

**City of Gem Lake, Ramsey County, Minnesota**  
**Domestic Animals**  
**Ordinance No. 140**

**AN ORDINANCE REPEALING AND REPLACING ORDINANCE NO. 69, REGULATING THE KEEPING OF DOMESTIC ANIMALS WITHIN THE CITY OF GEM LAKE**

The City Council of the City of Gem Lake hereby ordains the Ordinance No. 69 shall be repealed and replaced with the following:

**Section 1. Purpose and Intent.** The purpose and intent of this Ordinance is to protect and promote the health, safety and general welfare of the people of Gem Lake and adjacent communities as well as the health and general welfare of all animals owned, possessed or harbored within the City. This Ordinance regulates the number and type of domestic animals, which may be kept, and the manner in which they shall be kept.

**Section 2. Interpretation, Construction, Scope and Definition.**

1. **Interpretation.** In the interpretation and application of this Ordinance, its provisions shall be held to be minimum requirements and shall not be construed so as to fully effect its purpose and shall not be deemed a limitation or repeal of any other power established by law or Ordinance except as specifically provided herein. In the event that conflicting requirements are imposed by this Ordinance or by other Ordinances of the City of Gem Lake, the more restrictive provisions shall apply.
2. **Construction.** Words used in the present tense include the past and future tense; the singular includes the plural; and the plural includes the singular. The word "shall" is mandatory and the word "may" is permissive. The masculine gender includes the feminine.
3. **Scope.** This Ordinance shall govern and apply to all animals owned, kept, or found within the City of Gem Lake.
4. **Definitions.**
  1. **Animal Control Officer.** An agency of the state, county, municipality, or other governmental subdivision of the state which is responsible for animal control operations in its jurisdiction.
  2. **Animal Shelter.** Any premises designated by action of the City Council for the purpose of impounding and caring for all animals found running at large or requiring quarantine.
  3. **Cat.** A mammal that is wholly or in part of the species *Felis domesticus*. An adult cat is a cat 28 weeks of age or older. A kitten is a cat under 28 weeks of age.
  4. **Commercial Kennel.** Any confinement or structure designed to contain and house more than three (3) domestic animals of various types which is owned by a person, group of persons, corporation or other legal entity who own and/or harbor said animals in the City of Gem Lake for other than personal use. This type of kennel relates to a land use matter covered by the Zoning or Land Use Ordinance. It is defined and may only be operated within the Special or Interim use regulations of the Zoning or Land Use Ordinance of the City of Gem Lake.
  5. **Confinement Area.** A structure used or designed for use to restrict an animal to a limited amount of space, such as a room, pen, cage, kennel, compartment, crate, or hutch.
  6. **Dangerous Dog.** Any dog that has committed any of the acts set forth below:
    1. Without provocation, inflicted substantial bodily harm on a human being on public or private property;
    2. Killed a domestic animal without provocation while off the owner's property; or
    3. 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.
  7. **Dog.** A mammal that is wholly or in part of the species *Canis familiaris*. An adult dog is a dog 28 weeks of age or older. A puppy is a dog under 28 weeks of age.
  8. **Domestic Animal.** Any domesticated dog whose breed is recognized by the American Kennel Club and any cat whose breed is recognized by the International Cat Association.
  9. **Exposed to Rabies.** Any animal that has been bitten by or otherwise exposed to any other animal known to be or have been infected with rabies.

10. **Foster Care Provider.** A person who provides care or rehabilitation for companion animals through an affiliation with a public or private animal shelter, home-based rescue, releasing agency, or other animal welfare organization.
11. **Foster Home.** A private residential dwelling and its surrounding grounds, or any facility other than a public or private animal shelter, at which site through an affiliation with a public or private animal shelter, releasing agency, or other animal welfare organization, care of rehabilitation is provided for companion animals.
12. **Great Bodily Harm.** Bodily injury which 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.
13. **Harborer.** Any person, group of persons, corporation, or other legal entity having custody of one or more dogs, cats, or other animals or who permits one or more dogs, cats, or other domestic animals to be kept or to stay on or about the harborer's premises for a period of three (3) or more consecutive days.
14. **Heat.** The period of time during which a female animal is in its Estrous Cycle.
15. **Kennel.** Any place, building, tract of land, abode, or vehicle wherein or whereupon 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. "Kennel" does not include a pound owned and operated by any political subdivision of the state or a person's home where dogs or cats are kept as pets.
16. **Owner.** Any person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having care, custody, or control of a domestic animal.
17. **Personal Kennel.** Any confinement or structure designed to contain and house up to three (3) domestic animals of various types which are owned by the occupants of the premises and which is located on and maintained by the occupant of the premises in residential districts for personal use only.
18. **Police.** The police officers of the City or any person, firm or agency hired or engaged by the City to act in the capacity of police.
19. **Possess.** To have custody of or have control over.
20. **Potentially Dangerous Dog.** Any dog that has committed any of the acts set forth below:
  1. When unprovoked, inflicts bites on a human or domestic animal on public or private property.
  2. 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; or
  3. Has a known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.
21. **Premises.** Any building, structure, shelter, or land wherein or whereon domestic animals are kept or confined.
22. **Proper Enclosure.** "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.
23. **Provocation.** An act that an adult could reasonably expect may cause a dog to attack or bite.
24. **Restraint.** An animal shall be considered under restraint if:
  1. In the case of a dog or cat, it is controlled by a leash, or, confinement within a vehicle being driven or parked; or, confinement within a suitably fenced area within the boundaries of the owners' or harborers' premises.
25. **Running at Large.** An animal found outside the boundaries of the property of its owner or harborer when not under direct restraint.
26. **Service Animal.** Any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability.

27. **Substantial Bodily Harm.** 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.
28. **Vicious Habits.** Any animal, which has attacked or bitten any human being or which habitually attacks other animals or habitually destroys or damages property.

### Section 3. Animal Control

1. **Running at Large.** It shall be unlawful for any owner or harbinger of any animals to allow said animal to be running at large within the City of Gem Lake and animals shall at all times be under direct restraint of the owner or harbinger.
2. **Chasing.** It shall be unlawful for any owner or harbinger to allow any animal to chase or aggressively approach pedestrians, bicycles, vehicles or other animals on any street, roadway, bridle path, park or parkway within the City.
3. **Destruction of Property.** It shall be unlawful for any owner or harbinger of any animal to allow said animal to molest, defile or otherwise destroy any property, public or private, within the City.
4. **Confinement of Certain Animals.** The owner or harbinger shall confine within a building or secure enclosure any fierce, dangerous, or vicious animal and shall not permit such animal out of such confinement unless and until it is securely muzzled and in direct control of a competent person. The additional requirements and regulations of Section 7 may also apply to such animals.
5. **Animals in Heat.** Any female animal in heat shall be kept confined indoors or impounded for the duration of her season (Estrous Cycle) at the sole cost of the owner or harbinger.
6. **Rabies And Other Vaccinations Required.** It shall be unlawful for any person to own, possess, or harbor any animal within the City unless said animal has had all vaccinations for rabies and other diseases within the time required under standard veterinary practices.
7. **Animals Creating Nuisances Prohibited.** It shall be unlawful for any owner or harbinger to keep or harbor any animal which barks, howls, or the like continuously for a period of five (5) minutes without a thirty (30) second pause or whose general conduct otherwise constitutes a nuisance.
8. **Guard Dogs.** It shall be unlawful for any owners to maintain a guard dog(s) which has been specifically trained for security purposes unless a notice of the presence of said dog(s) has been posted at each entrance to the property with said signs not smaller twelve (12") inches wide and twelve (12") inches high with letters not smaller than three (3") inches high.
9. **Housing and Keeping of Animals.** It shall be unlawful for any owners and harbinger of animals to fail to provide and maintain suitable shelter and care for the animals as prescribed herein:
  1. **Shelter.** Shelter for the keeping of animals shall include a moisture and wind proof structure of suitable size and construction to: accommodate the animal and appropriate bedding materials; and, protect against cold and to allow and promote retention of body heat; and, protect against moisture and dampness; and, provide shade from direct sunlight during the months from May through September.
  2. **Maintenance of Shelter.** All shelters and other areas used by the animal shall be properly maintained in such a manner that the shelter and other areas do not posed a sanitation or other health problem or nuisance to the occupants of the premises, adjacent property owners, or the community. All animal waste shall be properly contained and disposed of on a regular basis and, where and when necessary, appropriate measures shall be taken to insure sanitation of the areas.
  3. **Care of Animals.** All animals shall be properly cared for including, but not limited to, regular feeding of appropriate food for the animal and regular medical care by a licensed doctor of veterinary medicine.

### Section 4. Animal Licensing and Identification.

1. **Dog Licensing and Identification.** No person shall own, keep, or harbor any dog over the age of six (6) months within the City of Gem Lake without first obtaining a city issued license for each animal as herein provided. The provisions of this section shall not be intended to apply to dogs whose owners are visitors temporarily in the City for sixty (60) days or less.
2. Dog licenses are issued by the City Clerk. Each dog license is valid for a period of one calendar year at a fee set by the City Council. The dog license issued will be in the form of a "tag" that shall be attached to the dog to identify its owner or harbinger. Applicant shall give the following information on forms provided by the City:
  1. Owner's name and home address; and

2. Dog's name, breed (if known), date of birth (if known), color and sex; and
  3. Proof that rabies and other vaccinations have been done must be supplied when license is applied for.
3. **Service Animal Registration.** Reference the Fair Housing Act, 42 USC Ch. 45 and the Minnesota Human Rights Act, Minn. Stat. Ch. 363A
  4. **Other Domestic Animal Identification.** No person shall own, keep, or harbor any other domestic animal (other than a dog) over the age of six (6) months within the City of Gem Lake without providing a method of identification for each animal as herein provided.
    1. Commercially available tags not less than one (1") inch square or diameter which identify the owner by name and/or address and/or phone number; or
    2. Permanent brands or tattoos placed on the animal in accordance with accepted practices and which carry appropriate owner or harbored registration information; or
    3. Such electronic identification methods including implants, provided a tag or other identification device identifies electronic registration.
  5. **Violation.** Failure to license your dog will result in a violation. A first violation of Section 4 will result in an administrative fine of \$50.00. All subsequent violations of Section 4 will carry penalties as provided in Section 9, paragraph 3.

#### **Section 5. Owner to Clean Up After Dog.**

1. Any owner having custody or control of any dog on any property, public or private, not owned or possessed by such person shall be responsible for cleaning up any feces of the animal and for disposing of such feces in a sanitary manner; and shall have in their possession, a device or equipment for picking up and removal of animal feces.
2. Any owner having custody or control of any dog on private property shall be responsible for cleaning up any feces of the animal and for disposing of such feces in a timely manner, but in no case shall the feces remain for longer than a seven (7) day period.
3. The provisions of this Section shall not apply to a guide dog accompanying a blind person or to a dog when used in police or rescue activities.
4. **Violation.** Failure to clean up after your dog will result in a violation. A first violation of Section 5 will result in an administrative fine of \$50.00. All subsequent violations of Section 5 will carry penalties as provided in Section 9, paragraph 3.

#### **Section 6. Kennel Operation: Permitted Operations.**

1. **Personal Kennel Operation.** Personal kennels that harbor no more than three (3) domestic animals of various types and which animals are solely owned by the occupants of the premise and which are over the age of six (6) months are allowed in the residential districts of the City of Gem Lake. The operators of such kennels are responsible to operate these kennels in compliance with all of the terms and regulations defined in this Ordinance.
  1. **Structure.** The kennel structure shall be made of suitable fencing or other materials suitable for containment of the animal based upon the size and weight of the animal(s).
  2. **Location.** The kennel structure shall be placed so as to be located as far as possible from neighboring residences and not less than fifty (50') feet from adjacent property lines.

#### **Section 7. Impounding Animals.**

1. **Impounding Animals.** All law enforcement or animal control officers of the City or under contract to the city are hereby authorized and empowered to use such force as is reasonably necessary to take up, capture, or restrain and impound any animal found in violation of this Ordinance. All animals shall be impounded at a facility which is under contract with the City. Such law enforcement or animal control officer may enter upon private premises where it appears that there is reasonable cause to believe that an animal is not being kept, confined, or restrained as herein required.
2. **Notice to Owner or Harbored.** Immediately upon impounding of an animal wearing any type of identification, the police, animal control officer or impounding facility officer shall make every reasonable effort to notify the owner or harbored of such impoundment, and the conditions whereby the owner or harbored may regain custody of the animal. Verbal notice shall be immediately confirmed in writing by the city's official.

3. **Reclaiming Impounded Animals.**

1. Any non-regulated domestic animal impounded hereunder may be reclaimed by the owner or harborer of same within ten (10) days after receiving notice of such impoundment, excluding Saturdays, Sundays, and legal holidays, upon payment to the City of an impounding fee as established by the city from time to time together with the actual costs incurred for boarding.
2. Any regulated animal impounded hereunder may be reclaimed by the owner or harborer of same within five (5) days after receiving notice of such impoundment, excluding Saturdays, Sundays, and legal holidays, upon payment to the City of an impounding fee as established by the city from time to time together with the actual costs incurred for boarding.

4. **Selling of Impounded Animals.**

1. Any non-regulated domestic animal taken up and impounded that has not been reclaimed within the time provided herein, or if the owner or harborer cannot be located, then within five (5) days, the person in charge of the pound shall give five (5) days' notice of the time and place where said animal will be sold by posting notices in the office in charge of the pound, the office of the City Clerk, and in a conspicuous place at the pound. Should the person in charge of the pound be unable to sell said animal, for want of bidders or otherwise, that person cannot sell or to otherwise dispose of such animal thereafter without notice to the City.
  2. Any regulated animal taken up and impounded hereunder may be that is not reclaimed by the owner or harborer of same within five (5) days after receiving notice of such impoundment, excluding Saturdays, Sundays, and legal holidays, the animal may be sold or destroyed and the impounding fees to the City together with the actual costs incurred for boarding, notices and other such expenses along with reasonable legal and administrative fees shall be assessed to the owners' or harborers' property.
5. **Biting Animals Quarantined.** Whenever any animal, other than a dog subject to the regulations of Section 7 of this Ordinance, has bitten a person, the owner or harborer of such animal, having been so notified, either orally or in writing, shall immediately quarantine said animal at the owners' or harborers' home or other suitable place of confinement, as directed by the law enforcement or Animal Control officer of the City for a period of fourteen (14) days after the occurrence. During the quarantine period, the animal shall be securely confined in a building or in a yard enclosed by a fence so constructed that the animal cannot escape or otherwise leave said enclosure, and which will not permit other animals or persons to enter, for the purpose of preventing the animal from biting or otherwise coming in contact with persons or animals.
6. **Rabid Animals.** Upon a reasonable suspicion that an animal may be rabid, the animal shall be subjected to the necessary tests by a doctor of veterinary medicine for the purpose of determining if it is infected with rabies. The confinement, testing, and treatment, in addition to all other expenses incurred as the result of an animal biting a person shall be the sole expense to the owner or harborer of said animal.
7. **Animals Which Cannot be Impounded.** If an animal is rabid, or otherwise diseased, vicious, or dangerous, and cannot be impounded after a reasonable effort or without serious risk to the law enforcement or Animal Control officer, impound employees, or others, such animal may be immediately killed.

**Section 8. Dangerous / Potentially Dangerous Dogs.**

1. **Incorporation of Statute.** The provisions of Minnesota Statutes, Sections 347.50 through 347.565, inclusive, are hereby adopted as the potentially dangerous and dangerous dog regulations for the City. Where a conflict exists between the provisions of the City Ordinances, and the provisions of Minnesota Statutes, Sections 347.50 through 347.565, inclusive, the more restrictive provision shall apply.
2. **Initial Determination.** The City's designated Animal Control Authority shall be responsible for initially determining ("Initial Determination") whether a dog is a potentially dangerous dog or a dangerous dog. The Animal Control Authority may retain custody of a dog which has been initially determined to be a dangerous dog pending the hearing as hereinafter provided. The Initial Determination shall be conclusive unless the owner appeals the Initial Determination as herein after provided.
3. **Notice of Initial Determination.** The Notice of Initial Determination shall be personally served on the owner of the dog or on a person of suitable age at the residence of such owner. The Notice of Initial Determination shall describe the dog deemed to be potentially dangerous or dangerous; shall identify the time, place and circumstances under which the dog was declared dangerous; shall identify the officer making the Initial Determination; and shall inform the owner of the owner's right to appeal the Initial Determination within 14 days of the date of notice. The notice shall also inform the owner that compliance with 7.4.1 and 7.4.3 of this Ordinance until the appeal is decided, and that all actual costs of care, keeping and disposition of the dog are the responsibility of the owner.
4. **Request of Hearing and Hearing.** An owner may appeal the Initial Determination by filing a Request for Hearing with the City Administrator within fourteen (14) days of the owner's receipt of the Notice of Initial Determination. A hearing shall be

held within fourteen (14) days after the City's receipt of the Request for Hearing. The City Administrator shall assign a Hearing Officer who shall not be the person who made the Initial Determination. At the hearing, the Hearing Officer shall consider the reports and comments of the Animal Control Authority, the testimony of any witnesses, witness statements, and the comments of the owner of the dog. After considering all of the evidence submitted, the Hearing Officer shall make written findings and shall determine whether the dog is a potentially dangerous dog or a dangerous dog (Final Determination). The Hearing Officer shall apply the definitions of Section 2.3 in making a determination, but shall not declare a dog dangerous if the evidence at hearing shows it is more likely than not that the threat, injury, or damage was sustained by a person:

1. Who was committing, at the time, a willful trespass or other tort upon the premises occupied by the dog; or
2. Who was provoking, tormenting, abusing, or assaulting the dog or who has repeatedly, in the past, provoked, tormented, abused or assaulted the dog; or
3. Who was committing or attempting to commit a crime. The findings shall be made within ten (10) days of the date of the hearing and shall be personally served upon the owner of the dog or upon a person of suitable age at the residence of the owner. If the Hearing Officer upholds the dangerous dog determination, the dog's owner shall be responsible for paying the actual costs of the hearing, up to \$1,000.

5. **Dangerous Dog Restrictions.**

1. **Registration Required.** No person may keep a dangerous dog in the City of Gem Lake unless the dog is registered with the Animal Control Authority as provided in this chapter. The Animal Control Authority shall issue a certificate of registration to the owner of the dangerous dog if the owner presents the following information:
  1. **Secure Enclosure.** A Secure enclosure exists for the dangerous dog and there is a posting on the premises with a clearly visible warning sign, including a warning symbol to inform children, that there is a dangerous dog on the property.
  2. **Bond/Insurance.** A surety bond issued by a surety company authorized to conduct business in the State of Minnesota in a form acceptable to the Animal Control Authority in the sum of at least \$300,000.00, 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 \$300,000.00, insuring the owner for any personal injuries inflicted by the dangerous dog.
  3. **Registration Fee.** The owner shall pay a dangerous dog registration fee of \$500.00, in addition to standard dog licensing fees.
  4. **Microchip.** The owner has had a microchip identification implanted in the dangerous dog, and the name of the microchip manufacturer and identification number of the microchip must be provided to the Animal Control Authority. If the microchip is not implanted by the owner, it may be implanted by the Animal Control Authority with the costs borne by the dog's owner.
  5. **Warning Symbol.** The owner has posted a warning symbol to inform children that there is a dangerous dog on the property. The design of the warning symbol must have been approved by the Minnesota Commissioner of Public Safety.
2. **Tag.** The dangerous dog must have a standardized, easily identifiable tag identifying the dog as dangerous and containing the Uniform Dangerous Dog symbol, affixed to the dog's collar at all times.
3. **Photograph.** The owner of the dangerous dog shall make the dog available to be photographed for identification by the Animal Control Authority at a time and place specified by the Animal Control Authority.

6. **Dangerous Dog Regulations.**

1. **Muzzling.** A dangerous dog shall be kept in a secure enclosure while on the owner's property. If the dangerous dog is outside a Secure Enclosure, the dog must be muzzled and restrained by substantial chain or leash and be under the physical restraints of a responsible person. The muzzle must be made in a manner that will prevent the dog from biting any person or animal but that will not cause injury to the dog or interfere with its vision or respiration.
2. **Annual Renewal.** The owner of a dangerous dog must renew the registration of the dog annually until the dog is deceased. The owner of a dangerous dog shall pay the fee set forth in section 7.3.1(c) above, in addition to any regular dog licensing fees, to obtain a renewal certificate of registration for a dangerous dog under this section. If the dog is removed from the City, it must be registered as a dangerous dog in its new jurisdiction.

3. **Death/Transfer from City.** The owner of any dangerous dog must notify the City in writing of the death of the dog; of its transfer to a residence outside of the City of Gem Lake or of its transfer within the City within thirty (30) days of the death or transfer.
4. **Notice to Landlord.** The owner of a dangerous dog who rents property from another where the dog will reside must disclose to the property owner, prior to entering into the lease agreement and at the time of any lease renewal that the person owns a dangerous dog that will reside at the property.
5. **Transfer of Ownership.** The owner of a dangerous dog must notify any new owner, whether by purchase, donation or other transfer, that the City has identified the dog as a dangerous dog. The transferring or selling owner must also notify the Animal Control Authority in writing of the sale and provide the Animal Control Authority with the new owner's name, address, and telephone number.
6. **Sterilization.** The Animal Control Authority shall require a dangerous dog to be sterilized at the owner's expense. If the owner does not have the dangerous dog sterilized within 30 days of a final determination, the Animal Control Authority may have the animal sterilized at the owner's expense.

7. **Potentially Dangerous Dog Restrictions.**

1. **Registration Required.** No person may keep a potentially dangerous dog in the City of Gem Lake unless the dog is registered with the Animal Control Authority as provided in this section. The Animal Control Authority shall issue a Certificate of Registration to the owner of a potentially dangerous dog if the owner presents the following information:
  1. **Registration Fee.** The owner shall pay a dangerous dog registration fee of \$250.00, in addition to standard dog licensing fees.
  2. **Microchip.** The owner has had a microchip identification implanted in the dangerous dog, and the name of the microchip manufacturer and identification number of the microchip must be provided to the Animal Control Authority. If the microchip is not implanted by the owner, it may be implanted by the Animal Control Authority with the costs borne by the dog's owner.
  3. **Warning Symbol.** The owner has posted a warning symbol to inform children that there is a potentially dangerous dog on the property. The Animal Control Authority shall approve the warning symbol and its location on the property.
2. The Animal Control Authority may also require any of the following items to register a potentially dangerous dog:
  1. **Secure Enclosure.** A Secure enclosure exists for the potentially dangerous dog and there is a posting on the premises with a clearly visible warning sign, including a warning symbol to inform children, that there is a dangerous dog on the property.
  2. **Bond/Insurance.** A surety bond issued by a surety company authorized to conduct business in the State of Minnesota in a form acceptable to the Animal Control Authority in the sum of at least \$300,000.00, payable to any person injured by the potentially 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 \$300,000.00, insuring the owner for any personal injuries inflicted by the potentially dangerous dog.
  3. **Photograph.** The owner of the potentially dangerous dog shall make the dog available to be photographed for identification by the Animal Control Authority at a time and place specified by the Animal Control Authority.

8. **Potentially Dangerous Dog Regulations.**

1. **Annual Fee.** The owner of a potentially dangerous dog shall pay the potentially dangerous dog fee set in 7.5.1.(a) upon each annual renewal, in addition to any regular dog licensing fees, to obtain a certificate of registration for a potentially dangerous dog under this section.
2. **Annual Renewal.** The owner of a potentially dangerous dog must renew the registration of the dog annually until the dog is deceased. If the dog is removed from the City of Gem Lake, it must be registered as a potentially dangerous dog in its new jurisdiction.
3. **Death/Transfer from City.** The owner of any potentially dangerous dog must notify the Animal Control Authority in writing of the death of the dog; of its transfer to a residence outside of the City of Gem Lake or of its transfer

within the City of Gem Lake within thirty (30) days of the death or transfer. The notice must also provide the new location where the dog will reside if moved.

4. **Notice to Landlord.** The owner of a potentially dangerous dog who rents property from another where the dog will reside must disclose to the property owner, prior to entering into the lease agreement and at the time of any lease renewal that the person owns a potentially dangerous dog that will reside at the property.
5. **Transfer of Ownership.** The owner of a potentially dangerous dog must notify any new owner, whether by purchase, donation or other transfer, that the City has identified the dog as a potentially dangerous dog. The transferring or selling owner must also notify the Animal Control Authority in writing of the sale and provide the Animal Control Authority with the new owner's name, address, and telephone number.
6. **Designation Review.** Beginning six months after a dog is declared a dangerous dog or potentially dangerous dog, an owner may request annually a review of 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. The owner shall submit a request for reconsideration to the City Administrator, who shall then assign a Hearing Officer to consider the request, in Consultation with the Animal Control Authority. If the Hearing Officer finds sufficient evidence that the dog's behavior has changed, the Officer may rescind the dangerous dog or potentially dangerous dog designation.
7. **Seizure of Dangerous Dog.** The Animal Control Authority shall immediately seize any dangerous dog if:
  1. The owner has not registered the dog in compliance with the provisions of Section 7.3 within fourteen (14) days after the service of the Notice of Final Determination declaring a dog to be a dangerous dog.
  2. The owner does not secure the proper liability insurance pursuant to Section 7.3 within fourteen (14) days after the service of the Notice of Final Determination declaring a dog to be a dangerous dog.
  3. The dangerous dog is not maintained in a secure enclosure.
  4. The dangerous dog is outside a secure enclosure and not under the physical restraint of a responsible person.
  5. The dangerous dog is not sterilized within thirty (30) days as required by Section 7.4.6.
  6. Seizure is ordered by the District Court upon conviction of the owner for a crime related to the keeping of a dangerous dog.
8. **Reclaiming a Dangerous Dog.** Unless otherwise ordered by the District Court, a dangerous dog may be reclaimed by the owner of the dog upon payment of the impounding and boarding fees, and upon presentation of proof to the Animal Control Authority that the requirements of Sections 7.3 and 7.4 have been satisfied. A dangerous dog not reclaimed under this provision within seven (7) days may be disposed of as provided in Minnesota Statutes, Section 35.71, Subdivision 3, and the owner shall be liable to the Animal Control Authority for costs incurred in confining and disposing of the dangerous dog. Any person claiming an interest in a seized dog may prevent disposition of the dog by posting security, by cash or letter of credit, in an amount sufficient to provide for the dog's actual cost of care and keeping. The security must be posted within seven (7) days of the seizure inclusive of the date of seizure.
9. **Review of Status for Persons Prohibited from Owning Dogs.** A person barred from owning a dog under Minnesota Statutes, § 347.542, subd. 1 may request that the City Council review the prohibition. No request for review may be made before three years have passed from the date of conviction which caused the person to be barred from dog ownership. The Animal Control Authority shall report to the City Council on matters relating to the review, including but not limited to the seriousness of the violation or violations that led to the prohibition, any criminal convictions of the person under review, and any other appropriate factors. The Animal Control Authority may recommend continuing the prohibition, rescinding the prohibition with limitations upon ownership, or completely rescinding the prohibition. The City Council, in addition to acting on the recommendation, may also establish conditions that the person must meet before a prohibition is partially or completely rescinded, including, but not limited to, successfully completing dog training or dog handling courses. A person under prohibition may only make one (1) request for review in any twelve-month period, regardless of outcome. If a person has a prohibition rescinded, in full or in part, by the City Council, and subsequently fails to comply with any limitation imposed by the Council or is again convicted of an animal violation involving unprovoked bites or attacks, the City Council may permanently prohibit the person from owning a dog in the State of Minnesota.
10. **Confiscation of Dangerous Dog.** If the owner of a dangerous dog has been convicted of a misdemeanor violation of Minnesota Statutes §347.51, §347.515, or §347.52, and the owner is charged with a subsequent violation of those statutes with the same dog, the Animal Control Authority shall immediately seize the dangerous dog and hold it until resolution of the new criminal charges. The Animal Control Authority shall follow the directives of the



District Court regarding disposition of the dog. If the owner is not convicted of the charges, the owner shall be notified of the right to reclaim the dog within seven (7) days consistent with other reclamations.

#### **Section 9. Enforcement, Records and Penalties.**

1. **Enforcement.** The provisions of this Ordinance shall be enforced by the Animal Control Officer and other such persons or agencies as may, from time to time, be appointed by the City Council.
2. **Records.** The City shall maintain accurate records of all licenses, impoundments, quarantines, disposition of animals taken into custody, reports of all animal attacks or bites, and fees and fines related thereto and to make such records available as public documents within reasonable times.
3. **Penalties.** Any owner, harborer, or other person, or the parents of any person under eighteen (18) years of age violating any provision of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished to the maximum extent allowed by law.
4. **Other Associated Costs.** Any owner, harborer, or other person, or the parents of any person under eighteen (18) years of age violating any provision of this Ordinance shall be solely responsible for all costs associated with enforcement of this Ordinance including, but not limited to, impound fees, boarding, notification of owners, and disposal.

#### **Section 10. Exemptions to this Ordinance.**

1. Hospitals, clinics, and other premises operated by licensed veterinarians for the care and treatment of animals are exempt from the provisions of this Ordinance except where such duties are expressly stated and where such facility meets the applicable zoning code.
2. The licensing and vaccination requirements of this Ordinance shall not apply to any animal belonging to a non-resident of the City of Gem Lake and kept within the City for less than thirty (30) days, provided all such animals are fully and at all times confined within a building enclosure or vehicle or are deemed to be under complete restraint of the owner.
3. Non-poisonous snakes or snakes not prohibited as wild and exotic by definition, birds kept indoors, hamsters, mice, rabbits, gerbils, white rats, guinea pigs, chinchillas, or lizards and similar small animals capable of being kept in cages continuously are exempt and do not require a permit.

#### **Section 11. Animal Owner Responsibilities.**

1. **Animal Owner Responsibilities and Liability.** This Ordinance shall not relieve or lessen the responsibility or liability of any person owning or harboring any animal to persons or real property or any other injury occasioned thereby.
2. **Abrogation and Greater Restriction.** It is not intended by this Ordinance to appeal, abrogate, annul, impair or interfere with any State or Federal law, or local ordinances, rules, regulations, or permits issued pursuant to law. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.
3. **Right of Entry.** All law enforcement and animal control officers may enter upon private property where it appears that there is reasonable cause to believe that an animal is not being kept, confined, or restrained as herein required or where it appears that a violation of this Ordinance may be present and when accompanied by a warrant to enter property duly issued by a judge of the district court.
4. **Interference.** No person shall interfere with, hinder, or molest any agent of the City while engaged in the performance of any duty related to this Ordinance or release any animal in the custody of the agent.

#### **Section 12. Review, Revocation and Appeal.**

1. **License Application Review.** The City shall review the license application. The City may deny an applicant's license application for any reason reasonably related to the regulation of animals within city limits, including but not limited to; protecting the health, safety, and welfare of the public. Convictions for violations of City Ordinance No. 140 or any applicable state Statutes within the preceding three (3) years shall be considered evidence of a threat to the health, safety, and welfare of the public.
2. **Revocation.** The City may revoke licenses previously issued upon the same grounds. If a license is denied or revoked, the City shall notify the applicant in writing, and provide information regarding the applicant's right to appeal under paragraph 2 of this section.
3. **Appeal.** An applicant may appeal the City's determination by filing written notice with the City Administrator within ten (10) days of the applicant's receipt of the City's notice. Failure to file a timely appeal results in a waiver of the appeal. If the applicant files a timely appeal, a hearing will be held before an impartial hearing officer as soon as practicable after the City's receipt of the appeal. The rules of evidence do not apply at the hearing and any reports and records of the Ramsey County Animal Control officer shall be considered without further foundation. The hearing officer will make written findings of fact.

The hearing officer's decision will be personally served upon the owner or a person of suitable age at the residence of such owner and is the final decision of the City.

**Section 13. Severability.** Should any section, subdivision, clause or other provision of this Ordinance be held to be invalid by any court of competent jurisdiction, such decision shall not affect the validity of the Ordinance as a whole, or of any part thereof, other than the part held to be invalid.

**Section 14. Enactment and Effective Date**

1. **Existing Uses.** Existing uses that are not compliant with the Ordinance shall have one-hundred twenty (120) days to become compliant unless a Special or Interim Use Permit is issued by the City Council to specifically exempt the existing activity from all or portions of the regulations described in the Ordinance. A Special or Interim Use Permit application can be procured from the City Clerk. Nothing in this paragraph vests any non-confirming use from being controlled by these regulations.
2. **Enactment and Effective Date.** This Ordinance shall take effect and be in force from and after its passage and publication.

Dated: October 18, 2022

APPROVED:

*Gretchen Artig-Swomley*

Gretchen Artig-Swomley, Mayor

ATTEST:

*Melissa Lawrence*

Melissa Lawrence, Acting City Clerk