

**ORDINANCE 345
CITY OF ST. FRANCIS
ANOKA COUNTY**

**AN ORDINANCE AMENDING THE CITY CODE CHAPTER 8 SECTION 3-1
ANIMALS, DOG LICENSING AND REGULATION – 1ST READING**

THE CITY COUNCIL OF THE CITY OF ST. FRANCIS, ANOKA COUNTY, MINNESOTA, ORDAINS:

Changes in the following sections are denoted with an underline for new text or a ~~strikethrough for deleted language~~. Renumbering and updated references shall occur throughout the Code as needed when sections or subsections are added or deleted.

8-3-1. Dog licensing and regulation.

A. *Definition.* For the purpose of this Section:

1. **Owner** means the license holder or any other person or persons, firm, association, or organization or corporation owning, keeping, possessing, having an interest in, having care custody or control of or harboring a dog. Any person keeping or harboring a dog for five (5) consecutive days shall for the purposes of this Section be deemed an owner thereof.
2. **Own** means to have a property interest in, or to, harbor, feed, board, keep or possess.
3. **Dangerous Animal** means a dog which has caused damage to property or injury to a person, or which animal, by its actions, exhibits a propensity for causing imminent danger to persons.
 - a. Without provocation, inflicted substantial bodily harm on a human being on public or private property;
 - b. Killed a domestic animal without provocation while off the owner's property; or
 - c. Been found to be a potentially dangerous, and after the owner was noticed that the dog is potentially dangerous, the dog aggressively bites, attacks, or endangers the safety of humans or domestic animals.
4. **Dog** means both male and female and includes any animal of the dog kind.
5. **Potentially Dangerous Dog** shall mean any dog that:
 - a. When unprovoked, inflicts bites on a human or domestic animal on public or private property;
 - b. When unprovoked, chases or approaches a person upon the streets, sidewalks, or any public property in an apparent attitude of attack; or,
 - c. Has a known propensity, tendency or disposition to attack unprovoked, causing injury, or otherwise threatening the safety of humans or domestic animals.
6. **Proper Enclosure** shall mean 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 violation, or any house or structure in which windows are open or in which doors or window screens are the only obstacles that prevent the dog from exiting.

7. **Substantial Bodily Harm** shall mean 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.
- B. *Running at Large Prohibited.* It is unlawful for the owner of any dog to permit such animal to run at large. Any dog shall be deemed to be running at large with the permission of the owner if off the property of its owner and not under restraint. For the purposes of this Section, "under restraint" means the animal is controlled by a leash not exceeding six (6) feet in length, or at heel beside a person of suitable age and discretion, and obedient to that person's commands, or effectively confined within a motor vehicle, building or enclosure. A dog shall not be deemed to be running at large if engaged in wild game or animal hunting, or when engaged in obedience training, and under the control of its owner or a responsible person.
- C. *License Required and Number of Dogs Restricted.*
1. *Licenses.* It is unlawful for the owner of any dog, six (6) months of age or more, to fail to obtain a license therefore from the City. All dogs kept, harbored, or maintained in the City of St. Francis shall be licensed and registered. Applications for licenses shall be made to the Police Department upon forms provided by the Police Department. Said application shall require the owner, among the other information required by the Police Department, to supply the name, age, predominant breed, sex, color and markings of each dog sought to be licensed. In addition, when the applicant or owner has been convicted of a violation to Section 8-3-1.L of this Code relative to the dog sought to be licensed, the application shall require proof of public liability insurance as set forth in Section 8-3-1.S of this Code. Upon submission of the application and a certificate of evidencing compliance with the terms and provisions of the license fee, the Police Department shall issue a license, which license shall be effective until the rabies vaccination has expired.
 2. *Number of Dogs Allowed.*
 - a. Three dogs over the age of three (3) months on properties less than 5 acres.
 - b. Four dogs over the age of three (3) months on properties 5 acres or greater.
 - c. Properties located within the Urban Service Area of the City shall be limited to a maximum of two dogs housed outside of the principle structure.
 - d. Additional dogs with an approved Kennel License in accordance with standards in Chapter 6 and Chapter 10.
- D. *License Issuance, Term and Renewal.* Every owner or keeper of a dog shall cause the same to be vaccinated by a licensed veterinarian with anti-rabies vaccine at least once in every twenty-four (24) month period prior to the time such dog shall reach the age of six (6) months and at least once every twenty-four (24) months thereafter.
- E. *Adoption of Fees.* All fees for the impounding and maintenance of a dog, including penalties for the late application, may be fixed and determined by the Council, adopted by resolution, and uniformly enforced. Such fees may from time to time be amended by the Council by Resolution. A copy of the resolution setting forth currently effective fees shall be kept on file in the office of the City Clerk/Treasurer and open to investigation during regular business hours.
- F. *Tag Required.* All licensed dog owners shall provide proof of a tag thereto evidencing a current license. Upon application, a duplicate for a lost tag will be issued by the City. Tags shall not be transferable from one dog to another and no refunds shall be made on any dog license fee because of death of the dog or the owners leaving the City prior to expiration of the license period.
- G. *Dog Pound.* Any dog found in the City without a license tag, running at large, or otherwise in violation of this Section, shall be placed in the Dog Pound, and an accurate record of the time of such placement shall be kept on each dog. Every dog so placed in the Dog Pound shall be held for redemption under Section 8-3-1.I of this

Code by the owner for at least five (5) regular business days. A "regular business day" is one during which the pound is open for business to the public for at least four (4) hours between 8:00 AM and 7:00 PM. Impoundment records shall be preserved for at least six (6) months and shall show: (1) the description of the dog by specie, breed, sex, approximate age, and other distinguishing traits; (2) the location at which the dog was seized; (3) the date of seizure; (4) the name and address of the person from whom any dog three (3) months of age or over was received; and (5) the name and address of the person to whom any dog three months of age or over was transferred. If unclaimed, such dog shall be humanely destroyed and the carcass disposed of, unless it is requested by a licensed educational or scientific institution under authority of Minnesota Statutes, Section 35.71. Provided, however, that if a tag affixed to the dog, or a statement by the dog's owner after seizure specifies that the dog should not be used for research, such dog shall not be made available to any such institution but may be destroyed after the expiration of the five (5) day period.

- H. *Notice of Impounding.* Upon the impounding of any dog, the owner shall be notified by the most expedient means, or if the owner is unknown, written notice shall be posted for five (5) days at the City Hall describing the dog and place and time of taking.
- I. *Redemption of Dog Release from Dog Pound.* Dogs shall be released to their owners, as follows:
 - 1. If such dog is owned by a resident of the City, after a license is obtained, if unlicensed, and payment of the impounding fee, maintenance, and immunization fee and proof of ownership.
 - 2. If such dog is owned by a person not a resident of the City, after immunization of any such animal for rabies, and payment of the immunization fee, impounding fee and maintenance.
- J. *Seizure by a Citizen.* It is lawful for any person to seize and impound a dog so found running at large and shall within six (6) hours thereafter notify the Police Department of said seizure. It shall be the duty of the Police Department to place said dog in the City Pound. If the name of the owner of such dog so seized is known to the person who first takes such dog into custody, he or she shall inform the Police Department of the name of the owner, and the address if known.
- K. *Immobilization of Dogs.* For the purpose of enforcement of this Section any peace officer, or person whose duty is animal control, may use a so-called tranquilizer gun or other instrument for the purpose of immobilizing and catching a dog.
- L. *Disturbing the Peace/Other Unlawful Acts.* It is unlawful for the owner of any dog to:
 - 1. Fail to have the license tag issued by the City; or
 - 2. Own a dangerous dog, or
 - 3. Interfere with any police officer, or other City employee, in the performance of their duty to enforce this Section; or
 - 4. Own, keep, have in possession, or harbor any an animal that causes annoyance or disturbance to persons or the neighborhood by yapping, wailing, barking, howling, or crying for a continuous period of 30 minutes or longer. Such yapping, wailing, barking, howling, or crying must also be audible off of the owner's or caretaker's premises. Any person violating this subdivision, who upon first requested by a police officer or the animal control officer to stop or prevent the annoyance, and refuses to comply with the request maybe issued a citation or arrested in accordance with Minnesota Rules of Criminal Procedure.
- M. *Rabies Control—Generally.*
 - 1. Every Animal which bites a person shall be promptly reported to the Chief of Police and shall thereupon be securely quarantined at the direction of the Chief of Police for a period of fourteen (14) days, and shall not be released from such quarantine except by written permission of the City. In the discretion of the Chief of Police, such quarantine may be on the premises of the owner or at the

- veterinary hospital of their choice. If the animal is quarantined on the premises of the owner, the City shall have access to the animal at any reasonable time of study and observation of rabies symptoms. In the case of the stray animal or in the case of an animal whose ownership is not known, such quarantine shall be at the animal pound, or at the discretion of the Chief of Police the animal may be confined in a veterinary hospital designated by him. The owner of the animal shall be responsible for all costs associated with the quarantine of the animal.
2. The owners, upon demand made by the Chief of Police or by any other City Employee empowered by the Council to enforce this Section, shall forthwith surrender any animal which has bitten a human, or which is suspected as having been exposed to rabies, for the purpose of supervised quarantine. The expenses of the quarantine shall be borne by the owner and the animal may be reclaimed by the owner if adjudged free of rabies upon payment of fees set forth in this Section and upon compliance with licensing provisions set forth in this Section.
 3. When an animal under quarantine and diagnosed as being rabid or suspected by a licensed veterinarian as being rabid dies or is killed, the City shall immediately send the head of such animal and rabies data report to the State Health Department for pathological examination and shall notify all persons concerned of the results of such examination.
 4. The City shall issue such proclamation and take such action when rabies is suspected or exists as is required by Minnesota Statutes.
- N. *Reports of Bite Cases.* It is the duty of every physician, or other practitioner, to report to the Chief of Police the names and addresses or persons treated for bites inflicted by animals, together with such other information as will be helpful in rabies control.
- O. *Animals in Heat.* Except for controlled breeding purposes, every female animal in heat shall be kept confined in a building or secure enclosure, or in a veterinary hospital or boarding kennel, in such manner that such female cannot come in contact with other animals.
- P. *Nuisances.* Keeping, maintaining, or harboring a dog that has been permitted to run loose or has caused damage to or loss of private property belonging to a person other than the thereof and members of the owners household on three (3) or more occasions within a period of twelve (12) consecutive months constitutes a nuisance. The following events shall be considered in determining whether or not there has been a violation of this Section which constitutes a nuisance:
1. Conviction under Section 8.05, Subd. 2, involving the permitting of a dog to run loose.
 2. Payment to a person by or on behalf of the owner for damages to or destruction of private property or for personal injury.
 3. An acknowledgement by the owner or keeper of an animal that it has caused such damage or personal injury.
 4. Records of the City of St. Francis or any other City which show impoundment of the dog for the immediate preceding twelve (12) month period.
- Q. *Abatement.* Such nuisance shall be abated by the owner or keeper of such animal by the disposition of the animal within fourteen (14) days after receipt of notice to the owner or keeper thereof. "Disposition" shall mean the destruction of the animal or its permanent removal from the City. Said notice shall be sent by the Chief of Police or his designate by registered mail. If the owner or keeper of the animal fails to comply within the above-specified period, the animal control office is authorized and directed to capture and immediately dispose of such animal. The owner or keeper of the dog shall immediately make the animal available to the animal control officer.
- R. *Appeals.* Any owner who feels aggrieved by the order of the Chief of Police may request a hearing before ~~the an City Council~~ [administrative hearing officer](#) by filing an appeal with the City Clerk within fourteen (14) days

after receipt of the notice. The appeal shall be filed in such form as the City shall provide. On the filing of such appeal, no further action shall be taken until the matter has been heard. Upon receipt of the request, the City Clerk shall ~~place the matter before the Council at its next regular meeting notify the Chief of Police~~. The owner may appear, with counsel if he/she chooses, and present evidence in opposition to the order. Following such hearing ~~the Council~~ an administrative hearing officer shall make a determination of facts and shall, based upon such determination, affirm, repeal, or modify the Chief's order. The ~~Council~~ administrative hearing officer shall also establish a date for compliance with the order as affirmed or modified, which date shall be not less than five (5) days thereafter. Upon expiration of the time limit, the animal control officer shall abate the nuisance.

- S. *Insurance Required.* Evidence of a surety bond issued by a surety company authorized to conduct business in the State of Minnesota in a form acceptable to the City in the sum of at least \$50,000.00, payable to any person injured by the dangerous dog, or a policy of liability insurance issued by an insurance company authorized to conduct business in the State of Minnesota in the amount of at least \$50,000.00, insuring the owner for any personal injuries inflicted by the dangerous dog must be filed with the City Clerk each year upon renewal of the dog license in the following instances:
1. Nuisance Abatement. For a period of two (2) years after having been ordered to abate any nuisance pursuant to this Section.
 2. Conviction of failure to restrain an attack by a dog pursuant to this Section, where the Court failed to order destruction of the dog.
 3. Where the dog has been declared dangerous pursuant to this chapter.
- T. *Failure to Restrain an Attack by an Animal.* It shall be unlawful for an owner to fail to restrain an animal from inflicting or attempting to inflict bodily injury to any person or other domestic animal. Violation of this Section shall be a misdemeanor. The Court upon a finding of the defendant's guilt hereunder, is authorized to order, as part of the disposition of the case, that the animal be destroyed based on written order containing one or more of the following findings of fact:
1. The animal is dangerous as defined in the Subd. 1; or,
 2. The owner of the animal has demonstrated an inability or unwillingness to control the animal in order to prevent unprovoked injury to persons or other domestic animals. If the Court does not order the destruction of the dog, the Court shall, as an alternative, order the defendant to provide, and show proof to the Court of insurance as set forth in the Subd.
- U. *Destruction of Dangerous Animals.* The Chief of Police or his designate shall have authority to order the destruction of dangerous dogs as defined in Section 8-3-1.A of this Code.
- V. *Appeals.* If an owner requests a hearing within five (5) days of the receipt of the Declaration of Dangerous Dog classification for determination as to the dangerous nature of the dog, the City Clerk shall ~~place the matter before the City Council at its next meeting notify the Chief of Police~~. Notice of the Declaration of Dangerous Dog classification shall be sent by certified mail or posting of such notice on owner's last known residence if the owner(s) cannot be found. The owner may appear with counsel if he/she chooses, and present evidence in opposition of the designation of the animal as dangerous. Following the hearing, ~~the Council~~ an administrative hearing officer shall make a determination of facts and shall make such order as it deems proper. If such hearing cannot be held within the statutory fourteen (14) days, the owner must either comply with the terms of the Statute Section 347.50-347.54 or keep the dog at a licensed kennel in a confined pen until the hearing is held. If the Declaration of Dangerous Dog is upheld, the dog shall remain at a licensed kennel in a secured, confined pen until the dog is either destroyed or all of the dangerous dog requirements of the state statute and local ordinances are complied with and a license is issued by the Police Department. If ~~the Council~~ an administrative hearing officer concludes that the dog is dangerous and the owner does not immediately comply with the requirements of the dangerous dog statute, the ~~Council~~ Police

Chief may order the animal control officer to take the dog into custody for destruction. If the dog is ordered into custody for destruction, the owner shall immediately make the dog available to the animal control officer and failure to do so shall be a misdemeanor.

- W. *Harboring a Dangerous Animal.* Any person who harbors an animal after it has been found to be dangerous and ordered into custody for destruction pursuant to this Subd. shall be guilty of a misdemeanor.
- X. *Stopping an Attack.* If any Police Officer or animal control officer is witness to an attack by an animal upon a person or another animal, the officer may take whatever means he/she deems appropriate to bring the attack to an end and prevent further injury to the victim.
- Y. *Removal of Excrement.* It is unlawful for any person who owns or had custody of a dog to cause or permit such animal to defecate on any private property without the consent of the property owner or on any public property unless such person immediately removed the excrement and places it in a proper receptacle. The provisions of this Section shall not apply to seeing-eye dogs under control of a blind person or dogs while being used in City Police activity.
- Z. *Animal Control Officer.* There is hereby established the position of Animal Control Officer. He/She shall be appointed by the City Council. Nothing contained herein shall prevent the City Council from contracting with a person to provide such services.
- AA. *Duties of Animal Control Officer.* The Animal Control Officer shall perform the following duties:
 - 1. Capture, seize and deliver to any designated pound any dog found: running at large within the City; unlicensed; or not wearing the metal tag provided for in this chapter.
 - 2. Pick-up and dispose of the carcasses of every dead animal.
 - 3. Investigate all cases of animal bites reported to him/her and supervise the quarantine of any such animal to assure that it is kept under observation for a period of ten (10) days.
 - 4. Investigate all reports of dangerous or potentially dangerous dogs referred to him/her, complete the dangerous/potentially dangerous animal form and refer the same to the County Auditor, report to the Chief of Police weekly on the activities of the Animal Control Officer within the City.
- BB. *No Interference with Officer.* It shall be unlawful for any person to molest or in any way interfere with any peace officer, animal control officer, or any of their duly authorized assistants, or with any duly authorized agent while engaged in performing work under the provisions of this chapter.

(Ord. 17, SS, 5-3-1993; Ord. 99-43, 9-7-1999; Ord. 160, SS, 8-10-2011; Ord. 229, SS, 6-19-2017; Ord. 276, SS, 5-17-2021)

This ordinance shall take effect and be enforced from and after its passage and publication according to law.

Approved and adopted by the City Council of the City of St. Francis this 17th day of March, 2025.

SEAL:

CITY OF ST. FRANCIS

By: _____
Mark Vogel, Mayor

ATTEST: Jennifer Wida, City, Clerk