



INFORMATION MEMO

Animal Regulation in Cities

Find out how cities may regulate and control pets, farm animals, exotic animals, and newly popular hobbies of keeping bees or chickens. Learn approaches to common problems such as dangerous dogs, dogs running at large, barking, and feral cats. Animal health and safety laws. Animal fighting. Owner rights and responsibilities.

RELEVANT LINKS:

[Minn. Stat. § 412.221, subd. 21.](#)

[Minn. Stat. §§ 347.50-.565.](#)

Handbook, [Meetings, Motions, Resolutions, and Ordinances.](#)

[Village of Euclid v. Ambler Realty Co.](#), 272 U.S. 365, 47 S. Ct. 114 (1926).

[Press v. City of Minneapolis](#), 553 N.W.2d 80 (Minn. Ct. App. 1996). [State v Reha](#), 483 N.W.2d 688 (Minn. 1992).

[Holt v. City of Sauk Rapids](#), 559 N.W.2d 444 (Minn. Ct. App. 1997).

I. General considerations in regulating animals

Cities have broad authority to regulate animals by adopting an ordinance under their police powers or, in some cases, by relying on state law. Police powers relate to public health, safety, and general welfare. Cities may regulate many aspects related to animals within the city, including the following:

- The keeping of animals.
- Animals running at large.
- The impounding, sale, or destruction of animals.
- Dangerous and potentially dangerous animals.

A. Drafting the ordinance

Regulation of animals should be done by ordinance. The city should have a reasonable basis for adopting the animal control ordinance. This means the ordinance must not be arbitrary or unreasonable. Establishing a reasonable basis for the ordinance at the time it is adopted will help the city defend the ordinance if it is later challenged.

The ordinance should be clearly drafted and, whenever possible, include objective standards that provide adequate notice of what is required. It should be written so that ordinary people can understand what conduct is prohibited or required. An ordinance can still be flexible and broad so long as it is clear what the ordinance allows or prohibits. Furthermore, a clearly written ordinance helps to avoid arbitrary or discriminatory enforcement.

When deciding how to handle animal-related issues, the city may select the solution it sees as the best fit (so long as it is reasonable) even if it is not the same method used in other cities or what other people might see as more appropriate.

This material is provided as general information and is not a substitute for legal advice. Consult your attorney for advice concerning specific situations.

RELEVANT LINKS:

Town of Grant v. Johnson,
No. C2-93-243 (Minn. Ct.
App. June 29, 1993)
(unpublished decision).
[Minn. Stat. § 347.51, subd. 8.](#)

Section VII-B, *Police dogs
and service animals.*

Corn v. Sheppard, 229 N.W.
869 (Minn. 1930). *Soucek v.
Banham*, 524 N.W.2d 478
(Minn. Ct. App. 1994).
[Minn. Stat. § 609.52.](#)

[U.S. Const. amend. V.](#) [U.S.
Const. amend. XIV.](#) [Minn.
Const. art. 1, § 7.](#)

Mathews v. Eldridge, 424
U.S. 319, 96 S. Ct. 893
(1976).

The city will want to consider how it will enforce an animal regulation ordinance. The city should make sure it has the people, resources, interest, and capability to enforce such an ordinance. The city should also consider the unique aspects of animal regulations, such as catching or seizing animals, impounding animals, destroying animals, and other issues that arise when dealing with animals.

B. Making distinctions between animals

The city may make distinctions between different types of animals in its animal control ordinance as long as there is a reasonable basis for the distinction. However, some types of distinctions are prohibited by law. For example, state law prohibits regulating dangerous dogs based solely on the breed of the dog.

There may be many distinctions that have a reasonable basis. Some common distinctions are:

- Farm animals from pet animals.
- Police dogs from other dogs.
- Service animals from other animals.
- Zoo ownership of wild or exotic animals from private ownership of the same animals.

II. Owner rights and responsibilities

A. Rights

In general, the law treats animals as personal property. Therefore, animal owners have the same rights with regard to their animals as with other personal property.

1. Due process rights

Both the federal and state constitutions provide that no person may be deprived of their property without due process of law. The two basic requirements of due process are: 1) notice to interested parties and 2) an opportunity to be heard by a person or group who has the authority to make a decision on the matter. The opportunity to be heard must be at a meaningful time and in a meaningful manner. Since animals are treated as property, due process considerations apply in situations where the city is dealing with animals.

RELEVANT LINKS:

[Mathews v. Eldridge](#), 424 U.S. 319, 96 S. Ct. 893 (1976). [Sawh v. City of Lino Lakes](#), 823 N.W.2d 627 (Minn. 2012).

U.S. Const. amend. IV. [Camara v. Municipal Court](#), 387 U.S. 523, 87 S. Ct. 1727 (1967).

[Camara v. Municipal Court](#), 387 U.S. 523, 87 S. Ct. 1727 (1967).

III. Due process is a flexible concept and should be tailored to the particular situation. Statutes sometimes provide particular notice and hearing requirements that must be followed.

Even if the law is silent on notice or hearing requirements, or the requirements provided are minimal, that does not mean that due process does not apply. Rather, that means that the city, with the help of the city attorney, should determine how the city will satisfy these requirements. Whenever possible, it is a good idea to spell out the process that will be followed in the applicable city ordinance.

1. Lawfully entering onto private property

The procedures covered in this memo often involve private property. Private property rights are constitutionally protected, so it is important that the city take appropriate steps to ensure these rights are respected. Whenever this memo mentions entering private property for investigative, enforcement, or other reasons, the principles outlined in this section will apply.

Generally, in order to lawfully enter private property for investigative, enforcement, or other purposes, the city must either obtain voluntary consent from the owner or an administrative search warrant.

Seeking consent is the simplest way to gain access to property. Consent must be voluntarily given by a person who has the authority to consent, such as the owner or occupant of the property. It is important that the person giving consent is aware of the purpose and scope of the inspection or investigation before consenting. It is preferable to obtain the consent in writing.

If the city does not or cannot obtain the owner's consent to enter the property, the city may obtain an administrative search warrant. An administrative search warrant is issued by a judge and allows designated people to enter the property for certain purposes specified in the warrant. An administrative search warrant removes the need for consent. In order to obtain an administrative search warrant, the city must demonstrate to the judge "probable cause," which shows its request to enter private property is justified.

While some state laws and ordinances say that searches or inspections may be conducted at any time, it is still preferable to obtain consent or a search warrant.

RELEVANT LINKS:

[Minn. Stat. § 412.221, subd. 21.](#)

[Minn. Stat. ch. 343.](#)

Section V-G, *Dangerous dogs.*

[Minn. Stat. § 347.22.](#)

[Minn. Stat. §§ 347.01-.03.](#)

[Minn. Stat. § 346.39.](#)

Section IX-A, *Animal cruelty provisions.*

In some situations, it may be possible to lawfully enter private property without consent or a warrant, such as when an emergency exists. The city attorney will be able to provide specific legal advice on how best to lawfully enter private property.

B. Responsibilities

Animal owners also have responsibilities for their animal. Some common responsibilities are to:

- Obtain the appropriate license, if any, from the city and satisfy all requirements related to obtaining and maintaining the license.
- Treat their animal humanely.
- Maintain control of their animal and comply with applicable nuisance ordinances, such as not allowing the animal to run at large, not allowing their animal to be excessively noisy, etc.

It is also the responsibility of the animal owner to comply with all state laws and city ordinances that apply to their animal. In addition, animal owners are generally responsible for the actions of their animal, including damage caused by the animal.

For instance, the owner of a dog is generally responsible for injury or damage that occurs when the dog bites another person or animal. If a dog, without provocation, attacks or injures any person who is acting peaceably in any place where the person may lawfully be, the owner of the dog is liable for damages to the person so attacked or injured for the full amount of the injury sustained. The term “owner” includes any person harboring or keeping a dog, but the owner must be primarily liable.

There are also state laws that protect the owners of animals, including domestic animals and livestock, from dog attacks on their animals. The owner or keeper of a dog that kills, wounds, or worries a domestic animal will be held liable to the owner of the animal that was damaged.

IV. City responsibilities

Cities are responsible for enforcing ordinances, properly caring for animals in their custody, and following the applicable laws and ordinances. Oftentimes, these responsibilities are most obvious when the city has captured, seized, or otherwise has an animal in its custody or care.

A. Minnesota Pet and Companion Animal Welfare Act—cats and dogs

The Minnesota Pet and Companion Animal Welfare Act (Animal Welfare Act) sets minimum care standards of cats and dogs for veterinarians,

RELEVANT LINKS:

[Minn. Stat. §§ 346.35-.44.](#)

[Minn. Stat. § 346.39, subd. 4.](#)

[Minn. Stat. § 346.39, subd. 7.](#)
[Minn. Stat. § 346.39, subd. 4.](#)

[Minn. Stat. § 346.39, subd. 12.](#)

[Minn. Stat. § 346.39, subd. 8.](#)

[Minn. Stat. § 346.39, subd. 9.](#)

[Minn. Stat. § 346.39, subds. 9, 10, 11.](#)

[Minn. Stat. § 346.39, subds. 1, 3.](#)

[National Research Council, 500 Fifth St. N.W., Washington, D.C. 20001; 202-334-2000.](#)

animal boarding facilities, and commercial animal facilities. It is not clear what constitutes an animal boarding facility, so it is not clear whether these laws apply to city facilities. A conservative approach for cities is to follow the minimum care standards outlined below in facilities where animals are boarded.

This Act has different requirements for different animals, so the city should consult the statute to ensure the applicable requirements are followed, particularly when working with an animal not regularly dealt with.

Since the city most commonly deals with dogs and cats, this section will cover the requirements for those animals.

1. Confinement

A confinement area must provide sufficient space to allow each cat and dog to turn about freely and easily stand, sit, and lie in a normal position. State law provides a formula to determine the minimum amount of space required.

Confinement areas must be maintained at a temperature suitable for the animal involved. A shaded area must be sufficient to protect the animal from the direct rays of the sun at all times from May to October. Bedding, if used, must be kept clean and dry. Outdoor enclosures must be kept clean and base material replaced as necessary.

If the confinement area is indoors, it must be ventilated. Drafts, odors, and moisture condensation must be minimized. Auxiliary ventilation, such as exhaust fans, vents, and air conditioning, must be used when the room temperature rises to a level that may endanger an animal's health. Further, an indoor confinement area must have at least eight hours of illumination sufficient to permit routine inspection and cleaning.

Where applicable, the interior surfaces of confinement and exercise areas, including crates and containers, must be constructed and maintained so that they are substantially impervious to moisture and may be readily cleaned. They must protect the animal from injury and be kept in good repair. Animal wastes and excess fluids must be disposed of properly.

2. Food and water

Cats and dogs must be provided with food of sufficient quantity and quality to allow for normal growth or the maintenance of body weight. Food must be provided at least once every 24 hours or more often, if necessary, to maintain the health and condition of the animals. The feed standards recommended by the National Research Council should be followed.

RELEVANT LINKS:

[Minn. Stat. § 346.39, subds. 2, 3.](#)

[Minn. Stat. § 346.39, subd. 12.](#)

[Minn. Stat. § 346.39, subds. 3, 5.](#)

[Minn. Stat. § 346.39, subd. 3.](#)

[Minn. Stat. § 346.37, subd. 1.](#)

[Minn. Stat. § 346.37, subd. 1.](#)

[A.G. Op. 146-e \(Dec. 6, 1948\).](#)

Cats and dogs must also be provided with clean, potable water in sufficient quantity to satisfy the cat’s or dog’s needs. Water must be provided at least once every eight hours. Snow and ice are not adequate water sources.

Food and water containers must be accessible to each animal and located to minimize contamination by animal waste. The containers must be kept clean. Disposable containers must be discarded when soiled. Measures must be taken to protect animals from being contaminated with water, wastes, and harmful chemicals.

3. Exercise

All cats and dogs must be provided the opportunity for exercise for 20 to 30 minutes at least once every eight hours, either through free choice or a forced work program, unless exercise is restricted by a licensed veterinarian.

4. Transportation

When dogs or cats are transported in crates or containers, the crates or containers must be constructed of nonabrasive wire or a smooth, durable material suitable for the animals. Crates and containers must be clean, adequately ventilated, contain sufficient space to allow the animals to turn around, and provide maximum safety and protection to the animals.

5. Disposal of animals under Animal Welfare Act

If the city is in possession of an animal and turns it over to a veterinarian, boarding facility, or commercial facility, and the owner does not claim the animal from that facility within ten days after notice, the law provides a process for the facility to dispose of the animal.

The law requires that facilities must warn its patrons of the disposal process in a conspicuously posted notice or by conspicuous type in a written document given to the owner. If the city enters into agreements with these types of facilities, the city may consider giving a similar warning.

B. Disposition of animals

Cities generally have the authority to dispose of animals in their custody according to the process laid out by law or city ordinance. If there is no state law or ordinance to allow disposition of the animal, the city likely lacks the authority to do so.

RELEVANT LINKS:

[Minn. Stat. § 346.47, subd. 1.](#)

[Minn. Stat. § 346.47, subd. 2.](#)

[Minn. Stat. § 346.47, subd. 1.](#)

[Minn. Stat. § 346.47, subd. 2.](#)

[Minn. Stat. § 346.47, subd. 2.](#)

[Coyle v. City of Delano, 526 N.W.2d 205 \(Minn. Ct. App. 1995\).](#)

[Minn. Stat. § 346.47, subd. 3.](#)

1. Seizure of animals

The process of seizing animals, outlined below, applies to any public or private agency, person, society, or corporation with custody of animals seized by the city or other political subdivision.

Unclaimed animals must be held for redemption by the owner for at least five regular business days of the impounding agency. The city can, by ordinance, require the holding period to be longer. A “regular business day” means a day during which the establishment having custody of an animal is open to the public not less than four consecutive hours between the hours of 8 a.m. and 7 p.m.

While the law does not provide notice and hearing requirements, it would be prudent for the city to notify owners or others with an interest in the animal, if known, that the animal has been seized and is being held. There should also be some process for the owner to reclaim the animal.

The establishment must maintain the following records of the animal in custody:

- The description of the animal by species, breed, sex, approximate age, and other distinguishing traits.
- The location at which the animal was seized.
- The date of seizure.
- The name and address of the person from whom any animal three months of age or over was received.
- The name and address of the person to whom any animal three months of age or over was transferred.

These records must be preserved for at least six months and must be maintained in a form permitting easy perusal by the public. A person may view the records and animal in custody at any time during which the establishment is open to the public.

When the city transfers the animal to another agency, that agency has the same duties imposed by law, including keeping these records. A person must not release an animal seized for research or product testing, either directly or through an animal dealer.

This does not apply to the temporary transfer of an animal to a college of veterinary medicine or veterinary technology school accredited by the American Veterinary Medicine Association for the purpose of sterilization or needed veterinary care.

RELEVANT LINKS:

[State v. Utech](#), No. A09-1766 (Minn. Ct. App. Sept. 28, 2010) (unpublished decision).
[Minn. Stat. § 343.37](#).
[Minn. Stat. § 343.27](#).
[A.G. Op. 210d7](#) (May 19, 1947).

[“HSUS Condemns the Use of Gas Chambers for Euthanasia of Animals in Shelters,”](#) Humane Society of the United States (August 1, 2015). [“AVMA Guidelines on Euthanasia of Animals: 2013 Edition,”](#) American Veterinary Medical Association (2013).

[Minn. Stat. § 347.17](#).

[Minn. Stat. § 35.69](#).

[Minn. Stat. § 347.03](#).

2. Disposition

If after the specified time and when the statutory and due process requirements have been met, the city may dispose of the animal. State law prohibits the use of a decompression chamber to destroy an animal. State law also prohibits unjustifiably administering any poisonous or noxious drug or substance. The attorney general has advised that the issue of whether to use poison to dispose of animals is an issue of fact for the city to decide.

The way cities dispose of animals varies. Some cities contract with a veterinarian to have the animal “put down.” Other cities may have the staff and resources available to dispose of the animal without the need to contract with another person or organization.

There are many organizations that make recommendations or have guidelines on euthanizing animals. While these are not binding on cities (and, indeed, are not written for cities), they may provide helpful information for cities when deciding how animals will be destroyed.

3. Diseased dogs

There are certain situations described by law that allow any person to kill a dog immediately. Any person may kill any dog:

- That the person knows is affected with the disease hydrophobia (which is associated with rabies).
- That may suddenly attack while the person is peacefully walking or riding and while being out of the enclosure of its owner or keeper.
- Found killing, wounding, or worrying any horses, cattle, sheep, lambs, or other domestic animals.
- Running at large on the public streets or roads without the required muzzle when a board of health determines that rabies exists in the town or city and the required rabies proclamation is filed.
- Found chasing, injuring, or worrying sheep or other livestock or poultry owned by or in care of an owner or caretaker. Further, any owner or caretaker of sheep may kill any dog found on their property where sheep are kept, not under human restraint or control.

These laws are intended only for specific circumstances. Cities should not rely on these laws to generally kill or dispose of animals.

RELEVANT LINKS:

[Minn. Stat. § 35.82, subd. 2.](#)

[Soucek v. Banham](#), 524 N.W.2d 478 (Minn. Ct. App. 1994). [Molenaar v. United Cattle Co.](#), 553 N.W.2d 424 (Minn. Ct. App. 1996).

[Wilson v. City of Eagan](#), 297 N.W.2d 146 (Minn. 1980).

[Church of Lukumi Babalu Aye v. City of Hialeah](#), 508 U.S. 520 (1993).

Section I, *General considerations in regulating animals.*

[City of Faribault v. Wilson](#), 25 N.W. 449 (Minn. 1885).

4. Disposing of animal carcasses

Sometimes the city will be asked what an animal owner should do with the animal carcass when the animal dies at home. State law provides that the animal should be buried at a depth that will prevent scavenging by other animals, a thorough burn of the carcass, or disposal of the animal by other approved methods. Some cities will spell out what to do with a carcass by ordinance. Other cities prohibit the burning of carcasses, particularly by burning them in a wood burner or boiler.

5. Liability

The city should be cautious when disposing of animals because owners can recover damages from the city if the city wrongfully destroys their animal. This may also apply when there is an emergency or urgent situation where an animal is killed without due process. Generally, the measure of damages is the fair market value of the animal.

There is some uncertainty about whether the owner of the animal may recover punitive damages as well. It is important for the city to be cautious and to document the reasons that justified their actions; this will help defend the city if the action is challenged.

6. Slaughtering

Cities generally have the authority to regulate slaughtering within the city. Many cities prohibit slaughtering of animals in city limits, unless the location is a slaughterhouse or similar establishment or is in a particularly zoned area. However, cities need to be careful in drafting and enforcing ordinances on slaughtering of animals so that the ordinance is not used to target religious slaughtering or sacrificing of animals.

V. Animal regulation—general information

Cities have broad authority to regulate animals and may adopt appropriate regulations for the needs of the community. This section will discuss some general issues about regulating animals, as well as issues specific to common types of pets.

A. Licensing

A city may license pets. If the city chooses to license pets, it should adopt an ordinance that sets forth the process and requirements. The city may charge a reasonable fee for the license.

The cost of the license should be set at a level to recoup the costs of issuing the licenses, enforcement, and other related costs.

RELEVANT LINKS:

Section IV-G, *Vaccinations*.

Some cities require proof of current vaccination in order to obtain a license. One way to do this is to require animal owners to show a certificate from a veterinarian indicating that the animal has been vaccinated. This method is preferred to having applicants check a box indicating the animal has been vaccinated. Having an applicant check a box, without a certificate to verify the vaccinations, could allow the owner to provide inaccurate information.

Some cities also offer a lower-cost license if the animal has been spayed or neutered. Spaying and neutering can help to minimize the populations of unwanted or stray animals. Presumably, the lower cost is related to the lower cost of enforcement of an animal that will not produce offspring or the troubles related to mating.

Some cities also provide animal licenses for free or at a reduced cost for service animals and police dogs. There are a couple of reasons for the lower cost. One rationale is that these animals are not just pets, but perform important (and sometimes necessary) work for the individuals and, in the case of police dogs, for the community.

The other rationale is that these animals are less likely to cause animal-control issues, such as running at large.

Licensing animals serves different purposes, depending on the licensing ordinance. For example, when animals are required to be properly vaccinated, it leads to a healthier animal population. Another benefit is that the city can collect a fee that can be used to offset the costs of enforcing animal regulations. In tight budget times, this might be a way to help pay for the services related to animal control.

1. Lifetime licenses

Some cities offer lifetime licenses for an animal as an alternative to a regular license. As the name suggests, the owner only needs to purchase one license for the animal instead of renewing the licenses annually or at some other set interval. Lifetime licenses may have more conditions to meet than a standard license, such as requiring proof that the animal has had a microchip implanted. Some cities still require that the owner regularly update the city with vaccination certificates for each animal with a lifetime license. This allows the city to ensure licensed animals are regularly vaccinated and that the license is still active (i.e., the animal is still alive and living in the city).

2. County licenses

If the city does not have a licensing ordinance, the county may have ordinances about licensing and regulating dogs running at large that apply in the city.

[Minn. Stat. §§ 347.08-21.](#)

RELEVANT LINKS:

[Minn. Stat. §§ 346.35-.44.](#)
Section III-A *Minnesota Pet and Companion Animal Welfare Act.*

[Holt v. City of Sauk Rapids,](#)
559 N.W.2d 444 (Minn. Ct. App. 1997).

[State v. Reinke,](#) 702 N.W.2d 308 (Minn. Ct. App. 2005).
[State v. Schuler,](#) No. C9-96-1047 (Minn. Ct. App. Feb. 25, 1997) (unpublished decision).

[Boitz v. Preblich,](#) 405 N.W.2d 907 (Minn. Ct. App. 1987).

[Minn. Stat. § 346.57, subd. 1.](#)

If there is an applicable county ordinance, the city clerk should be familiar with his or her responsibilities under the county ordinance.

B. Humane care

While state law regulates the humane care of animals, cities may choose to adopt similar provisions by ordinance. The ordinance should clearly spell out what is or is not acceptable.

Instead of drafting an ordinance from scratch, the city may incorporate state law, such as the Animal Welfare Act, into city ordinances.

When looking into whether an animal is being treated inhumanely, cities should keep in mind that different animals, and different breeds of animals, may have different needs and different thresholds. Otherwise, an owner may challenge a citation for animal cruelty on the basis that the ordinance was applied to him or her arbitrarily.

C. Limiting number of animals

The city may place reasonable limits on the number of animals per household or residential unit.

Minnesota courts have upheld ordinances that limit the number of dogs per household in order to deal with noise, odor, and other related concerns. The courts have found that ordinances that address these issues were reasonably related to the public's health, safety, and welfare. The city does not have to base the number on empirical evidence, but there should be some rational relationship between the ordinance and the health or safety of the community.

Cities approach limiting the number of animals per household in different ways. For example, some cities will cap the total number of animals allowed per household and other cities will limit the number of each type of animal that is allowed. The numbers of allowed animals also ranges. The city can determine the best approach for its community.

D. Animals at large

Animals that are running loose may be considered a public nuisance. One solution to this issue is to enact a "leash law" that requires animals to be on leashes or otherwise under control.

E. Dogs and cats in vehicles

A person may not leave a dog or cat unattended in a standing or parked motor vehicle in a manner that endangers the animal's health or safety.

RELEVANT LINKS:

[Minn. Stat. § 346.57, subd. 3.](#)

[Minn. Stat. § 346.57, subd. 2.](#)

Section IV-A, *Licensing*.

[“Vaccinations,”](#) American Veterinary Medical Association.

Section IV-H, *Rabies*.

[“Canine Distemper,”](#) American Veterinary Medical Association.

[“Rabies,”](#) American Veterinary Medical Association.

The most common example would be leaving a dog or cat in a car in hot or cold weather. A violation of this law is subject to a \$25 fine.

A peace officer, humane agent, dog warden, or volunteer or professional member of a fire or rescue department may use reasonable force to enter a motor vehicle and remove a dog or cat that has been left in the vehicle. The person removing the dog or cat must use reasonable means to contact the owner to arrange for its return. If the person is unable to contact the owner, the person may take the dog or cat to an animal shelter.

F. Cleaning up animal waste

Many cities also have an ordinance that requires people to pick up animal waste. The point is to prevent animal waste from accumulating or entering storm drains, which could lead to a variety of livability and health-related concerns.

G. Vaccinations

A city may require that animals be vaccinated in order to obtain a pet license. The vaccines required should be tailored to the needs of the surrounding area. The city should require only “core” vaccines that are recommended for most pets.

A local veterinarian can assist the city in determining what vaccines are considered “core” in the area.

Rabies vaccines are commonly required to obtain a pet license. Vaccines are an important way to minimize the chance of rabies becoming a problem in the city.

Another commonly required vaccine for dogs is canine distemper. This highly contagious and serious virus is spread through airborne exposure to the virus from an afflicted dog or wild animal. Distemper is often fatal, and where it is not fatal, it causes irreparable damage to an animal’s health.

H. Rabies

Rabies is a deadly disease caused by a virus that attacks the nervous system. It is most commonly spread when people and animals are bitten by an infected animal. Because rabies can be fatal, it is important to minimize the spread of this disease. One way to do this is to require pets to be vaccinated.

RELEVANT LINKS:

[“Compendium of Animal Rabies Prevention and Control, 2011,” National Association of State Public Health Veterinarians](#) (November 4, 2011).
[“Model Rabies Control Ordinance,”](#) American Veterinary Medical Association.

[Minn. R. 1721.0550, subp. 2.](#)

[Minn. R. 1721.0540, subp. 3.](#)

[“Rabies Vaccination Certificate \(Form 51\),”](#) National Association of State Public Health Veterinarians (2007).

[“Compendium of Animal Rabies Prevention and Control, 2011,” National Association of State Public Health Veterinarians](#) (November 4, 2011).

[Minn. R. 1721.0020, subp. 7.](#)
[“Reportable Animal Diseases,”](#) Minnesota Board of Animal Health (June 2016).

In its “Compendium of Animal Rabies Prevention and Control,” the National Association of State Public Health Veterinarians (NASPHV) recommends that local governments initiate and maintain effective programs to ensure vaccinations of all dogs, cats, and ferrets. The American Veterinary Medical Association also recommends use of their Model Rabies Control Ordinance.

1. Vaccination

Animal rabies vaccines may only be administered by or under the supervision of a licensed veterinarian.

Minnesota law requires that the veterinarian responsible for the administration of the rabies vaccine sign a rabies vaccination certificate for each dog, cat, or ferret that has been vaccinated for rabies. The certificate must include the information specified by law, which includes the NASPHV’s Compendium. The NASPHV has a recommended Rabies Certificate (Form 51) for use as the rabies vaccination certificate.

2. Control measures

In addition to vaccinations, the NASPHV recommends the following procedures to enhance rabies control:

- Identification of dogs, cats, and ferrets (e.g., metal or plastic tags or microchips) to allow for verification of rabies vaccination status.
- Registration and licensure of all dogs, cats, and ferrets. Evidence of current vaccination should be a requirement to obtain a license.
- House-to-house checks by animal control officials to ensure compliance with vaccination and licensure requirements.
- Citations issued to owners for violations, including the failure to vaccinate or license their animals.
- Incorporate stray animal control, leash laws, and animal-bite prevention, and training of appropriate city personnel on these procedures.
- Incorporate education covering responsible pet ownership, bite prevention, and appropriate veterinary care into city programs.

3. Complaints and investigations

Any person who knows or reasonably suspects that an animal is infected with a disease listed on the board’s reportable animal diseases list, which includes rabies, must immediately report that knowledge or suspicion to the board of animal health.

RELEVANT LINKS:

[Minn. Stat. § 35.67.](#)

[Minn. Stat. §§ 35.67-.69.](#)
[Minn. R. 1721.0580, subp. 5.](#)
[Minn. Stat. § 145A.04.](#)

[Minn. Stat. § 35.68.](#)
[Minn. Stat. § 35.69.](#)

[Minn. Stat. § 35.68.](#)

[Minn. Stat. § 35.69.](#)

[Minn. Stat. §§ 35.67-.69.](#)

[Minn. R. 1721.0570, subp. 1.](#)

[Minn. R. 1721.0580, subp. 3.](#)

[Minn. R. 1721.0580, subp. 4.](#)

Reports must be made by calling the board office, the district veterinarian, or the Minnesota duty officer.

If the state board of animal health, or city or county board of health, receives a written complaint that rabies exists within the board's jurisdiction, the board must investigate the truth of the complaint. A board of health may also make an investigation and determination without receiving a complaint.

Local peace officers, animal control officials, and boards of health must enforce these laws on rabies. Peace officers and authorized agents of a board of health must file a complaint concerning any known violation of the rabies laws.

4. Proclamations

If rabies are found to exist, the entity doing the investigation must make a proclamation that prohibits the owner or custodian of any dog from allowing the dog to be at large within the city, either on the premises of the owner or elsewhere, unless the dog is effectively muzzled so that it cannot bite any other animal or person. The proclamation must be filed with the appropriate personnel at all political subdivisions subject to the proclamation.

If a proclamation is filed with the city, the city must, at its own expense, publish a copy of it in one issue of a legal newspaper published in the city, if one is published there. If no newspaper is published there, the clerk must post a copy of the proclamation in three public places. Proof of publication must be by affidavit of the publisher and proof of posting must be by the person doing the posting. The affidavit must be filed with the proclamation. The proclamation is effective five days after the publication or posting and remains effective for a specified period of time, which should not exceed six months.

When a rabies proclamation is in effect, any person may kill a dog running at large on the public streets or roads unless the dog is effectively muzzled so that it cannot bite any person or animal. The owner of the dog has no claim against the person who kills the dog.

5. Disposition

Animals determined by the board of animal health to have been exposed to rabies must be confined, euthanized, or quarantined, depending on the circumstances. An animal confined for rabies observation must be restricted in such a way that the animal can always be found and cannot wander away. An animal confined and observed for rabies must also be reported to the Department of Health. If the animal shows signs suggestive of rabies, it must be euthanized and tested for rabies.

RELEVANT LINKS:

[Minn. R. 1721.0570, subp. 2.](#)

[Minn. R. 1721.0570, subp. 3.](#)

[Minn. R. 1721.0570, subp. 4.](#)

[Minn. R. 1721.0580, subp. 1.](#)

[Minn. R. 1721.0580, subp. 3.](#)

[Minn. R. 1721.0010, subp. 16.](#) “Compendium of Animal Rabies Prevention and Control, 2011,” National Association of State Public Health Veterinarians (November 4, 2011).

[Minn. R. 1721.0580, subp. 1.](#)
[Minn. R. 1721.0520, subp. 10.](#) Minn. Stat. § 346.47.

[Minn. R. 1721.0580, subp. 2.](#)

Section IX, *Animal health and safety laws.*

An animal that dies or is euthanized during the confinement period must be tested for rabies.

If animals are quarantined, they must be quarantined in a manner approved by the board so as to minimize contact with people or other animals. Unless exempted by the board, quarantined dogs, cats, and ferrets must be vaccinated or revaccinated for rabies at the beginning of the quarantine period.

All animals that are quarantined for rabies must be inspected by a veterinarian at the end of the quarantine period.

Quarantined animals must not be released until the board receives a written report from a licensed veterinarian stating the veterinarian inspected the animal at the end of the quarantine period and observed no signs of rabies. No dog, cat, or ferret may be released from quarantine unless it is vaccinated for rabies. Any animal that is confined or quarantined for rabies must be reported immediately to the board.

If a dog, cat, or ferret bites a human, it must be confined and observed for signs suggestive of rabies for ten days or euthanized and tested for rabies. A dog, cat, or ferret that is currently vaccinated for rabies may be confined in the home or as directed by local authorities. A dog, cat, or ferret that is not currently vaccinated for rabies may be required by local authorities to be confined at a veterinary clinic or other secure location at the owner’s expense. “Currently vaccinated for rabies” means an animal is (1) vaccinated for rabies in accordance to the law, which includes NASPHV’s Compendium, and (2) not overdue for a rabies booster vaccination and the proof of rabies vaccination is available.

If requested by the Department of Health, a stray or impounded dog, cat, or ferret that bites a human may be euthanized and tested for rabies before the required five-day holding period.

An animal other than a dog, cat, or ferret that bites a human must be managed on a case-by-case basis based on the recommendations of the Department of Health. The animals may be required to be confined and observed for signs suggestive of rabies. If the Department of Health requests a rabies test, the animal must be euthanized and tested for rabies.

VI. Regulation of dogs

Dogs are regulated both at the state and local level. In addition to the general laws and considerations discussed earlier in this memo, there are some special provisions for dogs.

RELEVANT LINKS:

[City of Edina v. Dreher](#), 454 N.W.2d 621 (Minn. Ct. App. 1990).

[Minn. Stat. § 157.175, subs. 1, 2.](#)

[Minn. Stat. § 157.175, subd. 3.](#)

[Minn. Stat. § 157.175, subd. 4\(a\).](#)

[Minn. Stat. § 157.175, subd. 7.](#)

[Minn. Stat. § 157.175, subd. 4\(b\).](#)

A. Barking dogs

A barking-dog ordinance must give guidance to the pet owners, neighbors, and enforcement officers as to what would be considered allowable or prohibited barking, whining, or other noisy conduct. One way to accomplish this is to include objective criteria, such as designating barking, howling, etc. for more than a pre-determined number of minutes to be a violation. It is best to avoid vague language like prohibiting animals that disturb the peace and quiet of any persons in the vicinity because such vague language can lead to inconsistent or arbitrary enforcement.

B. Dogs at outdoor restaurants

A city may adopt an ordinance permitting restaurants to allow dogs to accompany persons using the designated outdoor areas of food and beverage service establishments, such as restaurants, cafes, etc. The ordinance must prohibit dangerous and potentially dangerous dogs from accompanying persons to these establishments.

The ordinance cannot prohibit an establishment from banning dogs. If a person is accompanied by a dog at an establishment, and knows that the establishment has posted a sign banning dogs or is otherwise informed that dogs are not permitted, the person may be ordered to leave.

The ordinance must require participating establishments to apply for and receive a permit from the city before allowing dogs on the premises. The city must require the applicant to provide information that the city deems reasonably necessary. This information must include, at a minimum, the following:

- The name, location, and mailing address of the establishment.
- The name, mailing address, and telephone contact information of the permit applicant.
- A description of the designated outdoor areas in which the permit applicant intends to allow dogs.
- A description of the days of the week and hours of operation that patrons' dogs will be permitted in the designated outdoor areas.

The ordinance must also include a definition of “designated outdoor area” that is consistent with applicable rules adopted by the Commissioner of Health.

The permit cannot be transferred to a new owner and expires automatically upon the sale of the establishment. The new owner is required to reapply for a permit if he or she wishes to continue to allow dogs on the premises.

RELEVANT LINKS:

[Minn. Stat. § 157.175, subd. 4\(c\).](#)

[Minn. Stat. § 157.175, subd. 5.](#)

[Minn. Stat. § 157.175, subd. 5.](#)

[Minn. Stat. § 157.175, subd. 6.](#)

[Minn. Stat. § 256C.02.](#)
[Minn. Stat. § 363A.19.](#)

Section IV-D, *Animals at large.*

[Minn. Stat. § 412.221, subd. 21.](#)
[Minn. Stat. § 346.52.](#)
[Minn. Stat. § 346.50.](#)

[Minn. Stat. § 346.53.](#)

[Minn. Stat. § 346.54.](#)

The city may incorporate these permit requirements into a permit or license issued under an existing ordinance if the city ensures that current and future permit and license holders comply with the requirements of the law. A city may exempt current permit and license holders from reapplying for a permit, if current permit or license holders provide information requested by the city.

The ordinance must include regulations and limitations that the city deems reasonably necessary to protect the health, safety, and general welfare of the public. At a minimum, the ordinance must include the following requirements:

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

The requirements listed above must be clearly printed on a sign or signs posted on the premises in a manner and place that are conspicuous to employees and patrons.

Any ordinances related to animals in restaurants must not limit a disabled person access to places of public accommodation while accompanied by a service animal as provided by law. Further, the lawful use of a service animal by a licensed police officer must not be limited.

C. Dogs at large

Cities may prohibit dogs running at large or otherwise uncontrolled.

If the city does not prohibit dogs running at large, state law provides that the owner or custodian of a dog that is permitted to be uncontrolled off the owner or custodian’s premises must have the dog identified in one of the ways specified by law, such as an identification tag, microchip, tattoo, etc. A violation of this state law is a petty misdemeanor.

When an animal shelter receives a dog, an employee must check for identification on the animal, identify the owner by the identification whenever possible, and promptly notify the owner of the location of the animal by the most expedient means. While not required by law, the city should also check for these identifications if it receives a dog.

RELEVANT LINKS:

[Minn. Stat. §§ 347.04-07.](#)

LMC information memo,
[Public Nuisances.](#)

[Minn. Stat. § 347.32.](#)
[Minn. Stat. § 347.31, subd. 2.](#)
“Kennels,” Minnesota Board
of Animal Health.
[Minn. R. 1721.0520.](#)

[Minn. Stat. § 347.40.](#)

D. Dogs as a nuisance

Any dog that habitually worries, chases, or bothers people traveling peaceably on the public road is a public nuisance. In addition to the remedies in city ordinances on dogs running at large, a person may make a written complaint to a district court judge regarding the dog. After the court procedures described by law, the judge will decide if it is a public nuisance. If the dog is found to be a nuisance, the judge will order the appropriate public official to kill and dispose of the dog. Costs must be paid by the complainant, but if the dog is adjudged a nuisance, and the owner is known, judgment will be entered against the owner.

E. Dog parks

Dog parks are designated places where dog owners can take their dogs to exercise and socialize with other dogs. These parks vary widely, depending on the needs and wants of the community. Dog parks are often, but not always, enclosed and allow dogs to be off of their leashes while in the park. Some cities charge a fee for a permit or license to use the park; the money collected is then spent on maintaining the park.

If the city chooses to operate a dog park, the city can design the park to suit the available space and the needs of the community. Dog parks can have a wide variety of amenities, but some things to consider:

- Will barriers, either manmade or natural, be used to keep dogs inside of the park area?
- What rules should there be for using the park?
- Will trash containers and/or bags be provided to encourage owners to pick up animal waste?
- Where will the dog-park patrons park?
- Will there be water for the dogs to drink or to play in (e.g., lake, stream, etc.)?
- Will larger and smaller dogs be separated?
- What maintenance will have to be done? How often? Who will do it?
- Will there be areas for people to sit (e.g., benches, shelters, etc.) while at the park?

F. Kennels

A kennel must receive a license from the Board of Animal Health. State law defines a kennel as any place where dogs or cats are kept, congregated, or confined, if the dogs or cats were obtained from municipalities, pounds, auctions, or by advertising for unwanted dogs or cats, or dogs or cats strayed, abandoned, or stolen.

RELEVANT LINKS:

Claesgens v. Animal Rescue League of Hennepin Cnty., 216 N.W. 535 (Minn. 1927).

A.G. Op. 477B7 (Oct. 15 1945).

Minn. Stat. §§ 347.50-.565.
Minn. Stat. § 347.53.
Brunotte v. City of St. Paul Office Safety & Inspections, No. A08-0173 (Minn. Ct. App. Feb. 10, 2009) (unpublished decision).
Hannan v. City of Minneapolis, 623 N.W.2d 281 (Minn. Ct. App. 2001).
Am. Dog Owners Ass'n, Inc. v. City of Minneapolis, 453 N.W.2d 69 (Minn. Ct. App. 1990).

Minn. Stat. § 347.53.

Minn. Stat. § 347.51, subd. 8.

Minn. Stat. § 347.50, subd. 2.

A kennel does not include a pound owned and operated by a city, a person's home where dogs and cats are kept as pets, or a licensed veterinarian who keeps, congregates, or confines dogs or cats in the normal pursuit of the practice of veterinary medicine.

In addition to state laws, the city may also regulate kennels by ordinance. Sometimes, cities will expand the definition of kennel to include places where more than a certain number of dogs are kept, regardless of where the dogs came from. This type of ordinance would include homes with many dogs, boarding facilities, etc.

Unless the city can show that the kennel or pound would be a nuisance everywhere within the city, the city should not adopt an ordinance prohibiting all kennels or pounds.

The city should set the license fee in an amount that covers its costs. The attorney general has advised that in order to avoid a kennel fee from being considered a revenue-raising fee, the ordinance should be based on the costs incurred to provide policing, regulation, and inspection.

G. Dangerous dogs

Cities have a legitimate interest in regulating and controlling dangerous dogs because the issue relates to the safety of city residents. The process for dealing with dangerous dogs is largely spelled out in state law. Cities do not need to have an ordinance in place in order to follow the process in state law. However, there is some room for cities to add stricter regulation through city ordinance, such as applying the same provisions to animals other than just dogs.

State laws do not regulate potentially dangerous dogs to the same degree as dangerous dogs, so cities may adopt an ordinance that covers requirements and procedures related to potentially dangerous dogs in addition to dangerous dogs.

Oftentimes, these requirements are similar to those required for dangerous dogs.

The city cannot adopt an ordinance regulating potentially dangerous or dangerous dogs based solely on the specific breed of the dog. If the city does have such an ordinance, it is considered void.

1. Definitions

A dangerous dog is defined as any dog that:

RELEVANT LINKS:

[Minn. Stat. § 347.50, subd. 6.](#)
[Minn. Stat. § 609.02, subd. 7a](#)

[Minn. Stat. § 347.50, subd. 3.](#)

[Minn. Stat. § 347.50, subd. 8.](#)

[Minn. Stat. § 347.51, subd. 5.](#)

[Minn. Stat. § 347.51, subd. 4.](#)

[Minn. Stat. § 347.565.](#)

[Minn. Stat. § 347.50, subd. 7.](#)

- Without provocation, inflicted substantial bodily harm on a human being on public or private property. (Substantial bodily harm means bodily injury that involves a temporary but substantial disfigurement, or that causes a temporary but substantial loss or impairment of the function of any bodily member or organ, or that causes a fracture of any bodily member).
- Has killed a domestic animal without provocation while off the owner's property.
- Has 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.

A potentially dangerous dog is defined as any dog that:

- When unprovoked, inflicts bites on a human or domestic animal on public or private property.
- 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.
- Has a known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.

Provocation means an act that an adult could reasonably expect may cause a dog to attack or bite.

2. Exceptions

A dog may not be declared dangerous if the threat, injury, or damage was sustained by a person who:

- Was committing, at the time, a willful trespass or other tort upon the premises occupied by the owner of the dog.
- Was provoking, tormenting, abusing, or assaulting the dog or who can be shown to have repeatedly, in the past, provoked, tormented, abused, or assaulted the dog.
- Was committing or attempting to commit a crime.

The potentially dangerous and dangerous dog laws do not apply to dogs used by law enforcement officials for police work.

3. Enforcing dangerous dog laws

The dangerous dog laws must be enforced by the animal control authority or law enforcement agency whether or not there is a local ordinance on the subject.

RELEVANT LINKS:

[Minn. Stat. § 347.51, subd. 9.](#)

[Hansen v. City of St. Paul,](#)
214 N.W.2d 346 (Minn.
1974).

[Minn. Stat. § 347.541, subds.
1, 2.](#)

[Brunotte v. City of St. Paul](#)
Office Safety & Inspections,
No. A08-0173 (Minn. Ct.
App. Feb. 10, 2009)
(unpublished decision).

[Minn. Stat. § 347.541, subd.
3.](#)

An “animal control authority” is defined as an agency of the state, county, municipality, or other governmental subdivision of the state, which is responsible for animal control operations in its jurisdiction.

The law is not clear on the city’s role in enforcing the dangerous and potentially dangerous dog provisions when it does not have an animal control operation or law enforcement agency. However, it seems that if the city already regulates animals it would likely also have some level of responsibility for enforcing the dangerous and potentially dangerous dog laws.

An animal control authority may contract with another political subdivision or other person to provide the services required by the dangerous dog laws. Regardless of any contract entered into, all fees collected under these laws must be paid to the animal control authority. Further, all certificates of registration must be issued in the name of the animal control authority.

4. Liability for not enforcing laws

The city should take care to follow up on complaints and enforce the dangerous dog laws. In one opinion, the Minnesota Supreme Court found the city liable for permitting vicious dogs to roam on city sidewalks after it received many complaints concerning the same dogs being involved in attacks on city sidewalks. The court held that the city breached its duty to maintain safe streets and sidewalks by not impounding these dogs. Further, the court held that there was not a failure to exercise a discretionary function, so the city was not immune from liability. It is important to note that cities must have actual or constructive notice of the condition.

5. Hearing to contest designation

The owner of any dog that is declared to be dangerous has the right to a hearing by an impartial hearing officer to contest the designation. If the dog has been seized, the person claiming an interest in the 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, counting the day of the seizure.

The authority declaring the dog to be dangerous must give notice of the right to a hearing by delivering or mailing the notice to the owner of the dog, or by posting a copy of it at the place where the dog is kept, or by delivering it to a person residing on the property, and telephoning, if possible. The notice must include all of the following:

RELEVANT LINKS:

[Minn. Stat. § 347.52\(a\), \(c\).](#)

[Minn. Stat. § 347.51.](#)
[Minn. Stat. § 347.515.](#)
[Minn. Stat. §347.52](#)

[Minn. Stat. § 347.541, subd. 4.](#)

[Sawh v. City of Lino Lakes](#), 823 N.W.2d 627 (Minn. 2012). [Brunotte v. City of St. Paul Office Safety & Inspections](#), No. A08-0173 (Minn. Ct. App. Feb. 10, 2009) (unpublished decision). [Minnegasco v. Minn. Pub. Utils. Comm'n](#), 529 N.W.2d 413 (Minn. Ct. App. 1995). *rev'd on other grounds*, 549 N.W.2d 904 (Minn.1996).

- A description of the seized dog; the authority for and purpose of the dangerous dog declaration and seizure; the time, place, and circumstances under which the dog was declared dangerous; and the telephone number and contact person where the dog is kept.
- 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 request a hearing within 14 days of the date of the notice will terminate the owner's right to a hearing.
- A statement that if an appeal request is made within 14 days of the notice, the owner must immediately comply with the requirements of the law regarding proper enclosures, muzzling, and restraint and notification to the animal control authority if the dog is moved or dies until such time as the hearing officer issues an opinion.
- 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 registration, microchipping, and other requirements.
- A form to request a hearing.
- 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 was not substantially justified by law.

If requested, the hearing must be held within 14 days of the request. The hearing officer must be an impartial employee of the local government or an impartial person retained by the local government to conduct the hearing. In the event that the dangerous dog declaration is upheld by the hearing officer, the dog's owner will be responsible for the actual expenses of the hearing up to a maximum of \$1,000. The hearing officer must issue a decision on the matter 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 authority.

The decision to declare a dog to be dangerous must not be arbitrary and capricious. The decision is arbitrary and capricious only if 1) it relies on factors not intended by the ordinance; 2) it entirely fails to consider an important aspect of the issue; 3) it offers an explanation that conflicts with the evidence; or 4) it is so implausible that it could not be explained as a difference in view or the result of the city's expertise.

RELEVANT LINKS:

[Minn. Stat. § 347.51, subds. 1, 2.](#)

[Minn. Stat. § 347.50, subd. 5.](#)

[Minn. Stat. § 347.51, subd. 2.](#)

[Minn. Stat. § 347.50, subd. 4.](#)

[Minn. Stat. § 347.51, subd. 2.](#)

[Minn. Stat. § 347.51, subd. 2.](#)
[Minn. Stat. § 347.515.](#)

[Minn. R. 7417.0400.](#)

6. Registration of dangerous dogs

A person cannot own a dangerous dog unless the dog is registered in accordance with the law, which is done by the owner of the dog obtaining a certificate of registration from the animal control authority. (An owner is any person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having care, custody, or control of a dog).

The animal control authority must issue a certificate of registration to the owner if the owner presents sufficient evidence that all of the following conditions are met:

- A proper enclosure exists for the dangerous dog and a posting on the premises with a clearly visible warning sign that there is a dangerous dog on the property, including a warning symbol to inform children. (A 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).
- A surety bond has been issued by a surety company authorized to conduct business in Minnesota in a form acceptable to the animal control authority in the sum of at least \$300,000, payable to any person injured by the dangerous dog, or a policy of liability insurance has been issued by an insurance company authorized to conduct business in Minnesota in the amount of at least \$300,000, insuring the owner for any personal injuries inflicted by the dangerous dog.
- The owner has paid an annual fee of not more than \$500, in addition to any regular dog licensing fees, to obtain a certificate of registration for a dangerous dog.
- The owner has had microchip identification implanted in the dangerous dog.

7. Uniform warning symbol

The Commissioner of Public Safety has designed a uniform warning symbol that is intended to inform people that there is a dangerous dog on the property. The symbol looks like this:



RELEVANT LINKS:

[Minn. Stat. § 347.51, subd. 2a.](#)
“Dangerous Dog Warning Sign Application,”
Minnesota Department of Public Safety (Oct. 2012).

[Minn. Stat. § 347.51, subd. 7.](#)
[Minn. R. 7417.0200.](#)
[Minn. R. 7417.0300.](#)
“Dangerous Dog Warning Sign Application,”
Minnesota Department of Public Safety (Oct. 2012).

[Minn. Stat. § 347.51, subd. 7.](#)
[Minn. R. 7417.0200.](#)

[Minn. R. 7417.0200.](#)

[Minn. Stat. § 347.52\(b\).](#)
Section V-G-12, *Transfer or death of dangerous dog.*

[Minn. Stat. § 347.515.](#)

[Minn. Stat. § 347.52\(a\).](#)

If the animal control authority issues a certificate of registration, it must also provide a copy of the uniform warning symbol to inform children that there is a dangerous dog on the property. This symbol must be posted on the owner’s property. The Commissioner must provide the requested number of copies of the warning symbol to the animal control authority and must also charge the animal control authority the actual cost of the warning symbols.

In turn, the animal control authority may charge the owner of the dangerous dog a reasonable fee to cover its administrative costs and the costs of the warning symbol.

In addition, a registered dangerous dog must have a standardized, easily identifiable tag identifying the dog as dangerous. State rules provide the specific standards that must be followed. One requirement is that the tag must include the uniform dangerous dog symbol.

This tag must be attached to the dog’s collar at all times. The tag must have the dangerous dog’s registration number inscribed on the back of the tag. The tag must also have the following inscribed or attached to the back:

“Minn. Stat. § 347.51, requires that this authorized warning symbol be posted on a dangerous dog tag and affixed to the dog’s collar at all times. Minnesota Department of Public Safety”

An owner of a dangerous dog must renew the registration of the dog annually until the dog is deceased. If the dog moves to a new jurisdiction, the dog must be registered as a dangerous dog in its new jurisdiction.

8. Microchip identification

The owner of a potentially dangerous or dangerous dog must have a microchip implanted in the dog for identification. The name of the microchip manufacturer and identification number of the microchip must be provided to the animal control authority.

If the owner does not have the microchip implanted in the dog, the animal control authority may have the microchip implanted. In either case, all costs related to the purchase and implantation of the microchip are the owner’s responsibility.

9. Additional dangerous dog requirements

In addition to the registration requirements, there are other requirements that must be met in order to own a dangerous dog. If a dangerous dog is outside of a proper enclosure, the dog must be muzzled and restrained by a substantial chain or leash and under the physical restraint of a responsible person.

RELEVANT LINKS:

[Minn. Stat. § 347.52\(d\).](#)

The muzzle must be made in a way that will prevent the dog from biting any person or animal but will not cause injury to the dog or interfere with its vision or breathing.

[Minn. Stat. § 347.52\(e\).](#)

A dangerous dog must be sterilized at the owner's expense. If the owner does not have the dog sterilized within 30 days, the animal control authority must seize the dog and have it sterilized at the owner's expense.

If a person who owns a dangerous dog rents property from another person where the dog will reside, the dog owner must disclose to the property owner that he or she owns a dangerous dog that will live at the property. This disclosure must be made prior to entering a lease agreement and at the time of any lease renewal.

10. Fees

[Minn. Stat. § 347.51, subd. 3.](#)

An animal control authority may charge the owner an annual fee of not more than \$500 to obtain a certificate of registration for a dangerous dog. This fee may be in addition to any regular dog licensing fee.

11. Review of dangerous dog designation

[Minn. Stat. § 347.51, subd. 3a.](#)

Beginning six months after a dog is declared dangerous, an owner may make an annual request that the animal control authority review the designation. 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 animal control authority finds sufficient evidence that the dog's behavior has changed, it may rescind the dangerous dog designation.

12. Transfer or death of dangerous dog

[Minn. Stat. § 347.52\(c\), \(f\).](#)

If the dangerous dog is moved to a new home, the owner must notify the animal control authority in writing of the transfer of the dog to a new location within 30 days of the transfer.

If the animal control authority requests it, the owner must execute an affidavit under oath that sets forth the complete name, address, and telephone number of the person to whom the dog has been transferred or the address where the dog has been relocated.

[Minn. Stat. § 347.52\(f\).](#)

A person who transfers ownership of a dangerous dog must notify the new owner that the animal control authority has identified the dog as dangerous.

RELEVANT LINKS:

[Minn. Stat. § 347.52\(c\).](#)

[Minn. Stat. § 347.542, subds. 1, 2.](#)

[Minn. Stat. § 347.542, subd. 3.](#)

[Minn. Stat. § 347.54, subd. 1\(a\).](#)

[Minn. Stat. § 347.51.](#)

[Minn. Stat. § 347.51, subd. 2.](#)

[Minn. Stat. § 347.52.](#)

[Minn. Stat. § 347.52\(d\).](#)

When a dangerous dog dies, the owner must notify the animal control authority in writing within 30 days. If the animal control authority requests it, the owner must execute an affidavit under oath setting forth the circumstances of the dog's death and the disposition of the animal.

13. Restrictions on ownership

In the circumstances outlined by law, a person is prohibited from owning any dog if the person has been convicted of certain crimes.

In addition, if any member of a household is prohibited from owning a dog, no person in the household is permitted to own a dog. The animal control authority may make an exception to this rule by approval with or without restrictions.

The ban on ownership may be reviewed starting three years after the conviction that prohibits a person from owning a dog, and annually thereafter, at the request of the person. The law outlines the process for review, including factors that may be considered. These factors include the seriousness of the violation or violations that led to the prohibition, any criminal convictions, or other facts that the animal control authority deems appropriate. The animal control authority may rescind the prohibition on ownership completely or rescind it with limitations. The animal control authority may also establish conditions a person must meet before the prohibition is rescinded, including, but not limited to, successfully completing dog training or dog handling courses. If the animal control authority rescinds a person's prohibition and that person later fails to comply with any limitations imposed by the animal control authority or if the person is convicted of any animal violation involving unprovoked bites or dog attacks, the animal control authority may permanently prohibit the person from owning a dog in Minnesota.

14. Confiscating dangerous dogs

The animal control authority that has jurisdiction over a dangerous dog must immediately seize the dog if:

- The dog is not validly registered under the law 14 days after the owner has notice that the dog is dangerous.
- The owner does not secure the proper liability insurance or surety coverage as required under the law 14 days after the owner has notice that the dog is dangerous.
- The dog is not maintained in the proper enclosure.
- The dog is outside the proper enclosure and not under physical restraint of a responsible person as required under the law.
- The dog is not sterilized within 30 days.

RELEVANT LINKS:

[Minn. Stat. § 347.54, subd. 1\(b\).](#)

[Minn. Stat. § 347.54, subd. 2.](#)

[Minn. Stat. § 347.51.](#)
[Minn. Stat. § 347.52.](#)

[Minn. Stat. § 347.54, subd. 2.](#)
Section III-B, *Disposition of animals.*

[Minn. Stat. § 347.54, subd. 3.](#)
[Minn. Stat. § 347.51.](#)
[Minn. Stat. § 347.515.](#)
[Minn. Stat. § 347.52.](#)

Section III-B, *Disposition of animals.*

[Minn. Stat. § 347.56, subd. 2.](#)

[Minn. Stat. § 347.56, subd. 1.](#)

[Minn. Stat. § 347.50, subd. 6.](#)
[Minn. Stat. § 609.02, subd. 7a.](#)

[Minn. Stat. § 347.50, subd. 6a.](#)
[Minn. Stat. § 609.02, subd. 8.](#)

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.

A dangerous dog that is seized may be reclaimed by the dog’s owner after the owner pays the impounding and boarding fees and presents proof to the animal control authority that the legal requirements for owning a dangerous dog will be met.

If a dog is not reclaimed within seven days, it may be disposed of in a manner permitted by law. The owner is liable to the animal control authority for costs incurred in confining and disposing of the dog.

If a person has been convicted for violating certain provisions of the dangerous dog laws, and the person is charged with a subsequent violation relating to the same dog, the dog must be seized by the animal control authority having jurisdiction. If the owner is convicted of the crime for which the dog was seized, the court must 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 in a manner permitted by law.

15. Destruction of dangerous dogs

The animal control authority may not destroy the dog until the dog owner has had the opportunity for a hearing before an impartial decision maker.

Notwithstanding other sections of the dangerous dog laws, a dog may be destroyed in a proper and humane manner by the animal control authority if the dog:

- Inflicted substantial or great bodily harm on a human on public or private property without provocation. (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. Great bodily harm means bodily injury that creates a high probability of death, or which causes 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 harm).
- Inflicted multiple bites on a human on public or private property without provocation.

RELEVANT LINKS:

[Minn. Stat. § 347.50, subd. 8.](#)

Section V-G-5, *Hearing to contest designation*. *Sawh v. City of Lino Lakes*, 823 N.W.2d 627 (Minn. 2012).

[Minn. Stat. § 347.55.](#)

Section IV, *Animal regulation – general information*.

[“Outdoor Cats: Frequently Asked Questions,”](#) Humane Society of the United States

[“Outdoor Cats: Frequently Asked Questions,”](#) Humane Society of the United States.

- Bit multiple human victims on public or private property in the same attack without provocation.
- Bit a human on public or private property without provocation in an attack where more than one dog participated in the attack.

Provocation means an act that an adult could reasonably expect may cause a dog to attack or bite.

Just as the city’s decision to declare a dog to be dangerous must not be arbitrary or capricious, the city’s decision to destroy a dangerous dog must not be arbitrary or capricious.

16. Penalties

A violation of the dangerous dog laws may be a misdemeanor or gross misdemeanor, depending on the situation.

VII. Regulation of cats

In addition to the general requirements already discussed earlier in this memo, cities may impose requirements for care of cats by ordinance.

Often the most problematic cats in the city are feral cats. Feral cats are from the offspring of lost or abandoned pet cats or other feral cats who are not spayed or neutered. These cats were never pets and do not have owners. (In comparison, stray cats are pet cats that have wandered off or gotten loose.) Feral cats are not tame like pet cats and can be difficult to handle.

Feral cats can threaten the health, safety, and general welfare of the city. Some of the more common concerns include:

- Noise from fighting or mating cats.
- Foul odors from cats marking their territory.
- Flea infestations.
- Multiplying numbers of feral cats.
- Visible suffering and death of kittens and cats.

Cities may take action to deal with feral cats.

A. Feral cat trapping programs

If cities choose to take action on the feral cat issue, it is often done by adopting a program. A “Trap-Neuter-Return” program is recommended by the Humane Society of the United States (HSUS).

At a minimum, this program includes spaying or neutering, giving rabies vaccinations, and surgically ear-tipping. (Ear-tipping is the universally recognized sign of a cat that has gone through this sort of program).

RELEVANT LINKS:

[“Outdoor Cats: Frequently Asked Questions,”](#) Humane Society of the United States

[“Outdoor Cats: Frequently Asked Questions,”](#) Humane Society of the United States

Section III-B, *Disposition of animals.*

The positive results from this program include:

- Reduced mating-related fighting and other related noises.
- Neutered or spayed feral cats roam much less and are less visible and less prone to injury from cars.
- Reduced foul odors (neutered male cats are no longer able to produce the stinky spray used to mark territory).
- Reduced reproduction activity leads to fewer feral cats being born, resulting in a lower population over time.

Some cities will have city employees trap cats. Other cities will enlist the assistance of the residents in trapping cats. Cities may provide the traps for residents to pick up. Cities can accept feral cats that were trapped by residents and brought to designated spots, such as the animal control authority.

B. Feeding bans

Sometimes cities will impose “feeding bans” that prohibit residents from feeding feral cats with the idea that if the cats are not fed, they will go away. While this seems like it would work, it often does not. One reason relates to enforcement. Feeding of feral cats is not easily observed behavior so it is not easy to enforce a ban. Further, some people do not like to see animals suffering and will feed the cats despite the ban. Even if people are not intentionally feeding them, feral cats can still find food from other sources like dumpsters and garbage cans.

Feral cats can often survive for weeks without food and, since they are territorial animals, they will not quickly or easily leave their territory to look for new food sources. Instead, they tend to move closer to human activities as they grow hungrier and more desperate. Malnutrition makes them more likely to succumb to parasites, like fleas, that can spread into houses, garages, and businesses.

Finally, malnourished cats are likely to continue to reproduce, resulting in malnourished kittens, causing this cycle to continue.

C. Disposition

Some cities will choose to dispose of feral cats that have been captured instead of spaying or neutering and returning them. If the city chooses this method, it should dispose of these cats in a humane manner.

VIII.Regulation of other animals

While dogs and cats are perhaps the most commonly regulated animals in cities, there are many other types of animals that the city may want to

RELEVANT LINKS:

[21 C.F.R. § 1240.62.](#)
[Minn. Stat. § 145.365.](#)
[Minn. Stat. § 346.155.](#)
Section VII-E, *Exotic or regulated animals.*

[Minn. Stat. § 347.51, subd. 4.](#)

[Minn. Stat. § 343.20, subd. 7.](#)
[Minn. Stat. § 256C.02.](#)

[Minn. Stat. § 363A.19.](#)
[Minn. Stat. § 363A.09.](#)
[Minn. Stat. § 256C.02.](#)
“ADA Guide for Small Towns,” U.S. Department of Justice.

[Minn. Stat. § 343.21, subd. 8a.](#)

consider regulating. This section discusses some of these other animals.

A. Other pet animals

Other common pet animals that the city may consider regulating include birds, fish, rodents, reptiles, and amphibians. Generally, cities do not regulate these types of pets but may do so based on the health, safety, and welfare of the community. If the city would like to regulate these types of animals, it is very important to work with the city attorney.

State and federal law prohibit ownership of certain animals as pets based on health and safety concerns related to those particular animals. Small turtles, skunks, and exotic animals are a few examples of animals that generally cannot be owned as pets.

B. Police dogs and service animals

Police dogs and service animals bear special consideration when the city is drafting ordinances. State law regularly exempts these two special categories of animals from regulation based on the work they do. Cities should also exclude these animals from ordinances where appropriate.

1. Police dogs

State laws often explicitly exempt police dogs from state requirements. For example, state statutes regulating dangerous dogs do not apply to dogs used by law enforcement for police work. It makes sense for cities to also consider when it might be appropriate to exempt police dogs from city ordinances, such as ordinances regulating dangerous animals. Exempting police dogs from certain requirements reflect the unique nature and use of police dogs.

2. Service animals

A service animal is an animal that has been trained to assist a person with a disability. A city cannot prohibit a person who is blind or deaf or has a different physical or sensory disability from taking a service animal into a public place or conveyance. The animal must be properly harnessed or leashed so that the person can maintain control of the animal. A blind, physically disabled, or deaf person cannot be required to pay an additional charge when taking a service animal into a public place.

Under state law, a person must not intentionally and without justification do either of the following to a service animal while it is providing service to or while it is in the custody of the person it serves:

RELEVANT LINKS:

Section III-A, *Minnesota Pet and Companion Animal Welfare Act*.

[Minn. Stat. § 346.16.](#)

[Stewart v. Frisch](#), 381 N.W.2d 1 (Minn. Ct. App. 1986).

[State v. Nelson](#), 499 N.W.2d 512 (Minn. Ct. App. 1993).

- Cause bodily harm to the service animal.
- Otherwise render the animal unable to perform its duties.

C. Farm animals

Farm animals generally include animals that live on farms, such as cattle, sheep, goats, pigs, and horses. A city can define “farm animals” in its ordinance to include whatever animals it wishes.

In addition to the Animal Welfare Act requirements, cities take different approaches in how they regulate farm animals in their communities. Some cities will only allow farm animals in certain zoning districts, such as land zoned for agricultural uses. Other cities allow some farm animals anywhere in the city as long as the requirements in the ordinances are met, such as having a lot over a specified size. It is important to be clear what animals the ordinance covers and to provide clear definitions.

1. Farm animals at large

If any person herds cattle, horses, asses, mules, sheep, swine, or goats on land over the protest of the land owner, the animals are considered to be running at large. Court opinions have determined that “at large” means when animals are not restrained or confined. Any person who knowingly allows animals to run at large is liable for damage caused.

2. Chickens

Like other animals, cities take different approaches for regulating chickens. Some cities include chickens in the same regulations that apply to other farm animals or livestock. Other cities have ordinances that allow chickens in the city under certain circumstances. However the city decides to regulate chickens, it is important to be clear about the regulations.

A Minnesota court has found that, unless specifically included in the definition, chickens and roosters do not fall under the regulation of ordinances that reference livestock. If the city would like to include chickens in this category, it may do so by defining the term to include chickens, poultry, fowl, or other similar descriptions. The bottom line here is that if the city wants to regulate chickens, it should make sure that chickens are covered by the ordinance.

“Urban chickens,” also called “city chickens,” are becoming a more common issue in cities across the state and country. The urban chicken “movement” is often linked to the increased desire for people to be closer to their food sources. Urban chickens allow people to raise chickens at their homes to have access to fresh eggs on a regular basis.

RELEVANT LINKS:

[“Keeping Backyard Poultry,”](#) Centers for Disease Control and Prevention (Mar. 31, 2017).

Contact the [LMC Research Department](#) for sample ordinances.

[“Apiary Program Information,”](#) Minnesota Department of Agriculture. [Minn. Stat. § 17.445.](#)

This small-scale keeping of chickens is different than a business that raises hens for eggs and meat. Those businesses are regulated differently than residents who want to keep a few chickens in their backyards.

There are no state laws that address urban chickens or keeping of chickens in cities, so it is up to the city council to decide if it wants to regulate the keeping of chickens. The city may choose to allow, allow if a permit is obtained from the city, or prohibit urban chickens. The city can do this in a number of ways, including regulation under the general animal or farm-animal ordinance or by passing an ordinance specific to keeping chickens.

If the city chooses to regulate the keeping of urban chickens, some common requirements include:

- Allowing only hens (no roosters).
- Limiting the number of hens allowed.
- Maintaining coops or runs in a sanitary and humane condition.
- Keeping chickens contained or under control at all times.
- Locating coops a certain distance from property lines and other structures like houses.

3. Farm animals as pets

It is not uncommon for a resident to want to keep a farm animal, such as a miniature horse or potbelly pig, as a pet. Some city ordinances would not allow for these animals as pets because the ordinance includes them as farm animals and prohibits them in residentially-zoned areas. Other cities may allow for these types of animals by specific ordinance provisions, sometimes requiring a permit from the city. Given that these animals have been gaining in popularity, it is a good idea for the city to consider the issue and have an ordinance in place.

D. Insects and bugs

Insects and bugs are a part of life in Minnesota. While cities cannot regulate where insects and bugs choose to live, there are some things a city can do, such as regulating beekeeping or abating mosquitoes.

1. Beekeeping

Since 2006, beekeeping is no longer regulated by state law, except for apiary inspection services related to the transportation of bees to other states. Cities may choose to regulate beekeeping within city limits. Some cities prohibit the practice while others allow it after obtaining a permit or allow it outright.

RELEVANT LINKS:

[Minn. Stat. § 18G.14.](#)

[Minn. Stat. § 346.155, subd. 1\(e\).](#)

[Minn. Stat. § 346.155, subd. 1\(e\).](#)

[Minn. Stat. § 346.155, subds. 2, 3, 4.](#)

[Minn. Stat. § 346.155, subds. 5, 6.](#)

2. Mosquitoes

The abatement or suppression of mosquitoes is advisable and necessary for the maintenance and improvement of the health, welfare, and prosperity of the people. Areas where mosquitoes incubate or hatch are considered public nuisances and may be abated under state law. Cities have the direct authority to participate in mosquito abatement efforts. If the city engages in mosquito abatement, it must establish a mosquito abatement board to oversee abatement efforts. The city may also levy a tax or issue certificates of indebtedness to pay for the program.

3. Local pest control

A city may establish and fund a program to control native or exotic pests that are likely to cause economic or environmental harm or harm to human health. The city may levy a tax or issue certificates of indebtedness to pay for the programs. This sort of program may be useful in dealing with tree pests, such as the emerald ash borer.

E. Exotic or regulated animals

State law governs the owning and possessing of exotic animals, called “regulated animals” in the statutes. With very limited exceptions, a person may not own or possess a regulated animal.

Regulated animals are defined as:

- All members of the Felidae family including, but not limited to, lions, tigers, cougars, leopards, cheetahs, ocelots, and servals, but not including domestic cats or cats recognized as a domestic breed, registered as a domestic breed, and shown as a domestic breed by a national or international multibreed cat registry association.
- Bears.
- All nonhuman primates, including, but not limited to, lemurs, monkeys, chimpanzees, gorillas, orangutans, marmosets, lorises, and tamarins.

Further, the term “regulated animal” includes any hybrids or crosses between an animal listed above and a domestic animal and offspring from all later generations of the hybrids or crosses.

If a person owned or possessed a regulated animal on January 1, 2005, and meets all of the requirements of the law, the person is allowed to keep that animal. There are provisions governing replacement of an animal that is lawfully possessed. The law also outlines a process that a city is required to follow if it needs to seize or dispose of a regulated animal.

RELEVANT LINKS:

[Minn. Stat. § 346.155, subd. 7.](#)

[Minn. Stat. ch. 97A.](#)
[Minn. Stat. ch. 97B.](#)
[Minn. Stat. ch. 97C.](#)

[Minn. Stat. § 97A.201.](#)

“Hunting & Trapping,”
Minnesota Department of
Natural Resources.
[Minn. Stat. §§ 624.711-.717.](#)

[Minn. Stat. § 471.633.](#)

[Minn. Stat. § 97A.401, subd. 4.](#)

[Minn. Stat. § 97A.137, subd. 4.](#)

[Minn. Stat. § 343.20.](#)

The laws on regulated animals do not apply to certain institutions enumerated by law, such as certain wildlife sanctuaries, zoos, licensed game farms, fairs, and others.

IX. Hunting and fishing

Issues related to wild animals, including hunting and fishing, are regulated by state laws. This means that cities have a limited role in regulating wild animals, hunting, or fishing. However, all peace officers are required by law to enforce the game and fish laws. County attorneys are also required to enforce these laws.

Cities with large populations of wild animals, such as deer, are often faced with questions about hunting within city limits. Because state law regulates firearms in addition to hunting, the city is limited in how it can regulate hunting within the city.

While cities cannot regulate firearms or hunting, the city may regulate, by ordinance, the discharge of firearms. (The city may also adopt an ordinance that includes regulations identical to state law). By regulating the discharge of firearms, the city can have some control over hunting within its jurisdiction.

Cities may also work with the Minnesota Department of Natural Resources to hold a special hunt for certain animals, such as deer, within the city. This is often done when there is an overabundance of a particular animal in the area. The city may charge an administrative fee in connection with special hunts under their jurisdiction. Fees to be collected must be based upon the estimated cost of conducting the special season or administering the special restrictions.

Certain wildlife management areas in cities are exempt from local ordinances that limit the taking of game and fish or vegetation management. The size of the management area will determine if and what restrictions are in place.

X. Animal health and safety laws

A. Animal cruelty provisions

The state animal cruelty laws apply to all living creatures except people. Torture or cruelty is defined by state law as every act, omission, or neglect which causes or permits unnecessary or unjustifiable pain, suffering, or death. For purposes of these laws, an animal control officer is an officer employed by or under contract with an agency of the state, county, municipality, or other governmental subdivision of the state, which is responsible for animal control operations in its jurisdiction.

RELEVANT LINKS:

[Minn. Stat. ch. 343.](#)

[Minn. Stat. § 343.21.](#)

[State v. Utech](#), No. A09-1766 (Minn. Ct. App. Sept. 28, 2010) (unpublished decision).

[Minn. Stat. § 343.27.](#)

[Minn. Stat. § 343.21, subd. 9.](#)

[Minn. Stat. § 343.21, subd. 10.](#)

[Minn. Stat. § 343.29.](#)

Section II-A-2, *Lawfully entering onto private property.*

[Minn. Stat. § 343.235, subd. 3.](#)

[Minn. Stat. § 343.235.](#)
Section IX-A-7, *Disposal of cruelly-treated animals.*

The state law provisions on animal cruelty cover a broad range of subjects and types of animals. This memo focuses on the more common areas applicable to cities. If the city is dealing with a different type of animal or situation, it should look at the state law chapter on animal cruelty.

1. General prohibitions

Among other things prohibited by laws, a person must not:

- Overdrive, overload, torture, cruelly beat, neglect, or unjustifiably injure, maim, mutilate, or kill any animal, or cruelly work any animal when it is unfit for labor.
- Abandon any animal.
- Willfully instigate or in any way further any act of cruelty to any animal, or any act tending to produce cruelty to animals.
- Unjustifiably administer, or permit to be administered, any poisonous or noxious drug or substance to any animal, or unjustifiably expose that drug or substance with intent for the drug to be taken by any animal.

The penalties for violating this law vary, depending on the nature and severity of the situation. A violation may result in imprisonment or a fine. The court must also order the person violating the law to pay restitution for the cost and expenses resulting from the incident.

Upon conviction, the court must require that if the animal was not seized by a peace officer or agent and is in the custody or control of the person, the animal must be turned over to a peace officer or other appropriate person unless the court determines that the person is able and fit to provide adequately for the animal. The court may limit the person's further possession or custody of an animal and may impose conditions on possession or custody.

2. Food and shelter

Any peace officer, animal control officer, or other authorized person may remove, shelter, and care for any animal that is not properly sheltered from cold, hot, or inclement weather, or any animal not properly fed and watered. The authorized person may deliver the animal to another person to be sheltered and cared for. The owner, if known, must be immediately notified, and the city or entity having possession of the animal must have a lien for its actual costs of care, keeping, and the expenses of the notice. If the owner or custodian is unknown and cannot be determined by reasonable effort, or does not, within ten days after notice, redeem the animal by paying the expenses, the animal may be disposed of.

RELEVANT LINKS:

[Minn. Stat. § 343.24.](#)

3. Animal cruelty transportation provisions

An animal cannot be transported without suitable racks, cars, crates, or cages that allow the animal to both stand and lie down. An animal generally cannot be transported with its feet or legs tied together or in any other cruel or inhumane manner.

[Minn. Stat. § 343.40.](#)

4. Doghouses

A person who is in charge or control of any dog that is kept outdoors must provide a shelter for the dog that meets the minimum standards prescribed by law for doghouses. A violation of these laws is a petty misdemeanor.

The shelter must be a moisture-proof and windproof structure of suitable size to accommodate the dog and allow retention of body heat. It must be made of durable material with a solid, moisture-proof floor or a floor raised at least two inches from the ground. Between November 1 and March 31, the structure must have a windbreak at the entrance. The structure must be provided with a sufficient quantity of suitable bedding material consisting of hay, straw, cedar shavings, blankets, or the equivalent, to provide insulation and protection against cold and dampness and promote retention of body heat. If the dog lives on a farm, the dog may instead be provided with access to a barn with a sufficient quantity of loose hay or bedding to protect against cold and dampness. Shade from the direct rays of the sun must be provided during the months of May to October. All shelters are subject to city building or zoning regulations.

[Minn. Stat. § 343.28.](#)

5. Infectious or contagious diseases

If an owner or person having charge of any animal knows the animal has, or has recently been exposed to, any infectious or contagious disease, the person must not sell or barter the animal, or knowingly permit the animal to run at large or come into contact with any other animal, or with another person without that person's knowledge and permission.

[Minn. Stat. § 343.12.](#)

6. Investigating cruelty complaints

It is the duty of law enforcement to investigate any alleged violation of the animal cruelty laws. An officer must arrest any person found violating those laws, take possession of any animals that have been cruelly treated, and deliver them to the proper officers of the county or district for custody and care.

[Minn. Stat. §§ 343.22-.235.](#)

State law provides a detailed process, including notice and hearing requirements, for investigating cruelty complaints. A person may make a complaint to a court. If appropriate, the court issues a search warrant and an order for investigation to a peace officer in the county.

RELEVANT LINKS:

[Minn. Stat. § 343.235.](#)
[Minn. Stat. § 343.12.](#)
[Minn. Stat. § 343.22.](#)
[Minn. Stat. § 343.29.](#)
[Minn. Stat. § 343.31.](#)

[Minn. Stat. § 343.235, subd. 3 \(a\).](#)

[Minn. Stat. § 343.235, subd. 2.](#)

[Minn. Stat. § 343.235, subd. 3\(b\).](#)

[Minn. Stat. § 343.235, subd. 3\(b\).](#)
[Minn. Stat. § 343.22.](#)
[Minn. Stat. § 343.12.](#)
[Minn. Stat. § 343.29.](#)
[Minn. Stat. § 343.31.](#)

The situation is then investigated. The expense of the investigation must be paid by the county.

7. Disposal of cruelly-treated animals

An animal taken into custody under certain animal cruelty provisions may be humanely disposed of at the discretion of the jurisdiction having custody of the animal ten days after the animal is taken into custody.

The entity taking custody of the animal must give notice of the provisions of this law by delivering or mailing it to a person claiming an interest in the animal, by posting a copy of it at the place where the animal is taken into custody, or by delivering it to a person residing on the property, and telephoning, if possible. The notice must include all of the following:

- A description of the animal seized; the authority and purpose for the seizure; the time, place, and circumstances under which the animal was seized; and the location, address, telephone number, and contact person where the animal is kept.
- A statement that a person claiming an interest in the animal may post security to prevent disposition of the animal and may request a hearing concerning the seizure or impoundment and that failure to do so within ten days of the date of the notice will result in disposition of the animal.
- A statement that all actual costs of the care, keeping, and disposal of the animal are the responsibility of the person claiming an interest in the animal, except to the extent that a court or hearing officer finds that the seizure or impoundment was not substantially justified by law.

The notice must also include a form that a person claiming an interest in the animal can use for requesting a hearing.

A person claiming an interest in the animal may prevent disposition of the animal by posting security in an amount sufficient to provide for the animal's actual costs of care and keeping. The security must be posted within ten days of the seizure, inclusive of the date of the seizure.

A person claiming an interest in the animal may request a hearing to determine the validity of the seizure and impoundment. The request must be made within ten days of the seizure, and the hearing must be held within five business days of the request.

If the seizure was done pursuant to a warrant, the hearing must be conducted by the judge who issued the warrant. If the seizure was done pursuant to other statutes, the city taking custody of the animal may either 1) authorize a licensed veterinarian with no financial interest in the matter or professional association with either party to conduct the hearing, or 2) use a hearing officer to conduct the hearing.

RELEVANT LINKS:

[Minn. Stat. § 343.235, subd. 3 \(c\).](#)

[Minn. Stat. § 343.235, subd. 3 \(d\).](#)

[Minn. Stat. § 343.235, subd. 1.](#)

[7 U.S.C. § 2156.](#)
[Minn. Stat. § 343.31, subd. 1.](#)

[Minn. Stat. § 343.31, subds. 2, 3.](#)

If a person claiming an interest in the animal is aggrieved by a decision of a hearing officer, the person may seek a court order governing the seizure or impoundment within five days of notice of the order.

The judge or hearing officer may authorize the return of the animal, if the judge or hearing officer finds both of the following:

- The animal is physically fit.
- The person claiming an interest in the animal can and will provide the care required by law for the animal.

The person claiming an interest in the animal is liable for all actual costs of care, keeping, and disposal of the animal, unless the court or hearing officer finds that the seizure or impoundment was not substantially justified by law. The costs must be paid in full or a mutually satisfactory arrangement for payment must be made between the city and the person claiming an interest in the animal before the animal is returned to the person.

If the provisions of the law have been followed, and the city still has custody of the animal, the city may humanely dispose of the animal at its discretion.

B. Animal fighting

Animal fighting is a type of cruelty specifically prohibited by both federal and state law. Under state law, anyone who does any of the following is guilty of a felony:

- Promotes, engages in, or is employed in the activity of cockfighting, dog fighting, or violent pitting of one pet or companion animal against another of the same or a different kind.
- Receives money for the admission of a person to a place used, or about to be used, for that activity.
- Willfully permits a person to enter or use for that activity premises of which the permitter is the owner, agent, or occupant.
- Uses, trains, or possesses an animal for the purpose of participating in, engaging in, or promoting that activity.

There is a rebuttable presumption that a dog or bird has been trained or is being trained to fight if:

- The animal exhibits fresh wounds, scarring, or other indications that the animal has been or will be used for fighting.
- The person possesses training apparatus, paraphernalia, or drugs known to be used to prepare animals for fighting.

RELEVANT LINKS:

[Minn. Stat. § 343.31, subd. 1.](#)

[Minn. Stat. § 343.31, subd. 1.](#)

[Minn. Stat. § 343.31, subd. 4.](#)
Section II-A-1, *Due process rights.*

[Minn. Stat. § 343.31, subd. 5.](#)

[Minn. Stat. § 35.03.](#)
Minnesota Board of Animal Health, 625 Robert Street North, St. Paul, MN 55155; 651-296-2942.
[Minn. Stat. § 35.05.](#)

[Minn. Stat. §§ 35.06-.0661.](#)

Any person that purchases a ticket of admission or otherwise gains admission to an animal fighting activity is guilty of a gross misdemeanor.

The provisions regarding animal fighting do not apply to the taking of a wild animal by hunting. Fighting dogs and birds are considered dangerous weapons and constitute an immediate danger to human safety. A peace officer or animal control authority may remove, shelter, and care for an animal found in the circumstances where an animal has been trained or is being trained for fighting.

If necessary, they may deliver the animal to another person to be sheltered and cared for. The peace officer or animal control authority must immediately notify the owner, if known.

The person assuming care of the animal must have a lien on it for the actual cost of care and keeping of the animal. If the owner or custodian is unknown and cannot be determined by reasonable effort, or does not, within ten days after notice, redeem the animal by paying these expenses, the animal may be disposed of.

An animal taken into custody may be humanely disposed of at the discretion of the jurisdiction having custody of the animal ten days after the animal is taken into custody, if the statutory process is followed and due process is provided. The owner or person claiming an interest in the animal is liable for all actual costs.

C. Board of Animal Health

The state Board of Animal Health is set up to protect the health of domestic animals in the state. The board has many powers and duties spelled out by law to carry out this mission.

One of its responsibilities is to deal with animals with contagious or infectious diseases. A person who knows or reasonably suspects that a domestic animal has a contagious or infectious disease must immediately notify the board. The board, or any member or authorized agent of the board, may investigate the matter. The board may establish and maintain, at the owner's expense, a quarantine of domestic animals imported into the state when, in its judgment, that is necessary to protect the health of Minnesota domestic animals. In some cases, the governor may declare an emergency to allow the board to establish quarantine zones of control to protect the health of domestic animals from animal diseases of potentially disastrous proportions.

RELEVANT LINKS:

Contact the [LMC Research Department](#) at 800-925-1122.

XI. Conclusion

Cities have broad authority to regulate many types of animals in many types of situations. When coupled with applicable federal and state laws, cities can effectively regulate and control animals in the city to make it a safer, healthier, and happier place to live.

The League has samples ordinances available on all of the topics discussed in this memo. Please contact the research department to request sample ordinances.