

VII. POLICE REGULATIONS

701. Dogs

§701.010 DOGS; DEFINITIONS. For the purposes of this chapter, certain words and terms are defined as follows:

Subd. 1. kennel. Any place where four (4) or more dogs over six (6) months of age are kept, boarded, bred and/or offered for sale.

Subd. 2. Owner. Any person in possession of a dog, or who shall suffer a dog to remain about his premises for a period of ten (10) days. (Ref. §1301.010, Code 1966; Ord. No. 595, 12/14/76)

Subd. 3. Effective Restraint. A dog is under restraint if it is on the premises of the person harboring or keeping the dog; if it is at heel beside a person having custody of it and obedient to that person's command; if it is within a private motor vehicle of a person owning, harboring or keeping the dog; or if it is controlled by a leash not exceeding eight (8) feet in length. (Ref. Ord. no. 847, 6/11/91)

Subd. 4. Running at Large. A dog is running at large when it is off the property of the person owning, harboring, or keeping said dog, and it is not under restraint. (Ref. Ord. No. 847, 6/11/91)

Subd. 5. Designated Areas. A designated area is any City park area as defined by the City Council set aside for dog training and recreational activities. (Ref. Ord. No. 847, 6/11/91)

Subd. 6. Dangerous Dog - Any dog that has:

1. Without provocation, inflicted substantial bodily harm on a human 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.

Subd. 7. Potentially Dangerous Dog - Any dog that:

1. When unprovoked, inflicts bites on a human or domestic animal on public or private property;
2. When unprovoked, chases or approaches a person upon the streets, sidewalks or any public property in an apparent attitude of attack; or

3. Has a known propensity, tendency or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals. (Ref. Ord. 10-6-1070; 6/22/10)

Subd. 8. Designated Outdoor Dog Area. A designated outdoor dog area is a specifically and defined outdoor area located upon a permitted food and beverage establishment where patrons' dogs are allowed.

§701.020 DOGS; LICENSE REQUIRED. No person shall own, possess or harbor a dog three (3) months of age or over in the City without a license therefor. (Ref. §1301.020, Code 1966)

§701.030 DOGS LICENSE APPLICATION, ISSUANCE. A license to own or harbor a dog shall be issued by the City Clerk upon application made and payment of a license fee provided by this chapter. It shall be the duty of any person owning or harboring a dog, on or before January First (1st) of each odd numbered year, before any dog becomes three (3) months of age, forthwith upon becoming a resident of the City, or becoming an owner of any such dog, to apply for a license. The applicant shall give their full name, phone, address, and the age, description, color, breed and name of the dog. The applicant shall furnish a certificate or other proper evidence that the dog has been immunized against rabies and distemper in a manner approved by the Health Officer of the City.

All dog licenses shall expire on December Thirty-First (31st) of each even numbered year. (Ref. §1301.030, Code 1966; Ord. Nos. 524, 12/14/71; 595, 12/14/76; 711, 2/18/86; 966, 11/24/98)

§701.040 DOGS, LICENSE FEES. License fees for dogs shall be as follows: Fifteen (15.00) Dollars for per two years for all dogs nor spade or neutered and Thirteen (13.00) Dollars per two years for neutered males and spayed females. When application is made for a license after January Thirty-First (31st), a two (2.00) dollar late fee shall apply unless one of the following conditions are met: The dog is under six (6) months of age as of January 31st, the dog has been newly acquired, or the owner is a new resident of the City. New residents and new dogs that have been purchased over six (6) months of age shall have forty-five (45) days from point of residency or purchase of license of their dog. The late fee shall be reduced by one (1.00) dollar and license fee reduced by half in an even numbered year. All dogs cited by Animal Control or other City officials shall be subject to a penalty of fifteen (15.00) dollars if the dog is unlicensed. The table below explains the fee structure. Fees may be adopted by resolution. (Ref. §1301.040, Code 1966; Ord. Nos. 524, 12/14/71; 570, 2/11/75; 711, 2/18/86; 966, 11/24/98)

§701.050 DOGS; ISSUANCE OF TAGS. At the time of issuing the dog license, the City Clerk shall deliver to the licensee a tag of metal or other suitable material containing the number of the license duly stamped or engraved thereon and the year of the issuance, together with the words "Licensed, City of White Bear Lake." The color or style of license tags shall be changed each year. (Ref. §1301.050, Code 1966)

§701.060 DOGS; AFFIXING TAGS. Every person owning or harboring any dog shall provide the same with a substantial collar of durable material, to which shall be securely attached the license tag described in section 701.050. Failure to wear such collar and license tag shall be prima fascia evidence that said dog is not licensed, and any person finding such dog on his

premises may seize and deliver such dog to the pound. (Ref. §1301.060, Code 1966)

§701.070 DOGS; TAGS NOT TRANSFERABLE. No person shall remove any license tag from any dog without the consent of the proper authorities or the person owning or harboring said dog, and no tag shall be used on the collar or harness of any dog other than the dog for which the tag was issued. (Ref. §1301.070, Code 1966)

§701.080 DOGS; DUPLICATE TAGS. In case of the loss of a dog tag, the owner may secure a duplicate from the City Clerk upon payment of two (2.00) Dollars. (Ref. §1301.080, Code 1966; Ord. No. 595, 12/14/76; 966, 11/24/98)

§701.090 DOGS; RUNNING AT LARGE.

Subd. 1. It shall be unlawful for any person having the custody or control of any dog or animal of the dog kind to permit the same without being effectively restrained. (Ref. Ord. No. 847, 6/11/91)

Subd. 2. Designated Areas. Any dog not restrained by leash but remaining within the boundaries of a designated area as defined by the City, must be under the active supervision of the person owning, harboring or keeping said dog and obedient to that person's command. (Ref. §§1301.010, 1301.080 Code 1966; Ord. No. 595, 12/14/76, 847, 6/11/91)

§701.100 DOGS; CONTRACT FOR ANIMAL CONTROL SERVICES IMPOUNDING, RELEASE DISPOSITION. The City of White Bear Lake has entered into a contract to provide animal control services to the City of White Bear Lake. The contract sets forth the duties and responsibilities of both the City and the animal control service contractor. The current contract shall be on file in the office of the City Clerk and shall be available for public inspection during normal business hours. (Ref. Ord. 752, 12/8/87)

It shall be the duty of the Animal Control Officers designated by the City to promptly seize, take up and place in a pound all dogs that may be found running at large or being kept or harbored any place within the City contrary to the provisions of this chapter. Any dog found unlicensed after January First (1st) of each odd numbered year may be seized and impounded by such officers, or the person owning or harboring such dog may be notified to procure a license for same within five (5) days of the date of such notice. (Ref. Ord. 711, 2/18/86)

No dog shall be released from the pound unless the owner or other person entitled to demand release of the dog purchases a proper license for said dog and pays the required fees set forth in the animal control service contract currently in effect. All dogs taken to a pound and not claimed and released within five (5) days after being impounded, shall be disposed of in a humane manner, subject to Minnesota Statutes §35.71, Subd. 3, and any animal control service contract currently in effect. (Ref. §§1301.100, 1301.110, 1301.120, 1301.130, Code 1966; Ord. Nos. 524, 12/14/71; 595, 12/14/76; 611, 6/13/78; 649, 4/14/81)

§701.110 DOGS; ENFORCEMENT. It shall be the duty of any Animal Control Officer designated by the City to enforce the provisions of this chapter. Such Officer shall keep accurate and detailed records of the impounding and disposition of all dogs picked up in the City and furnish monthly reports to the City Manager as to services performed during the month. (Ref. §1301.140, Code 1966; Ord. No. 524, 12/14/71)

§701.120 DOGS; CRUELTY. No person may keep a dog or dogs where the Health Officer or a licensed veterinarian finds unkempt surroundings which may cause a health hazard for either the owner or dog. (Ref. §1301.150, Code 1966; Ord. No. 595, 12/14/76)

§701.130 DOGS; BARKING AND OFFENSIVE. No person shall keep or harbor a dog which shall by any noise, unreasonably disturb the peace and quiet of any person in the vicinity. The phrase "unreasonably disturb the peace and quiet" shall include, but is not limited to, the creation of any noise by a dog which can be heard by any person from any property line. The noise must occur over at least a five minute period of time without any interruption of thirty (30) seconds or more. (Ref. §1301.160, Code 1966) (Ref. Ord. 901, 8/24/93)

§701.140 DOGS; VICIOUS AND RABID. No person shall own or harbor a fierce or vicious dog, or a dog that has been afflicted with rabies. Any person who shall have in his or her possession a dog which has contracted or is suspected of contracting rabies, or which has been bitten by an animal known to have been afflicted with rabies, shall, upon demand of the Health Office, Animal Control Officer or any police Officer of the City, produce and surrender up said dog to said Officer, to be held for observation and treatment. With the approval of the Health Officer, any such dog may be surrendered to a registered veterinary or to any approved non-profit corporation organized for the purpose of sheltering dogs. Whenever a dog is taken by such Officer for having bitten a person, such Officer may, if deemed necessary and advisable, after holding such a dog a sufficient length of time to meet the requirements of the Health Officer or investigator, cause such dog to be destroyed as a vicious dog (Ref. §1301.170, Code 1966).

§701.145 Dogs; Dangerous and Potentially Dangerous - Except as otherwise provided in this chapter, the regulatory and procedural provisions of M.S. 347.50 through 347.565 are hereby incorporated herein and adopted by reference.

Subd. 1. Declaration of Potentially Dangerous and Dangerous Dogs: A city police officer, community service officer or animal control officer may declare a dog to be a potentially dangerous or dangerous when the officer has probable cause to believe that the dog is potentially dangerous or dangerous herein. A written notice declaring the dog potentially dangerous or dangerous shall be delivered or mailed to the owner of the dog, or a copy thereof posted at the place where the dog is kept, or delivered to a person residing on the property where the dog is kept, and telephoning, if possible.

Subd. 2. Review of Designation. The Police Chief may review the status of a dog which has been determined to be potentially dangerous if a period of one year has passed without any further incidents and may use discretion in determining whether any conditions which have been ordered are still required.

Subd. 3. Dangerous Dog Registration. No person may own a dangerous dog unless the dog is registered with the City. Such registration will be issued to the owner of a dangerous dog after the owner presents sufficient evidence to the White Bear Lake Police Department that :

- a. A proper enclosure exists for the dangerous dog and the premises are posted with a clearly visible sign that includes a warning symbol of a dangerous dog on the property.

- b. The owner has obtained a surety bond or policy of liability insurance in the sum of at least three hundred thousand dollars (\$300,000) insuring the owner for any personal injuries inflicted by the dangerous dog.
- c. The owner has paid the annual dangerous dog registration.
- d. The owner has had microchip identification implanted in the dangerous dog. The name of the microchip manufacturer and identification number of the microchip must be provided to the White Bear Lake Police Department.

Subd. 4. Potentially Dangerous Dog Regulation. The owner of a potentially dangerous dog must:

- a. Within fourteen (14) days of receiving a determination that the dog is potentially dangerous, have a microchip implanted in the dog for identification, and the name of the microchip manufacturer and identification number of the microchip must be provided to the White Bear Lake Police Department.
- b. When the potentially dangerous dog is outside, the potentially dangerous dog must be muzzled and under the physical control and restraint of a responsible person. The muzzle must be made in a manner that will prevent the dog from biting any person or animal but that will not cause injury to the dog or interfere with its vision or respiration.
- c. The owner of a potentially dangerous dog must annually renew the registration of the dog until the dog is deceased or its designation has been revoked by the Police Chief as provided for in Subd. 2. If a potentially dangerous dog is transferred from another location into or within the City, it must be registered as a potentially dangerous dog in the City.

Subd. 5. Appeal Procedure:

- a. Any owner of a dog declared potentially dangerous or dangerous may appeal the declaration by submitting a written notice of appeal to the Police Chief, or his/her designee, within 14 days of the notice declaring the dog potentially dangerous or dangerous. This appeal process also applies in cases where it is determined that destruction of a dog is necessary as provided for in M.S. 347.56.
- b. The appeal hearing shall be heard by the Police Chief, or his/her designee, within 14 days of the city's receipt of the dog owner's request to appeal the designation. The appeal hearing shall be conducted in an informal manner, and the Minnesota Rules of Civil Procedure and Rules of Evidence shall not be strictly applied. The hearing need not be transcribed, but may be transcribed at the sole expense of the party who requests transcription.
- c. Within 10 days after the hearing, the Police Chief, or designee, shall make written findings of fact and conclusion as to whether the dog is a potentially dangerous or dangerous dog.
- d. An owner's right to appeal or otherwise contest a potentially dangerous or dangerous

dog declaration shall be deemed waived if the owner fails to serve a written request for appeal, as required herein, or fails to appear at the scheduled appeal hearing date.

Subd. 6. Destruction of Dangerous Dog. The Police Chief is authorized to order the destruction of the dog upon a finding that the dog has been declared dangerous, the owner's right to appeal hereunder has been exhausted or expired, and the owner has failed to comply with provisions of M.S. §347.50 through 347.565 and the provisions of this City Code.

Subd. 7. Harboring. Any person who harbors a dog after it has been found by the Police Chief under this provision to be dangerous and ordered into custody for destruction shall be guilty of a misdemeanor. (Ref. Ord. 10-6-1070; 6/22/10)

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§701.150 DOGS; KENNELS; LICENSE REQUIRED. No person shall operate a dog kennel within the City of White Bear Lake unless he shall pay the City Clerk a license fee of Twenty-Five Dollars (\$25.00) and submit an application stating therein the maximum number of dogs to be harbored in the kennel, the exact location of the kennel and the qualification and experience of the applicant in the operation of a dog kennel. The City Council shall grant or deny the license. (Ref. §1301.180, Code 1966; Ord. No. 648, 1/13/81)

§701.160 DOGS; CLEANING UP LITTER. The owner of any dog or any person having the custody or control of any dog shall be responsible for cleaning up any feces of the animal and disposing of such feces in a clean and sanitary manner. Every occupant of a dwelling unit, or owner if the dwelling unit is not occupied, shall remove animal feces from said unit, the yard, or lot on which the unit is located, or from any structure appurtenant to the unit which he controls and dispose of such animal feces in a clean and sanitary manner.

It is unlawful for any person owning, keeping, harboring, or in custody of a dog to cause or permit said dog to be on property, public or private, not owned or possessed by such person without having in his or her immediate possession a device for removal of feces and depository for transmission of excrement to a proper receptacle located on the property owned or possessed by such person. (Ref. Ord. 733, 9/8/86)

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§701.170 DOGS; OUTDOOR FOOD AND BEVERAGE SERVICE ESTABLISHMENTS.

Subd. 1. Municipal Authorization. The City of White Bear Lake, a home rule charter city, has the authority to permit food and beverage service establishments to allow dogs to accompany persons patronizing designated outdoor areas of these establishments in accordance with Minnesota Statutes §157.175.

Subd. 2. Permit Process. Food and beverage establishments must apply for a permit to before allowing patrons' dogs on their premises.

Subd. 3. Minimum Requirements. Any establishment obtaining approval for a designated outdoor dog area shall comply with the following requirements, which, along with the

prohibitions imposed by Subd. 5, must be clearly printed on a sign or signs posted in a manner and place that is conspicuous to patrons and employees:

- a) Employees must be prohibited from touching, petting, or otherwise handling dogs;
- b) Employees and patrons must not allow dogs to come into contact with servings dishes, utensils, tableware, linens, paper products, or any other items involved in food service operations;
- c) Patrons must keep their dogs on a leash at all times and must keep their dogs under reasonable control;
- d) Dogs must not be allow on chairs, tables, or other furnishings; and
- e) Dog waste must be immediately removed and the area sanitized.

Subd. 4. Prohibitions. Dangerous and potentially dangerous does, as defined in §701.010, are prohibited from accompanying patrons to food and beverage establishments.

Subd. 5. Service Animals. Nothing in this ordinance shall be construed to limit the right of a person with disabilities to access places of public accommodation while accompanied by a service animal.

Subd. 6. Banning Dogs. Nothing in this ordinance shall be construed to require the owner of a food or beverage to allow dogs to accompany patrons in designated outdoors areas.

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