to be in violation of this ordinance shall be subject to the provisions of section 64.120 of this Code.
- (f) Dogs owned and controlled by local, state and federal law enforcement agencies that are used in law enforcement or related activities are exempt from the provisions of this section.
- (g) Any dog declared dangerous under this ordinance must have a microchip implanted for identification within fifteen (15) days of the date the dog is declared dangerous or the date of a decision in a hearing held pursuant to this chapter, whichever is later. The name of the microchip manufacturer and identification number of the microchip must be provided to animal control. If the microchip is not implanted by the owner, animal control may have a microchip implanted at the owner's expense. All costs related to purchase and implantation of the microchip must be borne by the owner of the dog. Upon request, the owner or custodian of a dangerous dog must make the animal available to animal control for an inspection to determine that a microchip has been implanted.
- (h) The owner or custodian of any dog declared dangerous under this ordinance shall make the dog available to be photographed for identification by animal control at a time and place specified by animal control.
- (i) Animal control may require a dog declared dangerous under this ordinance to be sterilized at the owner's expense within fifteen (15) days of the date the dog is declared dangerous or the date of a decision in a hearing held pursuant to this chapter, whichever is later. If the owner does not have the animal sterilized, animal control may have the animal sterilized at the owner's

expense. Upon request, the owner or custodian of a dangerous dog must make the animal available to animal control for an inspection to determine that a dog has been sterilized.

(j) Animal control may retain custody of any dog declared dangerous pursuant to Minnesota Statutes, Section 347.50 until the dog is duly and properly registered as required by Minnesota Statutes, Section 347.51.

(k) The owner of any dog declared dangerous must notify animal control in writing of the death of the dog; its transfer to a residence outside the City of Minneapolis; or its transfer within the City of Minneapolis within thirty (30) days of the death or transfer. If requested by animal control the owner must execute an affidavit under oath setting forth either the circumstances of the dog's death and disposition or the complete name, address, and telephone number of the person to whom the dog has been transferred.

(l) Severability. If any portion of this ordinance should be declared unenforceable, it shall be severed from the ordinance, the remainder of which shall remain in full force and effect. (86-Or-115, 5-23-86; 88-Or-087, § 2, 5-13-88; 88-Or-098, § 1, 5-27-88; 94-Or-035, § 1, 3-10-95; 2002-Or-010, § 2, 3-1-02)

64.120. Disposition of animals. (a) The commissioner of health or the commissioner's agent is authorized to order the destruction or other disposition of any animal which:

- (1) Has bitten one or more persons on two (2) or more occasions, or
- (2) Has caused serious bodily injury or disfigurement to any person, or
- (3) Has engaged in an attack on or exhibited unusually aggressive behavior towards any person or other animal under circumstances which would indicate danger to safety of the person or animal, or
- (4) Is prohibited by or found to be in violation of section 64.110 of this Code, or
- (5) Is prohibited by section 74.50 of this Code.

(b) The commissioner of health or the commissioner's agent, after having been advised of the existence of such animal as defined above, shall proceed as follows:

(1) The owner of the offending animal shall be notified in writing as to the reasons the animal is subject to disposition under this section and where applicable, the dates, times, and places, of animals or persons bitten, attacked, injured or disfigured, and shall be given three (3) days to request a hearing for a determination as to the disposition of the animal. If the owner does not request a hearing within three (3) days of the notice, the commissioner shall make appropriate order including destruction or other proper disposition of the animal. The owner must immediately make the animal available to the animal control officer at the time the order is issued for the ordered disposition. The animal control officer is authorized to take the animal subject to the order into custody at the time the order is issued or served.

(2) If the owner requests a hearing for determination as to the dangerous nature of the animal, the hearing shall be held before the commissioner at a date not more than ten (10) days after demand for the hearing. The records of the animal control officer shall be admissible for consideration without further foundation. After considering all evidence, the commissioner shall make a determination whether or not the animal is dangerous. The commissioner shall make an appropriate order, including destruction or other proper disposition of the animal. The owner shall immediately make the animal available to the animal control officer for the ordered disposition at the time an order is issued. An animal shall not be destroyed by animal control until at least five (5) business days have passed since the issuance of an order for destruction.

(3) A dangerous animal running at large shall be apprehended and if the animal bears no identification which reasonably reveals its ownership, the animal control officer shall impound the animal until the five-day holding period required by section 62.40, or, if the animal has bitten, the ten-day quarantine period required by section 66.40, is completed. If the animal has not been claimed, it shall be destroyed at the end of the appropriate period. If the animal is claimed, upon payment of kennel fees, it shall be released to the person paying such fees if the commissioner of health does not proceed in accordance with subsection (b)(1) and (2).

(4) The commissioner of health or the commissioner's agent may apply to the District Court of Hennepin County for subpoenas for hearings under subparagraph (2) above. (88-Or-087, § 3, 5-13-88; 95-Or-035, § 1, 3-10-95; 2002-Or-010, § 3, 3-1-02; 2003-Or-001, § 1, 1-17-03)

64.130. Concealing of dangerous animals. Any person who harbors, hides or conceals an animal found to be dangerous by the commissioner of health which animal has been ordered into custody for destruction or other proper disposition shall be guilty of a misdemeanor. (88-Or-087, § 4, 5-13-88)

64.135. Public protection from dogs. Any person owning or having care, control or custody 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 causing injury or attempting to cause injury to a domestic animal off the property of the owner. (2002-Or-010, § 4, 3-1-02)

64.140. Dogs and cats purchased or adopted from animal control shelter: spaying or neutering required. (a) When a dog or cat not previously sterilized is sold or released for adoption by the city animal control shelter, the buyer or adopting party must:

(1) Sign a written agreement to have the dog or cat sterilized. If the dog or cat is less than six (6) months old, the buyer or adopting party shall agree to have the animal sterilized by the age of six (6) months. If the dog or cat is more than six (6) months old, the buyer or adopting party shall agree to have the animal sterilized within thirty (30) days of purchase or adoption; and

(2) Deposit with the animal control shelter a fee to help cover the cost of sterilization and administration. The fee shall be set by the commissioner of health.

(b) Upon receipt by the animal control shelter of a signed statement from a veterinarian attesting that the animal has been sterilized, the shelter shall remit the deposited fee, less the administrative fee, to the veterinarian.

(c) The commissioner of health is authorized to establish a cooperative program to perform sterilizations pursuant to this section before the buyer or adopting party takes custody of an animal. The program may involve sterilizations at the animal control shelter using volunteer veterinarians, or transportation of animals to and from a veterinary hospital for sterilization at that location.

(d) No person, having agreed in writing to have an animal sterilized pursuant to this section, shall intentionally fail or refuse to have such sterilization performed within the time specified in the agreement. Violation of this subsection is a petty misdemeanor punishable by a fine not to exceed two hundred dollars (\$200.00). Further, the commissioner of health or the commissioner's representatives are authorized to seize any animal which the owner has failed to sterilize in accordance with this section and to resell the animal or destroy the animal accordingly. In such a case, the fee deposited with the animal control shelter shall be forfeited.

(e) Upon written application by the buyer or adopting party, the commissioner of health may waive the provisions of this section requiring sterilization, upon a showing that the animal is a verifiable purebred breeding animal.

(f) Nothing in this section shall be construed to authorize the commissioner of health to sterilize a dog or cat which has been reclaimed by its owner, or for which the period to reclaim as owner has not expired.