

CHAPTER 347

DOGS AND CATS

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DOGS

347.01 OWNER'S LIABILITY; PENALTY.

(a) 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.

(b) The owner of any dog that kills or pursues domestic livestock is guilty of a petty misdemeanor.

History: (7284) RL s 2786; 1915 c 344 s 1; 1985 c 269 s 2

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 the person keeps, harbors, or permits such dog to remain on the person's premises thereafter.

History: (7285) RL s 2787; 1986 c 444

347.03 DOGS MAY BE KILLED.

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

History: (7286) RL s 2788; 1927 c 217 s 1; 1986 c 444

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 to a county or municipal judge containing a description of the dog, including the name of the dog and its owner, or stating that the name or names are not known, and alleging that the dog is a public nuisance,

the judge shall issue a summons, if the owner is known, commanding the owner to appear before the judge at a specified time, not less than six nor more than ten days from the date of the summons, to answer the complaint. The summons shall be served not less than six days before the day of the hearing in the same manner as other county or municipal court summonses.

History: (7287) *RL s 2789; 1983 c 359 s 37; 1986 c 444*

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 a complaint has been made, and the time and place of hearing on it, shall be given in the town where the judge presides.

History: (7288) *RL s 2790; 1983 c 359 s 38*

347.06 HEARING; JUDGMENT; EXECUTION.

The judge shall hear the evidence in the case. Upon finding that the dog is a public nuisance, the judge shall enter judgment accordingly, and shall order the constable to kill and dispose of the dog.

History: (7289) *RL s 2791; 1983 c 359 s 39; 1986 c 444*

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 the owner therefor.

History: (7290) *RL s 2792; 1986 c 444*

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

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 the 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: (7297-42) 1939 c 410 s 2; 1943 c 294 s 2; 1973 c 123 art 5 s 7; 1986 c 444

347.10 OWNERS OF DOGS AND KENNELS; LICENSES.

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 the person 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 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 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 the clerk's 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 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.

History: (7297-43) 1939 c 410 s 3; 1973 c 123 art 5 s 7; 1986 c 444; 1993 c 375 art 3 s 41

347.11 DOG COLLARS TO BE TAGGED.

Subdivision 1. Metal tags and license blanks. The clerk or the clerk's 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 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 deputy shall then endorse the new tag number on the license and shall enter it upon the register. The clerk shall receive for services rendered 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 clerk's 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 the 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, the county auditor shall charge each town or city clerk with all tags and blank licenses furnished or delivered to the clerk and

credit the clerk 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: (7297-44) 1939 c 410 s 4; 1973 c 123 art 5 s 7; 1986 c 444

347.12 FEES PAID TO COUNTY TREASURER MONTHLY.

Every town, or city clerk, or clerk's deputy, shall at the end of each month pay all license fees received 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: (7297-45) 1939 c 410 s 5; 1973 c 123 art 5 s 7; 1986 c 444

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

347.14 UNLICENSED DOGS.

Subdivision 1. Seizure; impoundment; presumption. Any person may seize, impound, or restrain any unlicensed dog which the person 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 sheriff's 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 the person's 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 the officer's town, giving a description of the dog, stating where it is impounded and the condi-

tions 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: (7297-47) 1939 c 410 s 7; 1943 c 294 s 3; 1973 c 123 art 5 s 7; 1986 c 444

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

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 the claim.

History: (7297-50) 1939 c 410 s 10; 1986 c 444

347.17 ANY PERSON MAY KILL DOGS IN CERTAIN CASES.

Any person may kill any dog that the person knows is affected with the disease known as hydrophobia, or that may suddenly attack while the person 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: (7297-49) 1939 c 410 s 9; 1986 c 444

347.18 TAGS; RESTRICTIONS, PROHIBITIONS.

No person, except the owner or the owner's 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: (7297-51) 1939 c 410 s 11; 1986 c 444

347.19 FAILURE TO OBTAIN LICENSE.

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

History: (7297-51) 1939 c 410 s 11; 1973 c 123 art 5 s 7; 1986 c 444

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: (7297-52) 1939 c 410 s 12

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: (7297-56) 1939 c 410 s 16

347.22 DAMAGES, OWNER LIABLE.

If a dog, without provocation, attacks or injures any person who is acting peaceably in any place where the person 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; 1986 c 444

347.23 [Renumbered 343.40]**KENNELS AND DEALERS****347.31 DEFINITIONS.**

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

Subd. 2. **kennel.** "Kennel" means 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.

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

Subd. 4. **Dealer.** "Dealer" means a public or private agency, person, society, or corporation that is licensed or is required to be licensed as a "Class B dealer" under United States

Code, title 7, sections 2131 to 2155, as amended through December 31, 1986, who sells or transfers dogs or cats to institutions or to other dealers who sell or transfer to institutions.

Subd. 5. Institution. "Institution" means a school or college of agriculture, veterinary medicine, medicine, pharmacy, dentistry, or other educational or scientific organization properly concerned with the investigation of living organisms, instruction concerning the structure or functions of living organisms, or the cause, prevention, control, or cure of diseases or abnormal conditions of human beings or animals.

History: 1967 c 695 s 1; 1969 c 363 s 1; 1987 c 380 art 3 s 2; 1988 c 537 s 1

347.32 LICENSE FOR KENNEL OR DEALER.

No person, firm, or corporation shall establish, maintain, conduct, or operate a kennel or operate as a dealer 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; 1987 c 380 art 3 s 3

347.33 LICENSING PROCEDURES; INSPECTIONS; ADMINISTRATION.

Subdivision 1. Application. The application for a license to operate and maintain a kennel or operate as a dealer 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 kennel.

Subd. 3. Fees; issuance of license. The annual license fee is \$15 for each kennel and \$100 for each dealer 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 kennel or dealer complies with sections 347.31 to 347.40 and the rules promulgated pursuant to those sections.

History: 1967 c 695 s 3; 1975 c 204 s 84; 1980 c 467 s 38; 1987 c 380 art 3 s 4

347.34 LICENSES REQUIRED.

It shall be unlawful for any person, firm, or corporation to establish, maintain, conduct, carry on, or operate a kennel or operate as a dealer without first having received a license to maintain, conduct, carry on, and operate a kennel, or operate as a dealer, 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; 1987 c 380 art 3 s 5

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 kennels and dealers and the enforcement of sections 347.31 to 347.40 which shall be in addition to rules established herein. The rules adopted by the board must provide for the cost recovery for the activities of the board with respect to licensing, inspection, and enforcement of civil penalties and must provide for cooperation with the United States Department of Agriculture animal plant health inspection service program and for reference of complaints to local enforcement authorities. Rules must include, but are not limited to, require-

ments governing the care of dogs and cats, minimum conditions, and maintenance of quarters and kennels, the humane treatment of dogs and cats while in the kennels, maintenance of detailed records showing the person from whom any dog or cat aged over three months has been received, and in the case of a dealer, including address, driver's license number or social security number, and to whom it has been transferred, and preservation of the records for a minimum period of two years. The dealer is responsible for making a reasonable attempt to ensure the accuracy of the data collected.

A payment from a dealer to a person from whom the dealer buys dogs or cats must be by check, payable only to that person. The check must contain the dealer's name and address.

History: 1967 c 695 s 5; 1980 c 467 s 40; 1987 c 380 art 3 s 6

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 PUBLIC ACCESS; NOTICE; INSPECTION; ENFORCEMENT.

The board of animal health shall cause to be inspected from time to time all kennels and dealers 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 sheriff's deputy, or police officer, or humane agent appointed pursuant to section 343.01 is granted the power and the authority to enter upon the premises of any kennel or dealer 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 346.55, 347.31 to 347.40 and the rules issued pursuant thereto, and for the purposes of enforcing sections 346.55, or 347.31 to 347.40; except that humane agents shall not enter upon the premises of a licensed veterinarian acting as a kennel.

Each dealer shall post a conspicuous notice in a format no less than 24 by 36 inches and easily readable by the general public, that states: (1) that the person is a licensed dealer in dogs and cats; (2) that dogs and cats left with the dealer may be used for research purposes; and (3) the hours the dealer is open to the public. The notice must be placed in at least two locations on the premises, one of which must be on or near the exterior mail delivery point and one of which must be at the regularly used point of exchange of dogs and cats. A person may view dogs and cats in the custody of a dealer during the time the premises is open to the public. Dealers are required to be open to the public on a regular basis at least four hours between 7:00 a.m. and 10:00 p.m. on at least four of the seven days of each week including at least one Saturday or Sunday. Any advertisement placed by a dealer seeking dogs or cats must inform the public that dogs and cats brought to the dealer may be used for research purposes.

History: 1967 c 695 s 7; 1980 c 467 s 41; 1986 c 444; 1987 c 380 art 3 s 7; 1987 c 394 s 11; 1988 c 537 s 2

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 sections 346.55 and 347.31 to 347.40 or 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 sections 347.31 to 347.40 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 or dealer 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 346.55 or 347.31 to 347.40 or any rules pursuant thereto, or if the board considers it appropriate under the circumstances 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 or as a dealer should be revoked or temporarily suspended. If after notice and hearing the board finds that any provision of sections 346.55 or 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 possession or transfer of a dog or cat by a dealer to an institution, without the permission of the owner, failure of a dealer or kennel to keep accurate data as required in section 347.35, or failure of a dealer or kennel to permit access to its premises as required in section 347.37, is grounds for license revocation. 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; 1987 c 380 art 3 s 8

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 operation of a kennel or as a dealer without a license, or operation of a kennel or as a dealer 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; 1987 c 380 art 3 s 9

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 or cats in the normal pursuit of the practice of veterinary medicine.

History: 1967 c 695 s 11; 1969 c 363 s 2; 1987 c 380 art 3 s 10

REGULATION OF DANGEROUS DOGS

347.50 DEFINITIONS.

Subdivision 1. **Terms.** For the purpose of sections 347.50 to 347.54, the terms defined in this section have the meanings given them.

Subd. 2. **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.

Subd. 3. **Potentially dangerous dog.** "Potentially dangerous dog" means any dog that:

- (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.

Subd. 4. **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.

Subd. 5. Owner. "Owner" means any person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having care, custody, or control of a dog.

Subd. 6. Substantial bodily harm. "Substantial bodily harm" has the meaning given it under section 609.02, subdivision 7a.

Subd. 7. Animal control authority. "Animal control authority" means an agency of the state, county, municipality, or other governmental subdivision of the state which is responsible for animal control operations in its jurisdiction.

History: 1988 c 711 s 1; 1989 c 37 s 3-5; 1994 c 550 s 1

347.51 DANGEROUS DOGS; REGISTRATION.

Subdivision 1. Requirement. No person may own a dangerous dog in this state unless the dog is registered as provided in this section.

Subd. 2. Registration. A county shall issue a certificate of registration to the owner of a dangerous dog if the owner presents sufficient evidence that:

(1) a proper enclosure exists for the dangerous dog and 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; and

(2) a surety bond issued by a surety company authorized to conduct business in this state in a form acceptable to the county in the sum of at least \$50,000, 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 the amount of at least \$50,000, insuring the owner for any personal injuries inflicted by the dangerous dog.

Subd. 2a. Warning symbol. If a county issues a certificate of registration to the owner of a dangerous dog pursuant to subdivision 2, the county must provide, for posting on the owner's property, a copy of a warning symbol to inform children that there is a dangerous dog on the property. The design of the warning symbol must be uniform and specified by the commissioner of public safety, after consultation with animal control professionals. The design specification process is exempt from rulemaking under chapter 14 and is exempt from section 14.38. The commissioner shall provide the number of copies of the warning symbol requested by each county and shall charge the county the actual cost of the warning symbols received. The county may charge the registrant a reasonable fee to cover its administrative costs and the cost of the warning symbol.

Subd. 3. Fee. The county may charge the owner an annual fee, in addition to any regular dog licensing fees, to obtain a certificate of registration for a dangerous dog under this section.

Subd. 4. Law enforcement; exemption. The provisions of this section do not apply to dangerous dogs used by law enforcement officials for police work.

Subd. 5. Exemption. Dogs may not be declared dangerous if 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 owner of the dog;

(2) 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

(3) who was committing or attempting to commit a crime.

Subd. 6. Counties without licensing systems. If an owner of a dangerous dog resides in a county that does not license dogs under sections 347.08 to 347.21, the owner shall obtain a certificate as required under this section from the county auditor or other person designated by the county board in the county where the owner resides.

Subd. 7. Tag. A dangerous dog registered under this section 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. The commissioner of public safety,

after consultation with animal control professionals, shall provide by rule for the design of the tag.

Subd. 8. Local ordinances. A statutory or home rule charter city, or a county, may not adopt an ordinance regulating dangerous or potentially dangerous dogs based solely on the specific breed of the dog. Ordinances inconsistent with this subdivision are void.

Subd. 9. Contracted services. A county may contract with another political subdivision or other person to provide the services required under sections 347.50 to 347.54.

History: 1988 c 711 s 2; 1989 c 37 s 6-10; 1991 c 195 s 1; 1994 c 550 s 2

347.52 DANGEROUS DOGS; REQUIREMENTS.

An owner of a dangerous dog shall keep the dangerous dog, while on the owner's property, in a proper enclosure. If the dog is outside the proper enclosure, the dog must be muzzled and restrained by a substantial chain or leash and under the physical restraint 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.

History: 1988 c 711 s 3

347.53 POTENTIALLY DANGEROUS DOGS.

Any statutory or home rule charter city, or any county, may regulate potentially dangerous dogs. Except as provided in section 347.51, subdivision 8, nothing in sections 347.50 to 347.54 limits any restrictions the local jurisdictions may place on owners of potentially dangerous dogs.

History: 1988 c 711 s 4; 1989 c 37 s 11

347.54 CONFISCATION.

Subdivision 1. Seizure. (a) The animal control authority having jurisdiction shall immediately seize any dangerous dog if:

(1) after 14 days after the owner has notice that the dog is dangerous, the dog is not validly registered under section 347.51;

(2) after 14 days after the owner has notice that the dog is dangerous, the owner does not secure the proper liability insurance or surety coverage as required under section 347.51, subdivision 2;

(3) the dog is not maintained in the proper enclosure; or

(4) the dog is outside the proper enclosure and not under physical restraint of a responsible person as required under section 347.52.

(b) If an owner of a dog is convicted of a crime for which the dog was originally seized, the court may order that the dog be confiscated and destroyed in a proper and humane manner, and that the owner pay the costs incurred in confiscating, confining, and destroying the dog.

Subd. 2. Reclaimed. A dangerous dog seized under subdivision 1 may be reclaimed by the owner of the dog upon payment of impounding and boarding fees, and presenting proof to the appropriate animal control authority that the requirements of sections 347.51 and 347.52 will be met. A dog not reclaimed under this subdivision within seven days may be disposed of as provided under section 35.71, subdivision 3, and the owner is liable to the animal control authority for costs incurred in confining and disposing of the dog.

Subd. 3. Subsequent offenses; seizure. If a person has been convicted of a misdemeanor or for violating a provision of section 347.51 or 347.52, and the person is charged with a subsequent violation relating to the same dog, the dog must be seized by the animal control authority having jurisdiction. If the owner is convicted of the crime for which the dog was seized, the court shall order that the dog be destroyed in a proper and humane manner and the owner pay the cost of confining and destroying the animal. If the person is not convicted of the crime for which the dog was seized, the owner may reclaim the dog upon payment to the animal control authority of a fee for the care and boarding of the dog. If the dog is not re-

claimed by the owner within seven days after the owner has been notified that the dog may be reclaimed, the dog may be disposed of as provided under section 35.71, subdivision 3, and the owner is liable to the animal control authority for the costs incurred in confining, impounding, and disposing of the dog.

History: *1988 c 711 s 5; 1989 c 37 s 12*

347.55 PENALTY.

Any person who violates any provision of section 347.51 or 347.52 is guilty of a misdemeanor.

History: *1988 c 711 s 7*