

Doggy Dining Companions and Dangerous Dogs

By Alexis Stangl

Spring is here and city residents are taking to the sidewalks and parks, oftentimes accompanied by their pet dog. With the increased number of dogs out and about in the city, it is a good time for the city to review a couple of laws related to dogs.

Doggy dining companions.

Minnesota Statutes, section 157.175 allows cities to adopt an ordinance that permits food and beverage establishments to allow patrons to bring their dogs into designated outdoor areas at the establishment. This ordinance must prohibit dangerous and potentially dangerous dogs from accompanying patrons in these outdoor areas. This law, and the ordinance adopted pursuant to the law, does not limit the right of a person with disabilities to access places of public accommodation while accompanied by a service animal or the lawful use of a service animal by a licensed peace officer.

The ordinance may not prohibit a food and beverage establishment from banning dogs. A person who is accompanied by a dog that stays at an establishment while knowing that the operator of the establishment has posted a sign banning dogs (or has otherwise informed the person that dogs are not permitted in the establishment) may be ordered to leave the premises.

Any establishment wishing to allow dogs to accompany patrons must first apply for and receive a permit from the city. The law requires minimum information that is required in the application, but the city may require additional information that it deems reasonable. The permit requirements may be incorporated into an existing ordinance so long as all the requirements of the law are met. Any permit issued cannot be transferred to a new owner when the establishment is sold.

The ordinance must include several requirements related to health, safety,

and general welfare. These requirements must also be printed on a sign that is conspicuous to employees and patrons. These requirements are regarding things like dogs coming into contact with employees or dishes, control of the dog, and dog waste removal and sanitation. The ordinance may include additional regulations and limitations that the city deems reasonably necessary to protect the health, safety, and general welfare of the public.

Dangerous Dogs. Dangerous and potentially dangerous dogs are regulated by *Minnesota Statutes*, sections 347.50-.565. These laws must be enforced by animal control authorities or law enforcement agencies, regardless of whether or not there is a local ordinance on the issue. 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."

While the law is not clear on the city's role in enforcing the dangerous and potentially dangerous dog provisions, it seems that if the city already regulates animals it may likely also have some level of responsibility for enforcing the dangerous and potentially dangerous dog laws. The city should work with its attorney to determine if the city has any enforcement obligations.

One of the responsibilities of an animal control authority is registering dangerous dogs. No person may own a dangerous dog unless the owner is issued a certificate of registration from the animal control authority. In order to obtain a certificate, the owner must present evidence that:

- There is a proper enclosure for the dog. A proper enclosure means a securely confined indoor area or an enclosed and locked pen that is suitable to prevent the animal from

escaping, and also protects the dog from the elements;

- There is a posting on the premises with a clearly visible warning sign, including a warning symbol to inform children of the dangerous dog;
- There is a surety bond or policy of liability insurance for at least \$300,000, payable to any person injured by the dangerous dog;
- The owner has paid an annual fee, which cannot exceed \$500, in addition to any regular dog licensing fees; and,
- The owner has had a microchip identification implanted in the dog.

If the animal control authority issues a certificate of registration to the owner of a dangerous dog, it must also provide a copy of a warning symbol to post on the owner's property that informs children that there is a dangerous dog on the property. The symbol provided must be the uniform symbol provided by the commissioner of public safety (shown above). The dangerous dog must also have a standardized, easily identifiable tag that includes the uniform dangerous dog symbol. The tag must be affixed to the dog's collar at all times to identify the dog as dangerous.

The uniform dangerous dog symbols and tags are available through the Department of Public Safety for a fee. For more information and to access application forms for dangerous dog warning symbols and tags, visit www.dps.state.mn.us/admin/DangerousDog. For further information, call (651) 201-7011. 🐾

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