

CHAPTER 10. ANIMALS

ARTICLE II. Dogs and Cats

*State law reference--Dogs and cats, Minn. Stats. ch. 347.

Section 10-81. Restriction on number; exception.

- (a) No dog or cat shall be kept within the city limits unless a license therefore shall first be secured. No person shall keep more than three cats, or a mixture of dogs and cats, not to exceed three pets in total, at one residence within the city, except that a fresh litter of pups or kittens may be kept for a period of three months. Annual licenses shall be issued by the city clerk upon payment of the fee determined by council resolution.
- (b) Police dogs owned by and working for the City of Anoka Police Department shall be exempt from the license fees. All health records regarding such police dogs shall be maintained by the police department.

Section 10-82. Inoculation against rabies.

The owner of any dog or cat shall have the dog or cat inoculated against rabies from time to time so as to maintain continuous protection against rabies and shall possess proof of such inoculation and period of effectiveness from a licensed veterinarian. All inoculations shall be effective for at least one year.

State law reference--Rabies control, Minn. Stats. § 35.255 et seq.

Sections 10-83 thru 10-100. Reserved.

Section 10-101. License Required; exemption for police dogs.

- (a) No dog or cat shall be kept within the city limits unless a license therefore shall first be secured. Annual licenses shall be issued by the city clerk upon payment of the fee determined by the council.
- (b) Police dogs owned by and working for the city police department shall be exempt from the license fees. All health records regarding such police dogs shall be maintained by the police department.

Section 10-102. Inoculation certificate prerequisite to issuance.

No license shall be issued for any dog or cat unless a certificate signed by a licensed veterinarian is filed with the application showing that the animal described in the application has been inoculated against rabies and that the inoculation is effective for at least one year from the date of application.

Section 10-103. Expiration date.

Licenses shall expire on January 1 next following their issuance.

Section 10-104. Fees.

It shall be the duty of every owner of a dog or cat to pay the license fee imposed in this code to the city clerk on or before January 1 in each year, or immediately upon acquiring ownership or possession of any unlicensed dog or cat or within five days after bringing any unlicensed dog or cat into the city.

Section 10-105. Issuance of tags.

Upon the payment of the license fee, the clerk shall execute a receipt in duplicate. The clerk shall deliver the original receipt to the person who pays the fee, and retain the duplicate in the clerk's office. The clerk shall also procure a sufficient number of suitable tags, the shape of which shall be different for each license year, and shall deliver one appropriate tag to the person paying the license fee.

Section 10-106. Affixing tags.

The owner shall cause the dog or cat tag to be affixed by a permanent fastening to the collar of the dog or cat so licensed, in such manner that the tag may be easily seen by the officers of the city. The owner shall see that the tag is constantly worn by such dog or cat, and any dog or cat found within the city without tag shall be deemed to be unlicensed.

Section 10-107. Duplicate tags.

In case any dog or cat tag is lost a duplicate may be issued by the clerk upon the presenting of a receipt showing the payment of the license fee for the current year. A fee established by the city council shall be paid for each such duplicate tag.

Section 10-108. Counterfeiting, unauthorized removing, etc., of dog or cat tags.

It shall be unlawful to counterfeit or attempt to counterfeit the tags provided for in this division.

Section 10-109. Tags not transferable.

Dog and cat tags are not transferable, and no refunds shall be made on any dog or cat license.

Section 10-110. Dangerous Dogs.

The provisions of Minnesota Statutes Sections 347.50 through 347.56 are hereby adopted and incorporated by reference.

Section 10-111. Designation of dangerous dogs.

The Chief of Police or a designee may declare an animal a "dangerous dog" as defined in Minnesota Statutes Section 347.50, subd. 2. The Chief of Police or designee shall notify the animal's owner in writing of the designation and provide information to the owner pertaining to the regulation of dangerous dogs. The owner of a "dangerous dog" must comply with all provisions of Minnesota Statutes Section 347.50 through 347.56.

Section 10-112. Regulation of potentially dangerous dogs.

- (a) The Chief of Police or designee may declare an animal to be a "potentially dangerous dog" if one of the following criteria is met:
 - (1) The animal, without provocation, attacks or bites a person or a domestic animal on public or private property;

- (2) The animal, without provocation, chases or approaches a person, including a person on a bicycle, upon the street, sidewalk or any public or private property, other than the dog owner's property in an apparent attitude of attack or in a menacing fashion;
 - (3) The animal has a known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threaten the safety of any person or domestic animal; or
 - (4) The animal is owned or harbored primarily or in part for the purpose of fighting or is trained for fighting.
- (b) The Chief of Police or designee shall notify the animal's owner in writing of the designation and provide information pertaining to the regulation of potentially dangerous dogs and shall provide the owner a copy of Minnesota Statutes Section 347.50 through 347.56 and this Code Section.
 - (c) The owner of a potentially dangerous dog must have a microchip implanted in the dog for identification pursuant to Minnesota Statutes § 347.515.
 - (d) Proof in the form of a receipt of the implanted microchip must be provided to the Chief of Police or designee within 14 days of notification. The name of the microchip manufacturer and identification number must also be provided.
 - (e) The owner of the potentially dangerous dog shall keep the dog, while on the owner's property, in a proper enclosure as defined in Minnesota Statutes Section 347.50, subd. 4, or on a substantial leash. For the purpose of the section, the term "substantial leash" means a leash that properly and completely restrains the potentially dangerous dog's movement.
 - (f) The owner of the potentially dangerous dog shall muzzle and restrain the dog on a substantial leash not to extend more than six feet whenever off of the owners property. 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; similar to a basket-type muzzle.
 - (g) The owner of a potentially dangerous dog must post a clearly visible ~~purchased~~ "Beware of the Dog" sign. The sign must be a least ten inches by fourteen inches in dimension.
 - (h) The owner of a potentially dangerous dog shall notify the Anoka Police Department in writing of the death, sale or transfer of the dog within fourteen (14) days and inform the Police Department of 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.
 - (i) A person who owns a potentially dangerous dog and who resides on a rental property must disclose to the property owner that a potentially dangerous dog will reside on the property.
 - (j) Beginning six months after a dog is designated a "potentially dangerous dog;" an owner may request annually that the Chief of Police or designee review the designation. The owner must provide evidence that the dog's behavior has changed due the dog's age, neutering, environment, completion of obedience training that includes modification of aggressive behavior, or other factors. If the Chief of Police or designee finds sufficient evidence that the dog's behavior has changed, the designation may be rescinded.

- (k) The City of Anoka will charge the owner of a potentially dangerous dog an annual fee, as established in the Master Fee Schedule, in addition to any other fees required to license a dog in the City.

Section 10-113.

Appeal by Owner.

- (a) The owner of a dog designated as a "dangerous dog" or a "potentially dangerous dog" may appeal the designation by delivering a written notice of appeal to the Chief of Police or designee within seven (7) days after receipt of the notice of designation. The notice of appeal must identify the name, address and a telephone number of the owner and must state the basis for the appeal. Upon receipt of a valid notice of appeal, a hearing shall be held before a city hearing examiner, who shall not be a member of the city staff. The hearing shall be conducted pursuant to the Minnesota Rules of Administrative Hearings. The hearing examiner shall receive evidence whether the dog is "dangerous" or "potentially dangerous." Rules of evidence need not be strictly followed and the records of an animal control officer or law enforcement officer shall be considered without further foundation. After considering all evidence submitted, the hearing examiner shall issue a written order setting forth whether the animal is "dangerous" or "potentially dangerous." The order shall be made within five business days after the hearing and shall be served by mail or personal service upon the owner. The decision of the hearing examiner shall be final, but is appealable to a court of law according to Minnesota Statutes Section 484.01, subd. 1.
- (b) The hearing officer shall be appointed by the City Manager or his designee. The hearing officer shall receive compensation in an amount to be determined by the City Council. The decision of the hearing officer is effective the date it is issued, unless a later date is stated in the decision.

Section 10-114.

Violations.

Any person who violates or fails to comply with any provision of this Article may be charged with a petty misdemeanor or a misdemeanor.

Sections 10-115 thru 10-130.

Reserved.