

CHAPTER 347

DOGS

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347.01 OWNER'S LIABILITY.

Owners or keepers of any dog or dogs, that kill, wound, or worry any domestic animal or animals, shall be jointly and severally liable to the owner of such animal or animals for all damages done by such dog or dogs, without proving notice to or knowledge by any such owner or keeper of such dog or dogs, that any or either of them was mischievous or disposed to kill or worry any domestic animal.

History: *RL s 2786; 1915 c 344 s 1 (7284)*

347.02 KEEPING AFTER NOTICE; PENALTY:

Every person who shall keep or harbor a dog which has bitten any domestic animal, after having notice of such fact, shall pay a fine of \$5 for every day he keeps, harbors, or permits such dog to remain on his premises thereafter.

History: *RL s 2787 (7285)*

347.03 DOGS MAY BE KILLED.

Any owner or caretaker may kill any dog found chasing, injuring, or worrying his sheep or other livestock or poultry owned by or in care of such owner or caretaker, on lands or premises owned or controlled by him, and any owner or caretaker of sheep may kill any dog found on his premises where sheep are kept, not under the restraint or control of his owner or other person.

History: *RL s 2788; 1927 c 217 s 1 (7286)*

347.04 PUBLIC NUISANCE.

Any dog that habitually worries, chases, or molests teams or persons traveling peaceably on the public road, is a public nuisance. Upon complaint, in writing, made to a justice of the peace, containing a description of such dog, and giving his name and that of his owner, if known, and, if not, so stating, and that such dog is a public nuisance, the justice shall issue a summons, if such owner is known, commanding him to appear before the justice at his office at a time therein stated, not less than six, nor more than ten, days from the date thereof, to answer such complaint. The summons shall be served not less than six days before the day of hearing thereon, in the same manner as other justice court summonses.

History: *RL s 2789 (7287)*

347.05 OWNER NOT KNOWN.

If it appears from the complaint that the owner is not known, ten days' posted notice, containing a description of the dog as given in the complaint, and stating that such complaint has been made, and the time and place of hearing thereon, shall be given in the town where such justice resides.

History: *RL s 2790 (7288)*

347.06 HEARING; JUDGMENT; EXECUTION.

On the day of hearing the justice shall hear the evidence in the case, and, if he shall find therefrom that such dog is a public nuisance, he shall enter judgment accordingly, and thereupon shall order the constable to kill and bury the dog, which order the constable shall forthwith execute.

History: *RL s 2791 (7289)*

347.07 COSTS.

Costs in the first instance shall be paid by the complainant, but if the dog is adjudged a nuisance, and the owner is known, judgment shall be entered against him therefor.

History: *RL s 2792 (7290)*

347.08 COUNTY BOARD MAY LICENSE.

Subdivision 1. The board of county commissioners of any county is hereby authorized to establish a system of licensing and regulating the running at large of dogs, except in cities of the first class, and create a livestock indemnity fund to be handled and disbursed as hereinafter provided.

Before regulating and licensing, there must be filed with the county auditor a petition signed by at least 25 percent of the persons actually engaged in raising livestock, including poultry, in the county, as shown by the assessors' records, requesting the board to establish such system. When the petition has been filed the board of county commissioners shall establish such system; or the board of county commissioners may, by a majority vote, on their own motion and without petition, establish such system. The board of county commissioners shall exclude from the operation of sections 347.08 to 347.21, statutory cities, second, third, and fourth class cities if such city has in operation a satisfactory law regulating dogs running at large.

Subd. 2. At any time after such system has been in effect for a period of two years from the date of its establishment, it may be revoked by a majority vote of the board of county commissioners, but provided that before such revocation the board shall hold a public hearing and give at least ten days' notice of such hearing by publication in at least one newspaper published or circulating in the county.

History: *1939 c 410 s 1; 1943 c 294 s 1; 1973 c 123 art 5 s 7 (7297-41)*

347.09 LICENSES.

In every county in which sections 347.08 to 347.21 shall become operative every dog more than six months of age must have a license. The owner of any dog (the word "owner," when used in sections 347.08 to 347.21, in relation to property in, or possession of, dogs shall include every person who owns, harbors, or keeps a dog) shall, on or before February 1 each year, obtain a license for his dog, and shall pay for such license the fee prescribed by the county commissioners, which shall not be less than 50 cents nor more than \$1 for a male dog and not less than \$1 nor more than \$2 for a female dog; such payments to be made to the

town, or city clerk or deputy. The application for such license shall be in such written form as prescribed by the county auditor, and shall state the name, sex, breed, age, color and marking of the dog for which the license is sought.

The license year shall correspond to the calendar year. The sale or transfer of any licensed dog shall carry with it and transfer the license.

History: 1939 c 410 s 2; 1943 c 294 s 2; 1973 c 123 art 5 s 7 (7297-42)

347.10 OWNERS OF DOGS AND KENNELS LISTED BY ASSESSORS; LICENSES.

Every assessor shall annually ascertain by diligent inquiry the dogs owned, harbored, or kept within his assessment district. Every person shall answer frankly and fully all questions which shall be put to him by such assessor relative to the ownership or keeping of dogs within the assessor's district. The assessor shall prepare and file with the town or statutory city clerk a list containing the names and addresses of all owners of dogs in his district, and the number and sex of dogs owned, harbored or kept. He shall make a list of the names of persons owning and operating kennels and the number of dogs kept in each. The term "kennel" shall mean any establishment where dogs are kept for the purpose of breeding, sale or sporting purposes. Any person who keeps or operates a kennel may, in lieu of the license for each dog required by sections 347.08 to 347.21, apply to the town or city treasurer for a kennel license for the keeping or operating of such kennel. For such a kennel license he shall pay a fee of \$10 for the license year. With the kennel license the clerk shall issue a number of metal tags equal to the number of dogs kept in the kennel. The tags shall be made in a form so that they may be readily distinguishable from the individual license tags for the same year. The licensee of a kennel shall at all times keep one of such tags attached to the collar of each dog over six months old kept by him under a kennel license. The tags may be transferred from one dog to another within the kennel whenever any dog is removed from the kennel. The list shall be filed with the town or city clerk at the time the assessor delivers to the clerk his assessment roll. The clerk may appoint a deputy or deputies to issue such licenses. The clerk shall receive ten cents for each license issued, to be paid by the town out of the revenue fund.

A license shall be issued by the clerk or his deputy upon application being made therefor and upon payments made as herein provided. The license shall be in the form prescribed by the county auditor and shall be executed by the proper town, or city clerk or his deputy. The license shall state the year for which it was issued, shall bear a serial number, the owner's name and address, and the name, sex, breed, and color of the dog licensed. When information is furnished that any dog on the assessor's list is dead, the clerk shall so indicate on the list.

History: 1939 c 410 s 3; 1973 c 123 art 5 s 7 (7297-43)

347.11 DOG COLLARS TO BE TAGGED.

Subdivision 1. **Metal tags and license blanks.** The clerk or his deputy issuing a license shall at the same time deliver to the licensee a metal tag, which shall bear the same serial number as the license. The tag shall also bear the name of the county in which issued and the license year. The county auditor shall contract for and have prepared and furnished, annually, a sufficient number of such metal tags, and a sufficient supply of suitable blank licenses to be bound in books of proper size and perforated so that a duplicate of each license may be kept upon the stub thereof. The cost of making, printing, and furnishing the tags and blank license receipts shall be paid out of the dog license fund.

Subd. 2. **Distribution.** The several county auditors shall distribute these tags and license blanks to the several town and city treasurers in proper amounts,

together with blank license receipts. The licensee shall securely attach the tag to a collar and this collar, with the tag attached, shall at all times be kept on the dog for which the license is issued. A new tag, with a new number, shall be furnished to the licensee by the town or city clerk, or his deputy, in place of the original tag, upon presentation of the license and proof of the loss of the original tag. The town clerk, or his deputy, shall then endorse the new tag number on the license and shall enter it upon the register. The clerk shall receive for his services in issuing the new tag the sum of ten cents, to be paid by the person obtaining the new tag.

Subd. 3. Duplicates to be kept; accounting. Every town or city clerk, or his deputy, shall, at the time of issuing a license and before delivering it, make a complete duplicate thereof upon the stub portion of the license blank. The clerk shall, annually, during the month of January, return to his county auditor all unused tags of the preceding year, together with license books therefor and all duplicate licenses of the preceding year, and the county auditor shall carefully check the returned tags, duplicate licenses, and license blanks to ascertain whether all tags and license blanks which were furnished by the county auditor have been accounted for; and to enable the county auditor to do that, he shall charge each town or city clerk with all tags and blank licenses furnished or delivered to him and credit him with those returned. In case of discrepancy, the county auditor shall notify the county attorney, who shall investigate and take steps to enforce the law.

History: 1939 c 410 s 4; 1973 c 123 art 5 s 7 (7297-44)

347.12 FEES PAID TO COUNTY TREASURER MONTHLY.

Every town, or city clerk, or his deputy, shall at the end of each month pay all license fees received by him and his deputy and not before paid, to the county treasurer and, at the same time, report, in writing, to the county auditor the licenses issued during the month and for which the license fees so deposited with the county treasurer were paid. The report shall be in the form prescribed and furnished by the several county auditors.

History: 1939 c 410 s 5; 1973 c 123 art 5 s 7 (7297-45)

347.13 FEES, DOG LICENSE FUND; DISPOSAL, ACCOUNTING.

The license fees so paid to the county treasurer shall be kept in a separate account, which shall be known as the dog license fund and shall be appropriated and disbursed for the purposes and in the manner herein set forth.

Expenses necessarily incurred by the county in purchasing and providing books, forms, and other supplies required in the administering of the dog license law shall be paid out of the dog license fund. The amount remaining thereafter in the fund shall be available for and may be used as necessary for paying claims allowed by the county to the owners of domestic animals on account of damages done by dogs during the license year for which the fees were paid. Any surplus in excess of \$1,000 which may remain from the license fees of any license year shall, on March 1 of the succeeding year, belong and be credited to and paid by the county treasurer to the towns and cities of the county for their use in the proportion in which the towns and cities shall have contributed and paid to the fund out of which the surplus arises. It shall be used as the governing body of the town or city shall determine. When any county operating under the provisions of sections 347.08 to 347.21 shall discontinue its dog licenses and livestock indemnity fund, any money remaining shall be distributed among the various towns in proportion to license money paid in.

History: 1939 c 410 s 6; 1973 c 123 art 5 s 7 (7297-46)

347.14 UNLICENSED DOGS.

Subdivision 1. **Seizure; impoundment; presumption.** Any person may seize, impound, or restrain any unlicensed dog which he may find running at large. The fact that a dog is without a license attached to a collar shall be presumptive evidence that the dog is unlicensed. The sheriff and his deputies, any marshal or constable or other police officer shall seize, impound or restrain any dog for which no license has been issued and for which one is required. Any officer who shall seize, restrain, impound, or kill any dog found in any place without a license, as required under sections 347.09 to 347.20, upon delivery of such dog or carcass and the proper disposal of the carcass and after making a report to the town or city treasurer of the town or city in which the dog was seized or killed, showing that the dog did not have a license, shall receive therefor a payment of \$2, the same to be made from any funds in the town or city treasury not otherwise appropriated.

The county auditor shall reimburse the town for any expense incurred under section 347.10 and shall charge such expense to the dog license fund.

Subd. 2. **Prohibitions; limitations; regulations.** It shall be unlawful for any person to harbor or permit to remain about his premises any dog for which no license exists and for which one is required. Any person who shall have seized or impounded a dog with or without license under this section shall deliver such dog to the humane officer of the town or city, if such officer exists; or, if there be no such officer, to the constable, statutory city marshal, or the town or city police officer. The officer to whom the dog is delivered shall, without delay, notify the owner, personally or through the United States mail, if such owner be known to the officer or can be ascertained with reasonable effort, but if the owner be unknown or cannot be ascertained, then the officer shall post written notice in three public places in his town, giving a description of the dog, stating where it is impounded and the conditions for its release. If, after five days, the owner does not claim the dog the officer shall dispose of the dog in a proper and humane manner.

Subd. 3. **Penalties.** Any person who shall violate any of the provisions of sections 347.08 to 347.21 shall be liable to a penalty of not less than \$5 nor more than \$50 for such violation.

History: 1939 c 410 s 7; 1943 c 294 s 3; 1973 c 123 art 5 s 7 (7297-47)

347.15 PERSONS DAMAGED, CLAIMS FILED.

Subdivision 1. **Presentation and investigation.** The owner of any domestic animals, including poultry and game birds, attacked, chased, worried, injured, or killed by a dog or dogs may, within ten days after the owner shall have knowledge or notice thereof, file a written claim for damages with the clerk of the town or city in which the damage occurred. The form of such claim may be prescribed by the county auditor. Upon presentation of such claim the supervisors of the town, the board of trustees of the statutory city, or the council of the city, or a committee appointed for that purpose by the supervisors, the board of trustees or the council, shall promptly investigate the claim and may subpoena witnesses, administer oaths, and take testimony relative thereto and shall, within 30 days after the filing of the claim, make, certify, and return to the county auditor the claim, a report of the investigation, the testimony taken, and the amount of damages, if any, suffered by the owner of the animals.

Subd. 2. **Form; proof; allowances; appeal.** The form of the report and certification shall be prescribed by the county auditor and shall be subscribed by the supervisors, board, or committee making the same. The county auditor shall lay before the county board, at its first meeting following the receipt of the claim, all claims so filed and reported and the same shall be acted upon and determined

by the county board as other claims are determined and acted upon, and the county board shall equalize the values and claims between and within the various towns of the county. The amount of damages filed and reported to the county auditor shall be prima facie proof of the actual damages sustained, but evidence may be taken before the county board relative to the claims as in other cases, and appeals from the action of the county board shall lie as in other cases. On appeal from the action of the county board, the trial shall be by the court without a jury.

Subd. 3. Payment. Such claims shall be solely against the dog license fund and shall create no other liability on the part of the county.

Subd. 4. Limitation of amount. The amount allowed by the county board upon any such claim shall in no case exceed \$100 for each horse, mule, or bovine; \$15 for each sheep or goat; \$30 for each swine; or \$3 for each fowl. When the claimant shall furnish conclusive evidence as to the ownership of the dog or dogs doing the damage the claimant shall be paid the full amount of the claim submitted.

Subd. 5. Distribution. Distribution of the dog license fund among claimants for loss of animals by dogs within the license year shall be made at the close of the license year.

History: 1939 c 410 s 8; 1973 c 123 art 5 s 7 (7297-48)

347.16 CLAIMS, HEARINGS, NOTICE.

No claim shall be allowed by the county board at less than the amount so certified and reported, unless the claimant shall first be notified that such action is contemplated and shall have been given a reasonable opportunity to be heard and to offer further evidence in support of his claim.

History: 1939 c 410 s 10 (7297-50)

347.17 ANY PERSON MAY KILL DOGS IN CERTAIN CASES.

Any person may kill any dog that he knows is affected with the disease known as hydrophobia, or that may suddenly attack him while he is peacefully walking or riding and while being out of the enclosure of its owner or keeper, and may kill any dog found killing, wounding, or worrying any horses, cattle, sheep, lambs, or other domestic animals.

History: 1939 c 410 s 9 (7297-49)

347.18 TAGS; RESTRICTIONS, PROHIBITIONS.

No person, except the owner or his authorized agent, shall remove any license tag from a dog collar or remove any collar with a license attached thereto from any dog. No person shall keep or harbor a dog wearing a fictitious, altered, or invalid license tag, or a license tag not issued in connection with the licensing or keeping of the dog wearing the same. No license or license tag issued for one dog shall be transferable to another dog.

History: 1939 c 410 s 11 (7297-51)

347.19 FAILURE TO OBTAIN LICENSE.

Every town or city clerk shall notify the county attorney of his county of every refusal or failure of an owner to obtain a license for keeping his dog, and it shall be the duty of the county attorney to institute proceedings against such owner and against every owner within his county who has violated any of the provisions of sections 347.08 to 347.21.

History: 1939 c 410 s 11; 1973 c 123 art 5 s 7 (7297-51)

347.20 EXEMPTIONS.

Dogs brought into this state temporarily for a period not to exceed 30 days shall be exempt from the provisions of sections 347.08 to 347.21.

History: 1939 c 410 s 12 (7297-52)

347.21 INTERPRETATION.

Sections 347.08 to 347.21 are supplemental to all other laws relating to dogs not expressly referred to therein, and to all laws relating to taxation of dogs as personal property, and shall not be construed as to modify, repeal, or in anywise affect any part or provision of any such laws not expressly repealed therein or to prevent municipalities from prohibiting, licensing, or regulating the running at large of dogs within their respective limits by law or ordinance now or hereafter provided.

History: 1939 c 410 s 16 (7297-56)

347.22 DAMAGES, OWNER LIABLE.

If a dog, without provocation, attacks or injures any person who is peaceably conducting himself in any place where he may lawfully be, the owner of the dog is liable in damages to the person so attacked or injured to the full amount of the injury sustained. The term "owner" includes any person harboring or keeping a dog but the owner shall be primarily liable. The term "dog" includes both male and female of the canine species.

History: 1951 c 315 s 1; 1980 c 347 s 1

347.23 [Renumbered 343.40]**347.31 REGULATION OF DOG KENNELS; DEFINITIONS.**

Subdivision 1. **Terms.** For the purpose of sections 347.31 to 347.40 the terms defined in this section shall have the meanings given to them.

Subd. 2. **Dog kennel.** "Dog kennel" means any place, building, tract of land, abode, or vehicle wherein or whereupon dogs are kept, congregated or confined, such dogs having been obtained from municipalities, dog pounds, dog auctions, or by advertising for unwanted dogs, or dogs strayed, abandoned, or stolen. "Dog kennel" does not mean a dog pound owned and operated by any political subdivision of the state.

Subd. 3. **Premises.** The word "premises" means any building, structure, shelter, or land wherein or whereon dogs are kept or confined.

History: 1967 c 695 s 1; 1969 c 363 s 1

347.32 LICENSE FOR DOG KENNEL.

No person, firm, or corporation shall establish, maintain, conduct, or operate a dog kennel within this state without first obtaining a license therefor from the board of animal health. The license shall be issued for a term of one year.

History: 1967 c 695 s 2; 1980 c 467 s 37

347.33 LICENSING PROCEDURES; INSPECTIONS; ADMINISTRATION.

Subdivision 1. **Application.** The application for a license to operate and maintain a dog kennel shall be made to the board of animal health, in the manner prescribed by rules of the board.

Subd. 2. **Contents.** The application for a license shall be in writing and on a form as the board may by rule provide, and shall set forth:

(1) The full name and address of the applicant or applicants, or names and addresses of the partners if the applicant is a partnership, or the names and addresses of the officers if the applicant is a corporation, and the address of the corporation.

(2) The legal description or, in its place, the address and specific location of the site, lot, field, or tract of land upon which it is proposed to operate and maintain a dog kennel.

Subd. 3. **Fees; issuance of license.** The annual license fee is \$10 for each kennel licensed. All license fees collected by the board shall be deposited in the state treasury and credited to the general fund.

When application is made to the board, complete in the manner set forth by rule to be issued by the board, and upon payment of the license fee, the license shall be issued by the board if, after inspection of the premises, the board determines that the dog kennel complies with sections 347.31 to 347.40 and the rules promulgated pursuant to it.

History: 1967 c 695 s 3; 1975 c 204 s 84; 1980 c 467 s 38

347.34 LICENSES REQUIRED.

It shall be unlawful for any person, firm, or corporation to establish, maintain, conduct, carry on, or operate a dog kennel without first having received a license to maintain, conduct, carry on, and operate a dog kennel, duly signed and executed in the name of the state of Minnesota and signed by the board of animal health. The license shall be conspicuously displayed upon the licensed premises.

All licenses issued under sections 347.31 to 347.40 shall be personal to the licensee and be nontransferable.

History: 1967 c 695 s 4; 1980 c 467 s 39

347.35 BOARD OF ANIMAL HEALTH AUTHORIZED TO PROMULGATE RULES.

The board of animal health shall promulgate rules as it deems necessary for the operation of dog kennels and the enforcement of sections 347.31 to 347.40 which shall be in addition to rules established herein. Rules may include, but are not limited to, requirements governing the care of dogs, minimum conditions, and maintenance of quarters and dog kennels, the humane treatment of dogs while in the dog kennels, maintenance of records showing the person from whom any dog aged over three months has been received and to whom it has been transferred, and preservation of the records for a minimum period of two years.

History: 1967 c 695 s 5; 1980 c 467 s 40

347.36 ADVERTISING.

All advertising by any person, firm, or corporation licensed hereunder shall include the number of the current license issued to such licensee.

History: 1967 c 695 s 6

347.37 INSPECTION; ENFORCEMENT.

The board of animal health shall cause to be inspected from time to time all dog kennels licensed hereunder and all records required by sections 347.31 to 347.40 to be kept by the licensees.

Any duly authorized agent of the board, any sheriff, or his deputy, or police officer, or state humane agent appointed pursuant to section 343.01, is granted the power and the authority to enter upon the premises of any dog kennel at any time during the daylight hours for the purposes herein set forth, and for the purposes of

inspecting the compliance with the provisions of sections 347.31 to 347.40 and the rules issued pursuant thereto, and for the purposes of enforcing sections 347.31 to 347.40.

History: 1967 c 695 s 7; 1980 c 467 s 41

347.38. REVOCATION OF LICENSE.

The board of animal health may as hereinafter set forth revoke or suspend the license of any person, firm, or corporation, for violation of the rules issued pursuant to sections 347.31 to 347.40.

Upon written complaint made to the board by any person, firm, or corporation alleging any violation of this law or any rules pursuant thereto by any licensee, the board may cause an investigation to be made upon matters related in said complaint.

Thereupon the board shall in its discretion either dismiss the complaint or require the kennel against whom the complaint is made to correct the conditions or violations complained of within ten days after receipt of written notice of the same. If upon termination of the ten day period the licensee has failed to correct or to remedy the violation or violations of sections 347.31 to 347.40 or any rules pursuant thereto, the board shall, upon a minimum of 30 days' notice to the licensee, conduct a hearing for the purpose of determining whether the license to operate a kennel should be revoked or temporarily suspended for a period not to exceed six months. If after notice and hearing the board finds that any provision of sections 347.31 to 347.40 has been violated by the licensee or any rule issued by the board has been violated by the licensee, the board may revoke and suspend the license. The suspension shall not exceed a period of six months. The licensee whose license is revoked or suspended may within 20 days after the board's decision appeal to the district court. The district court shall upon 20 days' notice to the board hear the appeal within 45 days after the filing of the appeal. On the hearing of the appeal the court shall review the decision of the board in a manner as though reviewed by certiorari, except that new or additional evidence may be taken, if in the opinion of the court additional evidence is necessary or proper to the disposition of the case.

History: 1967 c 695 s 8; 1980 c 467 s 42

347.39. PENALTIES.

Violation of any provision of sections 347.31 to 347.40 or of any rule of the board of animal health issued pursuant to sections 347.31 to 347.40, or the operation of a kennel without a license, or the operation of a kennel after revocation of a license or during a period of suspension, shall constitute a misdemeanor.

History: 1967 c 695 s 9; 1980 c 467 s 43

347.40. EXCEPTIONS.

Sections 347.31 to 347.40 shall in no way apply to any veterinarian licensed to practice in the state of Minnesota who keeps, congregates, or confines dogs in the normal pursuit of the practice of veterinary medicine.

The provisions of sections 347.31 to 347.40 shall not apply to any institution licensed to obtain animals under the provisions of section 35.71, and to any person licensed under P.L. 89-544, the federal laboratory animal welfare act.

History: 1967 c 695 s 11; 1969 c 363 s 2