

Section 925 - Domestic Animals

925.00 Adoption by reference. Minnesota Statutes, Chapters 346 and 347, as they pertain to domestic dogs and cats, are adopted by reference and are as much a part of this code as if fully set forth herein. Any violation of the statutes herein adopted by reference is a violation of this code.

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

Subd. 2. "Pound" means premises designated by the council for the purpose of caring for animals impounded pursuant to this section.

Subd. 3. "Owner" means a person who owns, keeps or harbors any animal as defined in 925.01, Subd. 11.

Subd. 4. The term "under restraint" means on a leash of not more than six (6) feet in length and in the custody of a person of sufficient age to adequately control the dog; in a vehicle, or on the owner's property.

Subd. 5. "Veterinary hospital" means an establishment maintained and operated by a licensed veterinarian for the diagnosis of and care of animals.

Subd. 6. "Dog at large" or "running at large" means a dog not on the owner's premises and not under restraint.

Subd. 7. "Tag" means the license tag required under this section.

Subd. 8. "Bodily Harm" means physical pain or injury, illness or any impairment of physical condition.

Subd. 9. "Substantial Bodily Harm" means bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily member or organ, or which causes a fracture of any bodily member.

Subd. 10. "Great Bodily Harm" means bodily injury which creates a high probability of death, or which caused serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ, or other serious bodily injury.

Subd. 11. "Animal" means any warm blooded mammal, inclusive of, but not limited to dogs and cats, as well as any reptiles or birds. For purposes of this ordinance, when the specific animal type is not described, such as dog, the term animal shall apply to all forms of animals as described herein. For the purposes of this section "Animal" does not include any of the animals defined in Section 940 of the Hopkins City Code.

925.03. License required. No person may own, keep, harbor or have custody of a dog over six months of age without first obtaining a license therefore from the clerk. A dog with a valid license from some other jurisdiction may be kept in the city temporarily for a period not exceeding three months.

925.04. Rabies Vaccination. All dogs over six months of age must have current rabies vaccination. Dogs must wear their current vaccination tags at all times.

925.05. Nonresident dog owners. A person who is not a resident of the city may keep an unlicensed domestic dog in the city for a period of not to exceed 30 days. The dog must be under restraint.

925.07. License expiration. Dog licenses expire on the same date that the rabies vaccination expires. (Amended Ord 2005-945)

925.09. Applications. Subdivision 1. Annual Licenses. Applications for dog licenses may be made at any time during the year, and must be made not later than 30 days from the date of the acquisition of a dog, and (iii) not later than 30 days from the date of the moving of a dog into the city. A separate application must be made for each dog. The application shall state, among other things, the date that the dog first arrived in the city, the dog's color, name and breed, the name and address of the dog's owner, current vaccination number, and such other information as may from time to time be required by the clerk. (Amended Ord 2005-945)

Subd. 2. Two or Three Year Licenses. Owners whose dog or dogs have received rabies vaccinations which are effective for more than one year may apply for a two year or three year license, depending on the type of rabies vaccination. When making application for a multi-year license, the owner must submit all the information required for an annual license as well as documentation indicating that the dog has received a rabies vaccination which is effective through the license period. These licenses may only be issued for dogs that have been spayed or neutered. (Amended Ord 2005-945)

925.11. Fees. Applications for dog licenses must be accompanied by the fee set by city council resolution.

925.13. License conditions. A dog license may be issued upon a showing by the applicant that the applicant is prepared to comply with all the rules, regulations and requirements for the humane care of the owners' dogs and with the provisions of this section and other applicable state and local laws.

925.15. Tags. The clerk shall issue to the owner of a licensed dog a metallic or durable plastic tag stamped with an identifying number with the year of issuance and so designed that it may be conveniently fastened to the dog's collar or harness. The tag must remain fastened and shall be worn by the dog at all times. The clerk shall maintain a record of dog licenses.

925.17. Tags, lost or mutilated. In the event that a valid license tag shall be lost or mutilated, the owner must secure a new tag from the clerk upon the payment of the fee set by city council resolution.

925.19. Tags. If a licensed dog dies and a new dog is secured by the owner, the unexpired license may be transferred on application of the owner to the new dog by payment to the clerk of the transfer fee set by city council resolution. A person purchasing or otherwise acquiring any dog properly licensed by the city during any year may have such valid license and ownership of such dog changed to the name of such owner upon the payment of the required transfer fee accompanied by a proper application therefor.

925.21. Tags, counterfeit and unlawful attaching. It is unlawful to counterfeit or attempt to counterfeit a dog license tag, or to take from any dog a tag legally placed upon it by its owner, or to place any unauthorized tag upon a dog.

925.23. Tags, refunds. Dog license fees are not refundable.

925.24. Maximum Number of Dogs and Cats. No person shall keep, harbor or maintain more than two dogs or four cats over the age of six months within or upon the property of any individual dwelling unit within the City of Hopkins. Furthermore the total number of dogs and cats in any individual dwelling unit shall not exceed four.

925.25. Duties and responsibilities of owner. A dog owner must:

- a) procure a dog license for each dog in the owner's possession or keeping;
- b) fasten or attach the proper current dog license to the dog's collar or harness which shall be worn at all times by the dog;
- c) keep owner's dogs under restraint at all times;
- d) at all times exercise proper care and control of the owner's dogs to prevent them from becoming a public nuisance;
- e) provide the dogs with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment;
- f) confine a female dog in heat to the owner's property or any veterinary hospital/clinic, in such a manner that such female dog cannot come into contact with other dogs, except for intentional breeding purposes;
- g) maintain an animal and the area where it is kept so that no odor that offends the senses of a reasonable person is detected, for more than one day, off the property where the animal is kept;
- h) clean up the feces and other bodily wastes from the animal in a timely and sanitary manner that prevents health risks and prevents odors that are prohibited under paragraph (g) above; and
- i) when on public property or the private property of another, clean up any feces of the dog and dispose of such feces in a sanitary manner. The owner of a dog shall not permit such dog to be on public property or the private property of another without having in the owner's immediate possession, a device for the removal of feces. (Amended by Ord 2002-880)

925.27. Treatment. No person may (i) beat, cruelly ill-treat, torment, overload, or otherwise abuse a dog, (ii) cause or permit a dog fight or (iii) abandon a dog.

925.31. Inspection. It is a condition of a dog license issued to an owner of any dog or dogs that humane society officers and inspectors, including police officers, shall be permitted to inspect all dogs at the premises where the dogs are kept at any time.

925.33. Revocation of dog license. The clerk may revoke a dog license if the person holding such license fails to comply with this section or regulations promulgated by the health authority or a state or local law governing cruelty to animals or the keeping of animals. A license revocation is in addition to any penalty against a dog owner arising from a violation of this section. Any person whose dog license is revoked must, within ten days after receipt of due notice from the city, humanely dispose of dogs owned, kept or harbored by such person and no part of the license fee shall be refunded.

925.35. Animal bites. An animal which bites a person shall be quarantined for ten days if ordered by the health authority or police department. During such quarantine, the animal shall be securely confined and kept from contact with any other animal. The quarantine may be on the premises of the owner if approved by the city health authority. If the health authority requires other confinement, the owner shall place it in a veterinary hospital at the owner's expense.

925.37. Vicious or Dangerous Animals. Subdivision 1. The Chief of Police or his or her designee is authorized to order the impoundment and destruction or other disposition of any animal which is a vicious or dangerous animal as defined in this subsection.

Subd. 2. A vicious animal is an animal which has caused the death of a person, or has committed great bodily harm as defined under 925.01, Subd. 9 or 10.

Subd. 3. Any animal which has bitten a person causing bodily harm, as defined under Section 925.01, Subd. 8, may be deemed a dangerous animal. The Chief of Police or his designee, after having been advised of the existence of such an animal, shall proceed in the manner prescribed by this subsection.

Subd. 4. Notice. The owner of any vicious or dangerous animal shall be notified in writing as to the dates, times, places, and persons bitten, and shall be given ten days to request a hearing before the Chief of Police or his designee for a determination as to whether the animal is a vicious or dangerous animal as defined in this subsection. If the owner does not request a hearing within ten days of the date of said notice, the Chief of Police or his designee may order the animal taken into custody for destruction in which case the owner shall immediately make the animal available to be taken into custody. The notice required by this subdivision shall be sufficient if sent by first class United States Mail to the address of the animal's owner as listed on the animal's license or, if the animal is unlicensed, to the address of the owners residence.

Subd. 5. Hearing. If the owner requests a hearing for determination as to the dangerous nature of the animal, the hearing shall be held before the Chief of Police or his designee at a date not more than three weeks after demand for said hearing. After considering all evidence, the Chief of Police, or his designee, shall make a determination as to whether or not the animal is a dangerous or vicious animal and the Chief of Police or his designee shall make such order as he deems proper. If the Chief of Police or his designee orders the animal taken into custody for destruction the owner shall immediately make the animal available to be taken into custody.

Subd. 6 Dangerous or Vicious Animals at Large. A dangerous or vicious animal running at large shall be apprehended and if the animal bears no identification which reasonably reveals its ownership, the animal shall be impounded. If the animal is claimed, the Chief of Police or his designee shall proceed as provided in Subdivision 4, provided that an impounded animal shall not be released to its owner pending an order under Subdivision 4 or Subdivision 5. If the animal is not claimed it shall be disposed of according to Section 925.45.

Subd. 7 Additional Requirements. The requirements of this subsection shall be in addition to those contained elsewhere in this section and in other applicable state and local laws.

925.39 Nuisance Dogs. Subdivision 1. Dogs that are public nuisances. Any dog which exhibits any of the following behavior is hereby declared to be a public nuisance.

- a) any 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 any dog which can be heard by any person, including the Animal Control Officer or a law enforcement officer, from a location outside of the building or premises where the dog is being kept and which noise occurs repeatedly over at least a five minute period of time with one minute or less lapse of time between each dog noise during the five minute period.
- b) running at large;
- c) any dog which damages plantings or structures or urinates on private property without the consent of the owner or possessor of the property;
- d) any dog that defecates on public property or on private property without the consent of the owner or possessor of the property unless the person in control of the dog cleans up the feces and disposes of such in a sanitary manner;
- f) any dog that worries, chases, molests, or attacks a domestic animal, or person upon public or private property, and is not vicious or dangerous as defined under section 925.37.
- g) entering or being present upon public or private property without the permission of the owner or contrary to city ordinance.

Subd. 2. Enforcement. Any person aggrieved by a dog nuisance may direct a written complaint to the Hopkins Police Department stating the acts complained of, the name and address of the owner of the dog, and the name and address of the complainant. Upon receipt of such a complaint, the police department shall notify the person owning or keeping the dog of the complaint and request a response to the allegation within forty-eight hours. If, after completing its investigation, the Police Department determines the dog to be nuisance, a charge may be made against the owner or keeper of the dog. Any person found to have violated the provisions of this section shall be guilty of a petty misdemeanor.

925.41. Animal Control Officer. Subdivision 1. Appointment. The city may appoint such person, persons, or firms as the city may deem necessary and advisable as Animal Control Officer. Such appointees shall work under the supervision of the Hopkins police department and shall be responsible for the enforcement of this Section.

Subd. 2. Duties. Animal Control Officers are authorized to enforce the provisions of this Section and other related ordinances and statutes pertaining to animal control, including the issuance of citations.

Subd. 3. Unlawful Acts. It shall be unlawful for any unauthorized person to break into a pound, or attempt to do so, or to take or set free any animal taken by the Animal Control Officer in the enforcement of this Section, or in any way interfere with, hinder, or molest, such Officer in the discharge of his or her duty under this Section.

925.43. Pound. The manager or his designee shall establish a pound by contracting with an animal shelter, pet hospital, or other firm, in which shall be confined any animals taken up by the Animal Control Officer or other officers of the city. The pound may be within the city limits or within an adjacent city.

925.45 Impounding. Subdivision 1. In addition to any penalties for the violation of this section or any regulation thereunder, an unlicensed dog or a dog at large may be taken by the police, the Animal Control Officer, or the Humane Society of Hennepin County and impounded in the designated pound and there confined in a humane manner. Impounded dogs shall be kept for not less than five days unless reclaimed by their owners. If by a license tag or other means the owner of any impounded dog can be identified, the Animal Control Officer, the clerk or deputy shall make a reasonable attempt to notify the owner by telephone or mail of the impoundment. Dogs not claimed by their owners within five days of such notice, if such dog is wearing a proper dog license, or within five days after impoundment if the owner of such dog cannot be identified, shall be humanely disposed of by an agency delegated so to do by the city.

Subd. 2. The Hopkins Police Department or Animal Control Officer may impound any animal involved in a violation of this Ordinance, or animals that constitute a present or potential danger to human beings or other animals, at the designated pound or other appropriate boarding facility.

925.47. Impoundment, when not required. If a dog is found at large and its owner can be identified and located, the dog need not be impounded, but may instead be returned and taken to the owner. In such case the officer returning the dog may proceed against the owner for violation of this section.

925.49. Reclaiming animals. An owner reclaiming an impounded animal shall pay to the clerk an impounding fee and shall be responsible for all resulting charges from the designated pound or boarding facility. The reclamation shall not be interpreted as a waiver of any criminal proceedings against the owner for the violation of this section. Animals may be reclaimed during normal city business hours. (Amended Ord. 2005-942)

925.51. Penalties. Violation of any of the provisions of this section is a petty misdemeanor and each day the violation continues is a separate violation. A dog license issued to a person convicted of a violation of subsection 925.27 is automatically revoked on conviction and a new dog license may not be issued to that person for a period of one year from the date of conviction. (Amended Ord. #96-782)

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