§ 90.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

*ANIMAL.* Any mammal, reptile, amphibian, fish, bird (including all fowl and poultry) or other member commonly accepted as a part of the animal kingdom. Animals shall be classified as follows:

1) *DOMESTIC ANIMALS.* Those animals commonly accepted as domesticated household pets. Unless otherwise defined, *DOMESTIC ANIMALS* shall include dogs, cats, caged birds, gerbils, hamsters, guinea pigs, domesticated rabbits, fish, non-poisonous, non-venomous and non-constricting reptiles or amphibians, and other similar animals.

2) *FARM ANIMALS.* Those animals commonly associated with a farm or performing work in an agricultural setting. Unless otherwise defined, *FARM ANIMALS* shall include members of the equestrian family (horses, mules), bovine family (cows, bulls), sheep, poultry (chickens, turkeys), fowl (ducks, geese), swine (including Vietnamese pot-bellied pigs), goats, bees, and other animals associated with a farm, ranch, or stable.

3) *NON-DOMESTIC ANIMALS.* Those animals commonly considered to be naturally wild and not naturally trained or domesticated, or which are commonly considered to be inherently dangerous to the health, safety, and welfare of people. Unless otherwise defined, *NON-DOMESTIC ANIMALS* shall include:

(a) Any member of the large cat family (family felidae) including lions, tigers, cougars, bobcats, leopards and jaguars, but excluding commonly accepted domesticated house cats;
(b) Any naturally wild member of the canine family (family canidae) including wolves, foxes, coyotes, dingoes, and jackals, but excluding commonly accepted domesticated dogs;

(c) Any crossbreeds such as the crossbreed between a wolf and a dog, unless the crossbreed is commonly accepted as a domesticated house pet;

(d) Any member or relative of the rodent family including any skunk (whether or not descended), raccoon, squirrel, or ferret, but excluding those members otherwise defined or commonly accepted as domesticated pets;

(e) Any poisonous, venomous, constricting, or inherently dangerous member of the reptile or amphibian families including rattlesnakes, boa constrictors, pit vipers, crocodiles and alligators; and

(f) Any other animal which is not explicitly listed above but which can be reasonably defined by the terms of this section, including but not limited to bears, deer, monkeys and game fish.

**AT LARGE.** A dog shall be termed **AT LARGE** when it is not under restraint, as defined herein.

**HARBORER.** Any person who has custody of any dog or cat or permits a dog or cat to be kept or to stay on or about the harborer’s premises.

**LICENSED VETERINARIAN.** A person or persons licensed by the state and/or owning or conducting a veterinary practice within the city.

**OWNER.** Any person, group of persons, or legal entity owning, keeping or harboring a dog or cat.

**POLICE.** The police officers of the city, or any person, firm, or agency hired or engaged by the city to assist the police in the performance of their duties.

**RESTRAINT.** A dog is under **RESTRAINT** if it is controlled by a leash not exceeding eight feet in length; or if it is under the voice or signal command of a competent person, providing that the dog will immediately respond to and obey the voice or signal commands of such person; or if it is within the boundaries of the owner’s or harborer’s premises.

(Ord. 94, passed 8-10-99)

§ 90.02 LICENSING.

(A) **Requirement.** No person shall own, keep, or harbor a dog or cat within the city limits of Battle Lake unless such dog or cat is licensed as provided herein.

(B) **Application.** Written application shall be made in writing at the office of the Clerk-Treasurer. The application shall state the name and address of the owner of the dog or cat, the name, breed, age, sex, and color of the dog or cat. Initial licensing shall be accompanied by a certificate of vaccination from a qualified source certifying that the dog or cat has been vaccinated against rabies, or has received a booster shot therefor, immediately preceding the application.
Chapter 90: Animals

(C) **Fee.** The lifetime license fee shall be established by the City Council in January of each year for the following year for each dog or cat. The lifetime license fee shall be paid at the time of making the application.

D) **Terms of license.** All dog(s) and cat(s) owners shall be issued a lifetime license. For currently licensed dogs or cats for the year 2018 and forward; pet owners must purchase a lifetime license beginning January 1, 2019 and shall be obtained by May 31, 2019. For new residents moving in to the City of Battle Lake, shall be allowed 30 days from establishing residence to obtain a lifetime license for each of their dog(s) or cat(s). For current residents obtaining a new dog or cat the lifetime license shall be obtained within 14 days of obtaining the new dog or cat.

(E) **Exception.** No license shall be required of dogs and cats less than six months of age.

(Ord. 94, passed 8-10-99) Penalty, see § 90.99

(F) Owner’s Responsibility. The owner of each dog or cat that is housed, kept, or harbored with in the City of Battle Lake is responsible for maintaining current vaccinations for all of their dogs or cats. See also 90.07 referring to Rabies Shots Required.

(G) Non-Transferable. No lifetime license is transferable from one pet to another or from one owner to another owner. A lifetime license is only issued to the specific pet as identified in the application and only valid for the lifetime of the identified pet.

§ 90.03 **TAG AND COLLAR.**

All dogs and cats shall be harnessed or collared. The Clerk-Treasurer shall upon issuance of a lifetime license provide the applicant with a metallic tag which shall be numbered, and which shall be securely fastened to the animal’s collar or harness at all times.

(Ord. 94, passed 8-10-99) Penalty, see § 90.99

§ 90.04 **RESTRAINT OF DOGS; CONFINEMENT OF CERTAIN ANIMALS.**

(A) No dog shall be permitted to be at large in the city. All dogs shall be under restraint at all times.

(B) The owner or harborer shall confine within a building or secure enclosure, any fierce, dangerous, or vicious dog or cat, and not permit such animal out of such confinement unless and until it is securely muzzled and in control of a competent person.

(Ord. 94, passed 8-10-99) Penalty, see § 90.99

§ 90.05 **ANIMALS CREATING NUISANCE PROHIBITED.**

It shall be unlawful for any person to keep or harbor a dog which habitually barks or cries. Habitual barking shall be defined as barking for repeated intervals of at least five minutes with less than one minute of interruption. The barking must also be audible off of the owner’s or caretaker’s premises.

It shall also be unlawful for the owner of a dog to allow them to defecate on public property or the property of another without immediately removing the excrement and disposing of it in a sanitary manner.

Penalty, see § 90.99

*Cross-reference:* Noisy animals, see § 92.09
§ 90.06 IMPOUNDING ANIMALS.

(A) Authority of police. The police, or any other duly appointed person, may take and impound any animal which is not being kept, confined, or restrained in a manner consistent with the requirements of this chapter. The police or appointed person 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.

(B) Notice to owner. Immediately upon the impounding of an animal wearing a current license tag, the police shall make every reasonable effort to notify the owner or harborer of such impoundment, and of the conditions whereby the owner or harborer may regain custody of the animal. Verbal notice shall be immediately confirmed in writing by the police.

(C) Reclaiming. Any animal impounded hereunder may be reclaimed by the owner or harborer of same within five days after receiving notice of impoundment, excluding Saturdays, Sundays, and legal holidays, upon payment to the Clerk-Treasurer of an impounding fee which shall be established by the City Council in January of each year, together with the actual costs incurred for boarding. If the animal is a dangerous animal as defined by law it shall be kept for seven regular business days, and if it is a cruelly-treated animal as defined by law it shall be kept for ten regular business days. If the animal being reclaimed has no license, and a license is required, a license shall be issued, and the fee for it paid prior to the release from impoundment.

(D) Dogs 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 impounder or others, such animal may be immediately killed.

(E) Destruction. If an animal taken up and impounded has not been reclaimed within the times specified in § 90.06(C), then the city may at its discretion destroy or euthanize the animal.

(Ord. 94, passed 8-10-99) Penalty, see § 90.99

§ 90.07 RABIES SHOTS REQUIRED.

It shall be unlawful for any person to own, possess, or harbor a dog within the city, if the dog has not had a vaccination for rabies within the time required under standard veterinary practices. It is the owner’s responsibility to maintain up to date and current records of rabies vaccinations. Proof of rabies vaccinations may be requested from time to time from the City of Battle Lake. Failure to provide proof of valid rabies vaccinations as required by the City will be a violation of this section.

(Ord. 94, passed 8-10-99) Penalty, see § 90.99

§ 90.08 DOGS IN HEAT.

Any female dog in heat shall be confined indoors, or impounded for the duration of her season (oestrus cycle) in a commercial dog kennel, the cost of which shall be borne by the owner.

(Ord. 94, passed 8-10-99) Penalty, see § 90.99
§ 90.09 BITING DOGS TO BE QUARANTINED.

Whenever any dog has bitten a person, the owner or custodian of such dog or animal, having been so notified, either orally or in writing, shall immediately quarantine the dog or animal at the owner’s home or other suitable place of confinement, as directed by the responsible officer of the city for a period of 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 the 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 person or other animals. Upon a reasonable suspicion that the dog may be rabid, the dog 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, treatment, in addition to all other expenses incurred as the result of a dog biting a person shall be the expense of the owner of the animal.

(Ord. 94, passed 8-10-99) Penalty, see § 90.99

§ 90.10 CATS OR ANIMALS OF ALLIED CLASS.

It shall be the obligation and responsibility of the owner of any animal of this class to prevent the animal from molesting, defiling, or destroying any property, public or private. It shall be unlawful for any owner of an animal of this class to permit or allow the animal to roam or engage in activities which otherwise constitute a nuisance.

(Ord. 94, passed 8-10-99) Penalty, see § 90.99

§ 90.11 CERTAIN ANIMALS REGULATED.

It shall be unlawful to keep or harbor in the city any of the following animals, or animals of allied genera without first obtaining a written permission therefor from the council: horses, cows, sheep, goats, swine, chickens, ferrets, animals of class reptilia or allied classes which are venomous or of the constrictor type, birds, or other animals the keeping in captivity of which is prohibited by law.

(Ord. 94, passed 8-10-99) Penalty, see § 90.99

§ 90.12 NON-DOMESTIC ANIMALS.

It shall be illegal for any person to own, possess, harbor, or offer for sale, any non-domestic animal within the city. Any owner of a non-domestic animal at the time of adoption of this code shall have 30 days in which to remove the animal from the city after which time the city may impound the animal as provided for in this chapter. An exception shall be made to this prohibition for animals specifically trained for and actually providing assistance to the handicapped or disabled, and for those animals brought into the city as part of an operating zoo, veterinarian clinic, scientific research laboratory, or a licensed show or exhibition.

Penalty, see § 90.99
§ 90.13 FARM ANIMALS.

Farm animals shall only be kept in an agricultural district of the city, or on a residential lot of at least ten acres in size provided that no animal shelter shall be within 300 feet of an adjoining piece of property. An exception shall be made to this section for those animals brought into the city as part of an operating zoo, veterinarian clinic, scientific research laboratory, or a licensed show or exhibition.

§ 90.14 REVOCATION OF LICENSE OR PERMIT.

The failure of any owner to comply with the requirements of this chapter shall constitute grounds for the immediate revocation of any license or permit issued under this chapter.  
(Ord. 94, passed 8-10-99) Penalty, see § 90.99

§ 90.15 POTENTIALLY DANGEROUS & DANGEROUS DOGS.

(A) Definitions

Owner. “Owner” means any person keeping, harboring, or having control of, or permitting any animal habitually to be or remain on, or be lodged or fed within, such person’s house, yard, premises, excluding veterinarians or kennel operators temporarily maintaining on their premises, for a period of 30 days or less, animals owned by others.

Attack. “Attack” shall mean the deliberate action of a dog, whether or not in response to a command by a person, to bite, to seize with its teeth, or to pursue any human, animal, or inanimate object, with the intent to destroy, kill, wound, injure, or otherwise harm the object of its action.

Proper Enclosure. “Proper Enclosure” means securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and a secure top and shall provide protection from the elements for the animal. A proper enclosure does not include a porch, patio, or any part of a house, garage, or other structure that would allow the animal to exit of its own volition, or any house or structure in which the windows are open or in which door or window screens are the only obstacles that prevent the animal from exiting.

Dangerous Dog. “Dangerous Dog” means any dog that has: 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.

Potentially Dangerous Dog. “Potentially Dangerous Dog” means any dog that: 1) When unprovoked, inflicts a bite 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 threatens the safety of humans or domestic animals.
**Substantial Bodily Harm.** “Substantial Bodily Harm” has the meaning given to it under M.S.A §609.02, Subd.7a.

**Animal Control Authority.** “Animal Control Authority” means any agency of the state, county, municipality, or other governmental subdivision of the state which is responsible for animal control operations in its jurisdiction.

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

**Great Bodily Harm.** “Great Bodily Harm” has the meaning given to it under M.S.A. §609.02, Subd. 8.

(B) *Potentially Dangerous Dogs – Declaration of a Potentially Dangerous Dog*

A City animal control officer or other law enforcement official may declare that a dog is a potentially dangerous animal if the animal has (a) without provocation, inflicted, bite(s), on a human or domestic animal on public or private property; (b) without provocation, chased or approached a person upon the streets, sidewalks, or other public or private property, other than the dog owner’s property, in an apparent attitude of attack; or (c) has a known propensity, tendency, or disposition to attack without provocation, causing injury or otherwise threatening the safety of humans or domestic animals.

Notice of Declaration of Potentially Dangerous Dog to Owner. Upon a determination by an animal control officer or other law enforcement official that a dog is potentially dangerous, the City shall serve notice of the potentially dangerous dog designation on the owner of such dog. Notice shall be served upon the owner of the dog personally or by certified mail. Service upon any owner is effective as to all owners. The notice must include: 1) A description of the dog and the authority and purpose for the potentially dangerous dog declaration; the time, place and circumstances that resulted in the dog being declared a potentially dangerous dog; and the telephone number of the person who made the declaration that the dog is a potentially dangerous animal; 2)A statement that the owner of the dog may request a hearing concerning the potentially dangerous dog declaration, and that failure to do so within 14 days of the date of the notice will terminate the owner’s right to a hearing under this Section; 3)A statement that if an appeal request is made within 14 days of the notice, the owner must immediately comply with the requirements of this Ordinance regarding potentially dangerous dogs and continue to do so until such time as the hearing officer issues an opinion on the appeal; 4) A form to request a hearing under this subdivision; and 5) A statement that any hearing must be held within 14 days of the request to determine that validity of the potentially dangerous dog declaration. That 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. A statement that in the event the potentially dangerous dog declaration is upheld by the hearing officer, actual expense of the hearing up to a maximum of $1,000 will be the responsibility of the dog’s owner. A statement that the hearing officer shall issue a decision in the matter within 10 days after the hearing, and that 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 City’s animal control authority.
(C) Dangerous Dog.

Declaration of a Dangerous Dog.

A City animal control officer or other law enforcement official may determine that a dog is a dangerous dog if the animal has: (a) without provocation, inflicted substantial bodily harm on a human being on public or private property; (b) killed or caused substantial bodily harm to a domestic animal without provocation while off the owner’s property; or (c) been previously found to be potentially dangerous, and after the owner had notice that the dog is potentially dangerous, the dog aggressively bites, attacks, or endangers the safety of humans or domestic animals.

Notice of Declaration of Dangerous Dog to Owner. Notice shall be served upon the owner of the dog personally 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. Service upon any owner is effective as to all owners. The notice must include: 1) 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; 2) A statement that the owner of the dog may request a hearing concerning the dangerous dog declaration and that failure to do so within 14 days of the date of the notice will terminate the owner’s right to a hearing under this section; 3) A statement that if an appeal request is made within 14 days of the notice; the owner must immediately comply with the requirements of this Ordinance and M.S.A. §347.52, paragraphs (a) and (c), and continue to do so until such time as the hearing officer issues an opinion on the appeal; 4) A statement that if the hearing officer affirms the dangerous dog declaration, the owner will have 14 days from receipt of the decision to comply with all requirements of M.S.A. §347.51, §347.515, and §347.52; 5) A form to request a hearing under this subdivision; and 6) A statement that all actual costs of 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.

Any hearing must be held within 14 days of the request to determine the validity of the dangerous dog declaration. 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 the dangerous dog declaration is upheld by the hearing officer, actual expenses of the hearing up to a maximum of $1,000 will be the responsibility of the dog’s owner. The hearing officer shall issue a decision in the matter within 10 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.
Registration.

No person may own, keep, possess, harbor, maintain, or otherwise have a dangerous dog in the City unless the dog is currently registered as provided in this section. Registration must be completed within 14 days after the owner’s receipt of a notice of dangerous dog designation and must be renewed annually.

Certificate of Registration.

The City Clerk shall issue an annual certificate of registration to the owner of the dangerous dog if the owner presents sufficient evidence that: (a) payment has been made for the annual dangerous dog registration fee, which shall be fixed, determined, and amended by the Council and adopted by resolution; and (b) an owner of a potentially dangerous dog shall keep the dog in a proper enclosure that has been inspected and approved by the City; (c) all owners of dangerous dogs within the City shall display in a prominent place on their property a warning symbol approved by the Minnesota Commissioner of Public Safety to inform children that there is a dangerous dog on the property. The warning symbol must be the uniform symbol provided by the Commissioner of Public Safety. The animal control authority may charge the registrant a reasonable fee to cover costs related to obtaining an appropriate warning symbol. In addition, a similar symbol is required to be posted on the proper enclosure of such animal; (d) a dangerous dog must have a standardized, easily identifiable tag identifying the dog as dangerous and containing the uniform dangerous dog symbol acquired by the City affixed to the dog’s collar at all times. The tag shall be of the design approved by the Minnesota Commissioner of Public Safety; (e) an owner of a dangerous dog shall obtain a surety bond issued by a surety company authorized to conduct business in this state in an amount 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 this state in an amount of at least $300,000.00 insuring the owner for any personal injury inflicted by the dangerous dog; (f) all owners of dogs declared dangerous shall cause the dog to be implanted with a microchip for identification and provide the City animal control officer with the name of the microchip manufacturer and the serial identification number of the implanted microchip. If the microchip is not implanted by the owner, it may be implanted by the animal control authority. In either case, all costs related to purchase and implanting of the microchip must be borne by the dog’s owner.

Sterilization.

Upon designation of a dog as dangerous, the animal control officer shall require the owner to cause the dog to be sterilized at the owner’s expense and provide the City animal control authority with proof thereof, including the name, address, and telephone number of the veterinarian who performed the procedure, within 30 days of the date the dog was determined to be dangerous. If the owner does not have the animal sterilized within 30 days, the animal control authority shall seize the dog and have it sterilized at the owner’s expense.

Review of Designation.
Beginning six (6) months after a dog has been declared a dangerous dog, an owner may request annually that the animal control authority review the designation. The owner must provide evidence that the dog’s behavior has been 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, the authority may rescind the dangerous dog designation.

(D) **Leash & Muzzle.** An owner of a potentially dangerous or dangerous dog shall keep the dog, when not confined in a proper enclosure, muzzled and restrained by a leash not longer than four (4) feet and under the physical restraint of a responsible person.

(E) **Microchip Identification.** The owner of a dangerous or potentially dangerous dog must have a microchip implanted in the dog for identification, 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. In either case, all costs related to purchase and implantation of the microchip must be borne by the dog’s owner.

(F) **Exemption.** A dog shall not be declared a potentially dangerous or dangerous dog if the threat, injury, or damage was sustained by a person: (a) who was committing, at the time, an unlawful trespass or other tort upon the premises occupied by the owner of the dog; (b) who 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; or (c) who was committing or attempting to commit a crime.

(G) **Law Enforcement: Exemption.** The provisions of this section do not apply to dogs used by law enforcement officials for law enforcement work.

(H) **Appeal Of Potentially Dangerous or Dangerous Dog Designation.** Within 14 days after receipt of notice of a potentially dangerous or dangerous dog declaration, the owner may request a hearing to appeal the designation. The request must be in writing filed with the City Clerk-Treasurer.

(I) **Appeal Hearing Procedure.** Setting Hearing Date. In the event an appeal is filed with the City Clerk-Treasurer, a hearing shall be scheduled within two (2) weeks of the date the request for appeal is received.

Notice of Hearing Date. In the event that an appeal is filed, notice shall be mailed to the owner stating the date, time, place and subject of the hearing.

Designated Hearing Officer. The City Clerk-Treasurer or a designated hearing officer shall convene a hearing at which time the dog owner shall have the opportunity to present evidence and testimony to support the appeal of the potentially dangerous or dangerous dog designation. The hearing officer may receive evidence and testimony from the animal control officer or law enforcement official and other parties who wish to be heard.

Written Recommendation. Upon receiving the evidence and testimony, the hearing officer shall make a written recommendation to the City Council which may confirm, or rescind the potentially
dangerous or dangerous dog designation.

Requirements of Owner Pending Appeal. During the pending appeal, an owner of a declared potentially dangerous or dangerous dog shall comply with the following requirements: a) Proper Enclosure. An owner of a declared potentially dangerous or dangerous dog, pending appeal, shall keep the dog in a proper enclosure that has been inspected and approved by the City: b) Leash & Muzzle. An owner of a declared potentially dangerous or dangerous dog, pending appeal, shall keep the dog, when not confined in a proper enclosure, muzzled or restrained by a substantial leash not longer than four (4) feet and under the physical restraint of a responsible person.

(J) Confiscation. Seizure. The animal control officer or law enforcement official shall immediately seize any potentially dangerous and dangerous dog if, after 14 days after the owner has notice of the designation, and the owner has not filed an appeal of the designation, and (a) the dog is not validly registered under this section; (b) the dog is not maintained in the proper enclosure; (c) the dog is outside the proper enclosure and not under physical restraint of a responsible person as required under this section; (d) the owner does not secure the proper surety bond or liability insurance as required under this section; or (e) the owner is required to sterilize the dog and fails to do so.

Reclamation. An owner may reclaim a potentially dangerous or dangerous dog seized under this section, by paying impounding and boarding fees and presenting proof to the City that the requirements of this section have been met. The City may dispose of a dog not reclaimed within 7 days and the owner is liable to the City for the costs incurred in confining and disposing of the dog.

(K) Destruction of Dog in Certain Circumstances. A dog that has previously been declared a potentially dangerous or dangerous dog that inflicts substantial or great bodily harm on a human being on public or private property without provocation may be destroyed in a proper and humane manner by the animal control officer. The animal control officer may not destroy the dog until the dog owner has had an opportunity for a hearing on an appeal under the provision of this Ordinance. Upon determination following appeal that destruction is appropriate, the owner of the dangerous dog shall pay the costs incurred in confiscation, boarding, and destruction.

(L) Fees. The City may charge the owner an annual fee in addition to any regular dog license, to obtain a certificate of registration for a potentially dangerous or dangerous dog under this section. Fees may also be charged for signs and tags that are designated as the official symbol of a potentially dangerous or dangerous dog. Annual fees for registration, signs and tags, may be set by resolution of the City Council and amended by Council Resolution from time to time.

(M) Notice of Dog’s Removal. An owner of a potentially dangerous or dangerous dog must notify the animal control officer, in writing, of the death of the dog or its transfer to a new owner or jurisdiction within 30 days of the death or transfer. The owner shall provide the animal control officer, the name, address, and telephone number of the new owner, or address where the dog will reside in the new jurisdiction. An animal that has been removed from the City pursuant to this provision may not re-enter the City. If a dangerous dog is removed from the City, it must be registered as a dangerous dog in its new jurisdiction.

(N) Notice to Property Owner. A person who owns a potentially dangerous or dangerous dog and who rents property from another where the dog will reside, must disclose to the property owner prior to
entering the lease agreement, and at the time of any lease renewal, that the person owns a potentially
dangerous or dangerous dog that will reside on the property.

(O) Notice on Transfer. A person who transfers ownership of a dangerous dog must notify the new
owner that the animal control authority has identified the animal as dangerous. The current owner must
also notify the animal control authority in writing of the transfer of ownership and provide the animal
control authority with the new owner’s name, address, and telephone number.

§ 90.16 DOMESTICATED ANIMALS IN CITY PARKS.

In order to maintain the comfort, safety and cleanliness of our city parks and beach areas it shall be
unlawful for any person to bring, keep, or allow any domesticated animal whether leashed or unleashed
into city parks where signs prohibit such activity.

In a designated park where signs allow domesticated animals, the city will provide a waste station so
that owners or keepers of domesticated animals may clean up after them.

§ 90.99 PENALTY.

The first violation of any provisions of this chapter shall be a petty misdemeanor punishable by a
fine of $50. A second violation within six months of the first violation shall be a petty misdemeanor
punishable by a fine of $100. A third violation within six months of the second violation shall be a
misdemeanor punishable by a fine of up to $1,000.

Amended on December 11, 2018

_____________________________________
Gene Kelm, Mayor

_____________________________________
Attest – Valerie Martin, Clerk/Treasurer
CITY OF BATTLE LAKE, MINNESOTA – SUMMARY PUBLICATION

TITLE: CODE OF ORDINANCES

On February 13, 2018, the Battle Lake City Council approved amendments to Chapter 90-Animals of the Code of Ordinances for the City of Battle Lake:

A complete copy of the Code of Ordinances of the City of Battle Lake is available for public inspection at the City Clerk’s Office.

Valerie Martin
Clerk-Treasurer