

MINNESOTA ANIMAL WELFARE STATUTE GUIDE



ANIMAL HUMANE SOCIETY

845 Meadow Lane North
Golden Valley, MN 55422

Minnesota Animal Welfare Statute Guide

The Minnesota Animal Welfare Statute Guide is produced by AHS and is intended to provide law enforcement with a **quick reference guide** to the most commonly used animal welfare statutes. A complete listing of animal welfare statutes can be found at the Minnesota Office of the Revisor of Statutes at revisor.mn.gov.

Law Enforcement Assistance

AHS is the leading animal welfare organization in the Upper Midwest – caring for more than 22,000 animals annually. **AHS is the only animal welfare organization in the state of Minnesota that employs full-time professional humane agents to assist local law enforcement in response to criminal animal cruelty complaints.** Service is provided to all 87 counties.

Most of the cases reported to AHS agents involve a lack of food, water, shelter, or improper animal care. Larger, more complex cases can result in AHS assisting law enforcement with on-site investigations, animal seizures, and prosecuting offenders.

Animal Humane Society's humane agents collaborate with law agencies to enforce Minnesota's animal welfare statutes and **assistance is provided at no cost.** When called upon, our humane agents, veterinary, and animal care staff can provide law enforcement with the following resources and services:

- Technical consultation by AHS humane agents during investigations involving animal cruelty
- Equipment and trained staff to assist with animal seizure
- Capture and transportation for large numbers of animals taken into custody
- Housing for domestic and companion animals at one of our four locations – Golden Valley, Coon Rapids, St. Paul, or Woodbury
- Medical examinations of involved animals
- Assistance with exotic animals, large animals, and livestock. AHS has access to a large network of farmers, ranchers, and agricultural resources throughout the state.
- Veterinary staff qualified to perform forensic examinations necessary for criminal proceedings

For assistance, law enforcement officers may contact the humane agent for their county directly. Officers may also call the AHS investigations hotline, email, or submit a form online.

Hotline: 612-772-9999

investigations@animalhumanesociety.org
animalhumanesociety.org/investigations

TABLE OF CONTENTS

CHAPTER 343. PREVENTION OF CRUELTY TO ANIMALS

HUMANE SOCIETIES

Statute 343.01 – 343.09, PURPOSES; POWERS; COUNTY ORGANIZATION.....	7
Statute 343.10, COUNTY AND DISTRICT SOCIETIES	7
Statute 343.11, ACQUISITION OF PROPERTY; APPROPRIATIONS.....	7
Statute 343.12, DUTIES OF PEACE OFFICERS.....	7

CRUELTY TO ANIMALS

Statute 343.20, DEFINITIONS	7
Statute 343.21, OVERWORKING OR MISTREATING ANIMALS; PENALTY	7
Statute 343.22, INVESTIGATION OF CRUELTY COMPLAINTS.....	10
Statute 343.23, EXPENSES OF INVESTIGATION.....	11
Statute 343.235, DISPOSITION OF SEIZED ANIMALS.....	11
Statute 343.24, CRUELTY IN TRANSPORTATION.....	13
Statute 343.25, DOCKING HORSES; PENALTY	13
Statute 343.27, POISONING ANIMALS	13
Statute 343.28, ANIMAL WITH INFECTIOUS DISEASE.....	13
Statute 343.29, EXPOSURE OF ANIMALS; DUTY OF OFFICERS	13
Statute 343.30, INJURY TO BIRDS.....	14
Statute 343.31, ANIMAL FIGHTS AND POSSESSION OF FIGHTING ANIMALS.....	14
Statute 343.315, LIVE LURE GREYHOUND TRAINING OR RACING.....	17
Statute 343.32, ARTIFICIALLY COLORED ANIMALS; SALE	17
Statute 343.33, USE AS ADVERTISING DEVICES.....	17
Statute 343.34, CARE OF ANIMALS USED AS ADVERTISING DEVICES.....	17
Statute 343.35, VIOLATIONS.....	17
Statute 343.36, GREASED PIG CONTESTS AND TURKEY SCRAMBLES	18
Statute 343.37, DECOMPRESSION CHAMBERS PROHIBITED	18
Statute 343.40, DOG HOUSES.....	18

CHAPTER 344. PARTITION FENCES

CHAPTER 345. UNCLAIMED PROPERTY

CHAPTER 346. ANIMALS

ESTRAYS (STRAY ANIMALS)

Statute 346.01, WHO MAY TAKE UP	19
Statute 346.02, FINDER TO GIVE NOTICE; PENALTY	19
Statute 346.03, APPRAISEMENT	19
Statute 346.04, CHARGES FOR KEEPING	19
Statute 346.05, SALE OF ESTRAY	20
Statute 346.06, MONEY, HOW DISPOSED OF	20
Statute 346.07, REMOVAL OF ESTRAY; NEGLIGENCE TO GIVE NOTICE	20

ANIMALS DOING DAMAGE

Statute 346.08, DISTRAINT OF ANIMALS DOING DAMAGE	20
Statute 346.09, ANIMALS DOING DAMAGE	21
Statute 346.10, APPRAISEMENT; PROCEDURE	21
Statute 346.11, TENDER BY OWNER; EFFECT	21
Statute 346.12, IMPOUNDMENTS	22
Statute 346.13, POUNDMASTER; CUSTODY; SALE; TIME; NOTICE	22
Statute 346.14, SALE OF ANIMAL NOT IMPOUNDED	22
Statute 346.15, REDEMPTION	23

POSSESSING REGULATED ANIMALS

Statute 346.155, POSSESSING REGULATED ANIMALS	23
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ANIMALS AT LARGE

Statute 346.16, RUNNING AT LARGE; DEFINED; PROHIBITED; TREBLE DAMAGES	29
Statute 346.17, PROCEEDS OF SALE	30
Statute 346.18, TAKING DISTRAINED BEASTS A MISDEMEANOR	30

PET AND COMPANION ANIMAL WELFARE ACT

Statute 346.35, CITATION	30
Statute 346.36, DEFINITIONS	30
Statute 346.37, GENERAL PROVISIONS	31
Statute 346.38, EQUINES	32
Statute 346.39, DOGS AND CATS	33
Statute 346.40, PET BIRDS	34
Statute 346.41, RODENTS	35
Statute 346.42, OTHER ANIMALS	37
Statute 346.43, FARM ANIMALS EXCLUDED	37
Statute 346.44, PENALTIES	37

SEIZED ANIMALS

Statute 346.47, SEIZED ANIMALS..... 37

DOGS; CATS; ANIMAL SHELTERS; RESEARCH ANIMALS

Statute 346.50, DOGS; IDENTIFICATION..... 38
Statute 346.51, BITES..... 39
Statute 346.52, LOCAL PROGRAMS..... 39
Statute 346.53, PENALTIES..... 39
Statute 346.54, NOTIFICATION OF OWNERS..... 39
Statute 346.55, CIVIL LIABILITY..... 39
Statute 346.56, UNAUTHORIZED RELEASE OF ANIMALS..... 39
Statute 346.57, DOGS AND CATS IN MOTOR VEHICLES..... 40
Statute 346.58, DOGS AND CATS; BEST MANAGEMENT STANDARDS FOR CARE BY DEALERS, COMMERCIAL BREEDERS, AND BROKERS..... 40

CHAPTER 347. DOGS AND CATS

DOGS

Statute 347.01, OWNER'S LIABILITY; PENALTY..... 40
Statute 347.02, KEEPING AFTER NOTICE; PENALTY..... 40
Statute 347.03, DOGS MAY BE KILLED..... 41
Statute 347.04, PUBLIC NUISANCE..... 41
Statute 347.05, OWNER NOT KNOWN..... 41
Statute 347.06, HEARING; JUDGMENT; EXECUTION..... 41
Statute 347.07, COSTS..... 41
Statute 347.08, COUNTY BOARD MAY LICENSE..... 42
Statute 347.09, LICENSES..... 42
Statute 347.10, OWNERS OF DOGS AND KENNELS; LICENSES..... 43
Statute 347.11, DOG COLLARS TO BE TAGGED..... 43
Statute 347.12, FEES PAID TO COUNTY TREASURER MONTHLY..... 43
Statute 347.13, FEES, DOG LICENSE FUND; DISBURSAL; ACCOUNTING..... 43
Statute 347.14, UNLICENSED DOGS..... 43
Statute 347.15, PERSONS DAMAGED, CLAIMS FILED..... 43
Statute 347.16, CLAIMS, HEARINGS, NOTICE..... 44
Statute 347.17, KILLING DOGS IN CERTAIN CASES..... 44
Statute 347.18, TAGS; RESTRICTIONS, PROHIBITIONS..... 44
Statute 347.19, FAILURE TO OBTAIN LICENSE..... 44
Statute 347.20, EXEMPTIONS..... 44
Statute 347.21, INTERPRETATION..... 44

Statute 347.22, DAMAGES, OWNER LIABLE..... 45

KENNELS AND DEALERS

Statute 347.31, DEFINITIONS 45
Statute 347.32, LICENSE FOR KENNEL OR DEALER 45
Statute 347.33, LICENSING PROCEDURES; INSPECTIONS; ADMINISTRATION..... 45
Statute 347.34, LICENSES REQUIRED 45
Statute 347.35, BOARD OF ANIMAL HEALTH RULES 45
Statute 347.36, ADVERTISING..... 45
Statute 347.37, PUBLIC ACCESS; NOTICE; INSPECTION; ENFORCEMENT..... 45
Statute 347.38, REVOCATION OF LICENSE 45
Statute 347.39, PENALTIES..... 45
Statute 347.40, EXCEPTIONS..... 46

REGULATION OF DANGEROUS DOGS

Statute 347.50, DEFINITIONS 46
Statute 347.51, DANGEROUS DOGS; REGISTRATION 46
Statute 347.515, MICROCHIP IDENTIFICATION 46
Statute 347.52, DANGEROUS DOGS; REQUIREMENTS 46
Statute 347.53, POTENTIALLY DANGEROUS AND DANGEROUS DOGS 46
Statute 347.54, CONFISCATION 46
Statute 347.541, DISPOSITION OF SEIZED ANIMALS..... 46
Statute 347.542, RESTRICTIONS 46
Statute 347.55, PENALTY..... 46
Statute 347.56, DESTRUCTION OF DOG IN CERTAIN CIRCUMSTANCES..... 46
Statute 347.565, APPLICABILITY..... 46

COMMERCIAL BREEDERS, LICENSING AND ENFORCEMENT

Statute 347.57, DEFINITIONS 47
Statute 347.58, LICENSING AND INSPECTIONS 47
Statute 347.59, STANDARDS OF CARE..... 47
Statute 347.60, INVESTIGATIONS..... 47
Statute 347.61, CIVIL ENFORCEMENT 47
Statute 347.615, BIOSECURITY; ENTRY INTO FACILITIES..... 47
Statute 347.62, PENALTIES..... 47
Statute 347.63, DOG AND CAT BREEDERS LICENSING ACCOUNT; APPROPRIATION.....47
Statute 347.64, APPLICABILITY 47
Statute 347.65, RECOGNITION; COMMERCIAL BREEDER EXCELLENCE 47

MINNESOTA ANIMAL WELFARE STATUTES GUIDE

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CHAPTER 343. PREVENTION OF CRUELTY TO ANIMALS

HUMANE SOCIETIES

Statute 343.01 – 343.09

PURPOSES; POWERS; COUNTY ORGANIZATION

Statute 343.10

COUNTY AND DISTRICT SOCIETIES

Statute 343.11

ACQUISITION OF PROPERTY; APPROPRIATIONS

Statute 343.12

DUTIES OF PEACE OFFICERS

Upon application of any agent appointed by the federation or a county or district society, it shall be the duty of, any sheriff or the agent's deputy or any police officer to investigate any alleged violation of the law relative to cruelty to animals, and to arrest any person found violating those laws. It shall also be the duty of those officers to take possession of any animals in their respective jurisdictions which have been cruelly treated, and deliver the same to the proper officers of the county or district for custody and care.

CRUELTY TO ANIMALS

Statute 343.20

DEFINITIONS

Statute 343.21

OVERWORKING OR MISTREATING ANIMALS; PENALTY

Subdivision 1 – Torture. No person shall overdrive, overload, torture, cruelly beat, neglect, or unjustifiably injure, maim, mutilate, or kill any animal, or cruelly work any animal when it is unfit for labor, whether it belongs to that person or to another person.

*Subdivision 2 – **Nourishment; shelter.*** No person shall deprive any animal over which the person has charge or control of necessary food, water, or shelter.

*Subdivision 3 – **Enclosure.*** No person shall keep any cow or other animal in any enclosure without providing wholesome exercise and change of air.

*Subdivision 4 – **Low feed.*** No person shall feed any cow on food which produces impure or unwholesome milk.

*Subdivision 5 – **Abandonment.*** No person shall abandon any animal.

*Subdivision 6 – **Temporary abandonment.*** No person shall allow any maimed, sick, infirm, or disabled animal to lie in any street, road, or other public place for more than three hours after receiving notice of the animal's condition.

*Subdivision 7 – **Cruelty.*** No person shall willfully instigate or in any way further any act of cruelty to any animal or animals, or any act tending to produce cruelty to animals.

*Subdivision 8 – **Caging.*** No person shall cage any animal for public display purposes unless the display cage is constructed of solid material on three sides to protect the caged animal from the elements and unless the horizontal dimension of each side of the cage is at least four times the length of the caged animal. The provisions of this subdivision do not apply to the Minnesota State Agricultural Society, the Minnesota State Fair, or to the county agricultural societies, county fairs, to any agricultural display of caged animals by any political subdivision of the state of Minnesota, or to district, regional or national educational livestock or poultry exhibitions. The provisions of this subdivision do not apply to captive wildlife, the exhibition of which is regulated by section 97A.041.

*Subdivision 8a – **Harming a service animal.*** No person shall intentionally and without justification do either of the following to a service animal while it is providing service or while it is in the custody of the person it serves: (1) cause bodily harm to the animal; or (2) otherwise render the animal unable to perform its duties.

*Subdivision 9 – **Penalty.***

- (a) Except as otherwise provided in this subdivision, a person who fails to comply with any provision of this section is guilty of a misdemeanor. A person convicted of a second or subsequent violation of subdivision 1 or 7 within five years of a previous violation of subdivision 1 or 7 is guilty of a gross misdemeanor.
- (b) A person who intentionally violates subdivision 1 or 7 where the violation results in substantial bodily harm to a pet or companion animal may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

- (c) A person convicted of violating paragraph (b) within five years of a previous gross misdemeanor or felony conviction for violating this section may be sentenced to imprisonment for not more than two years or to payment of a fine of not more than \$5,000, or both.
- (d) A person who intentionally violates subdivision 1 or 7 where the violation results in death or great bodily harm to a pet or companion animal may be sentenced to imprisonment for not more than two years or to payment of a fine of not more than \$5,000, or both.
- (e) A person who violates subdivision 8a where the violation renders the service animal unable to perform its duties is guilty of a gross misdemeanor.
- (f) A person who violates subdivision 8a where the violation results in substantial bodily harm to a service animal may be sentenced to imprisonment for not more than two years or to payment of a fine of not more than \$5,000, or both.
- (g) A person who intentionally violates subdivision 1 or 7 where the violation results in substantial bodily harm to a pet or companion animal, and the act is done to threaten, intimidate, or terrorize another person, may be sentenced to imprisonment for not more than two years or to payment of a fine of not more than \$5,000, or both.
- (h) A person who violates subdivision 8a where the violation results in death or great bodily harm to a service animal may be sentenced to imprisonment for not more than four years or to payment of a fine of not more than \$10,000, or both.
- (i) A person who intentionally violates subdivision 1 or 7 where the violation results in death or great bodily harm to a pet or companion animal, and the act is done to threaten, intimidate, or terrorize another person, may be sentenced to imprisonment for not more than four years or to payment of a fine of not more than \$10,000, or both.

Subdivision 9a – Harm to service animals; mandatory restitution and civil remedies.

- (a) The court shall order a person convicted of violating subdivision 8a to pay restitution for the costs and expenses resulting from the crime. Costs and expenses include, but are not limited to, the service animal user's loss of income, veterinary expenses, transportation costs, and other expenses of temporary replacement assistance services, and service animal replacement or retraining costs incurred by a school, agency, or individual. If the court finds that the convicted person is indigent, the court may reduce the amount of restitution to a reasonable level or order it paid in installments.
- (b) This section does not preclude a person from seeking any available civil remedies for an act that violates subdivision 8a.

Subdivision 10 – Restrictions. If a person is convicted of violating this section, the court shall require that pet or companion animals that have not been seized by a peace officer or agent and are in the custody or control of the person must be turned over to a peace officer or other appropriate officer or agent unless the court determines that the person is able and fit to provide adequately for an animal. If the evidence indicates lack of proper and reasonable care of an animal, the burden is on the person to affirmatively demonstrate by clear and convincing evidence that the person is able and fit to have custody of and provide adequately for an animal. The court may limit the person's further possession or custody of pet or companion animals, and may impose other conditions the court considers appropriate, including, but not limited to:

- (1) imposing a probation period during which the person may not have ownership, custody, or control of a pet or companion animal;
- (2) requiring periodic visits of the person by an animal control officer or agent appointed pursuant to section 343.01, subdivision 1;
- (3) requiring performance by the person of community service; and
- (4) requiring the person to receive psychological, behavioral, or other counseling.

Statute 343.22

INVESTIGATION OF CRUELTY COMPLAINTS

Subdivision 1 – Reporting. Any person who has reason to believe that a violation of this chapter has taken place or is taking place may apply to any court having jurisdiction over actions alleging violation of that section for a warrant and for investigation. The court shall examine under oath the person so applying and any witnesses the applicant produces and the court shall take their affidavits in writing. The affidavits must set forth facts tending to establish the grounds for believing a violation of this chapter has occurred or is occurring, or probable cause to believe that a violation exists. If the court is satisfied of the existence of the grounds of the application, or that there is probable cause to believe a violation exists, it shall issue a signed search warrant and order for investigation to a peace officer in the county. The order shall command the officer to proceed promptly to the location of the alleged violation. The order may command that a doctor of veterinary medicine accompany the officer.

Subdivision 2 – Police investigation. The peace officer shall search the place designated in the warrant and, together with the veterinary doctor, shall conduct an investigation of the facts surrounding the alleged violation. The peace officer may retain in custody, subject to the order of the court, any property or things which are specified in the warrant, including any animal if the warrant so specifies. The warrant shall contain the names of the persons presenting affidavits in support of the application and the grounds

for its issuance. Service shall be made in accordance with the provisions of sections 626.13, 626.14, and 626.16. The warrant must be executed and returned to the court which issued the warrant within ten days after its date; after the expiration of that time the warrant, unless executed, is void. The officer executing the warrant shall promptly return the warrant to the court, and deliver to it a written inventory of the property or things taken, verified by the certificate of the officer. The warrant and order for investigation issued pursuant to this section and section 343.23 shall have the same force as a warrant issued pursuant to chapter 626.

Subdivision 3 – Disposal of animals. Upon a proper determination by a licensed doctor of veterinary medicine, any animal taken into custody pursuant to this section may be immediately disposed of when the animal is suffering and is beyond cure through reasonable care and treatment. All other animals shall be disposed of as provided in section 343.235. The authority taking custody of the animals may recover all costs incurred under this section.

Statute 343.23

EXPENSES OF INVESTIGATION

The expenses of the investigation authorized by section 343.22, including the fee of the doctor of veterinary medicine, the expenses of keeping or disposing of any animal taken into custody pursuant to an investigation, and all other expenses reasonably incident to the investigation shall be paid by the county treasurer from the general fund of the county. If the person alleged to have violated section 343.21 is found guilty of the violation, the county shall have judgment against the guilty person for the amount of the expenses.

Statute 343.235

DISPOSITION OF SEIZED ANIMALS

Subdivision 1 – General rule. An animal taken into custody under section 343.12, 343.22, 343.29, or 343.31 may be humanely disposed of at the discretion of the jurisdiction having custody of the animal ten days after the animal is taken into custody, provided that the procedures in subdivision 3 are followed. An animal raised for food or fiber products may not be seized or disposed of without prior examination by a licensed veterinarian pursuant to a warrant issued by a judge.

Subdivision 2 – Security. A person claiming an interest in an animal in custody under subdivision 1 may prevent disposition of the animal by posting security in an amount sufficient to provide for the animal's actual costs of care and keeping. The security must be posted within ten days of the seizure inclusive of the date of the seizure.

Subdivision 3 – Notice; right to hearing.

- (a) The authority taking custody of an animal under section 343.12, 343.22, 343.29, or 343.31 shall give notice of this section by delivering or mailing it to a person claiming an interest in the animal or by posting a copy of it at the place where the animal is taken into custody or by delivering it to a person residing on the property, and telephoning, if possible. The notice must include:
- (1) a description of the animal seized; the authority and purpose for the seizure; the time, place, and circumstances under which the animal was seized; and the location, address, telephone number, and contact person where the animal is kept;
 - (2) a statement that a person claiming an interest in the animal may post security to prevent disposition of the animal and may request a hearing concerning the seizure or impoundment and that failure to do so within ten days of the date of the notice will result in disposition of the animal; and
 - (3) a statement that all actual costs of the care, keeping, and disposal of the animal are the responsibility of the person claiming an interest in the animal, except to the extent that a court or hearing officer finds that the seizure or impoundment was not substantially justified by law.

The notice must also include a form that can be used by a person claiming an interest in the animal for requesting a hearing under this subdivision.

- (b) Upon request of a person claiming an interest in the animal, which request must be made within ten days of the date of seizure, a hearing must be held within five business days of the request, to determine the validity of the seizure and impoundment. If the seizure was done pursuant to a warrant under section 343.22, the hearing must be conducted by the judge who issued the warrant. If the seizure was done under section 343.12, 343.29, or 343.31, the municipality taking custody of the animal or, in the case of a humane society, the municipality from which the animal was seized, may either (1) authorize a licensed veterinarian with no financial interest in the matter or professional association with either party or (2) use the services of a hearing officer to conduct the hearing. A person claiming an interest in the animal who is aggrieved by a decision of a hearing officer under this subdivision may seek a court order governing the seizure or impoundment within five days of notice of the order.
- (c) The judge or hearing officer may authorize the return of the animal, if the judge or hearing officer finds that:
- (1) the animal is physically fit; and
 - (2) the person claiming an interest in the animal can and will provide the care required by law for the animal.
- (d) The person claiming an interest in the animal is liable for all actual

costs of care, keeping, and disposal of the animal, except to the extent that a court or hearing officer finds that the seizure or impoundment was not substantially justified by law. The costs must be paid in full or a mutually satisfactory arrangement for payment must be made between the municipality and the person claiming an interest in the animal before return of the animal to the person.

Statute 343.24 **CRUELTY IN TRANSPORTATION**

Statute 343.25 **DOCKING HORSES; PENALTY**

Statute 343.27 **POISONING ANIMALS**

Any person who unjustifiably administers any poisonous, or noxious drug or substance to any animal, or procures or permits it to be done, or unjustifiably exposes that drug or substance with intent that the drug be taken by any animal, whether the animal is the property of the person or another, is guilty of a gross misdemeanor.

Statute 343.28 **ANIMAL WITH INFECTIOUS DISEASE**

An owner or person having charge of any animal who knows the animal has any infectious or contagious disease, or knows the animal has recently been exposed to an infectious or contagious disease, who sells or barter the animal, or knowingly permits the animal to run at large or come into contact with any other animal, or with another person without that person's knowledge and permission shall be guilty of a misdemeanor.

Statute 343.29 **EXPOSURE OF ANIMALS; DUTY OF OFFICERS**

Subdivision 1 – Delivery to shelter. Any peace officer, animal control officer, or agent of the federation or county or district societies for the prevention of cruelty, may remove, shelter, and care for any animal which is not properly sheltered from cold, hot, or inclement weather or any animal not properly fed and watered, or provided with suitable food and drink in circumstances that threaten the life of the animal. When necessary, a peace officer, animal control officer, or agent may deliver the animal to another person to be sheltered and cared for, and furnished with suitable food and drink. In all cases, the owner, if known, shall be immediately notified as provided in section 343.235, subdivision 3, and the person having possession of the

animal, shall have a lien thereon for its actual costs of care and keeping and the expenses of the notice. If the owner or custodian is unknown and cannot by reasonable effort be ascertained, or does not, within ten days after notice, redeem the animal by paying the expenses authorized by this subdivision, the animal may be disposed of as provided in section 343.235.

Subdivision 2 – Disposal of animals. Upon a proper determination by a licensed doctor of veterinary medicine, any animal taken into custody pursuant to subdivision 1 may be immediately disposed of when the animal is suffering and is beyond cure through reasonable care and treatment. The expenses of disposal shall be subject to the provisions of section 343.23.

Statute 343.30

INJURY TO BIRDS

A person who in any manner maliciously maims, kills, or destroys any bird designated as unprotected by section 97A.015, subdivision 52, or who maliciously destroys the nests or eggs of any such bird shall be guilty of a petty misdemeanor.

Statute 343.31

ANIMAL FIGHTS AND POSSESSION OF FIGHTING ANIMALS

Subdivision 1 – Penalty for animal fighting; attending animal fight.

- (a) Whoever does any of the following is guilty of a felony:
- (1) promotes, engages in, or is employed in the activity of cockfighting, dogfighting, or violent pitting of one pet or companion animal as defined in section 346.36, subdivision 6, against another of the same or a different kind;
 - (2) receives money for the admission of a person to a place used, or about to be used, for that activity;
 - (3) willfully permits a person to enter or use for that activity premises of which the permitter is the owner, agent, or occupant; or
 - (4) uses, trains, or possesses a dog or other animal for the purpose of participating in, engaging in, or promoting that activity.
- (b) Whoever purchases a ticket of admission or otherwise gains admission to the activity of cockfighting, dogfighting, or violent pitting of one pet or companion animal as defined in section 346.36, subdivision 6, against another of the same or a different kind is guilty of a gross misdemeanor.
- (c) Whoever possesses any device or substance with intent to use or permit the use of the device or substance to enhance an animal's ability to fight is guilty of a gross misdemeanor.

(d) This subdivision shall not apply to the taking of a wild animal by hunting.

Subdivision 2 – Presumption of training a fighting dog. There is a rebuttable presumption that a dog has been trained or is being trained to fight if:

- (1) the dog exhibits fresh wounds, scarring, or other indications that the dog has been or will be used for fighting; and
- (2) the person possesses training apparatus, paraphernalia, or drugs known to be used to prepare dogs to be fought.

This presumption may be rebutted by a preponderance of the evidence.

Subdivision 3 – Presumption of training fighting birds. There is a rebuttable presumption that a bird has been trained or is being trained to fight if:

- (1) the bird exhibits fresh wounds, scarring, or other indications that the bird has been or will be used for fighting; or
- (2) the person possesses training apparatus, paraphernalia, or drugs known to be used to prepare birds to be fought.

This presumption may be rebutted by a preponderance of the evidence.

Subdivision 4 – Peace officer duties. Animals described in subdivisions 2 and 3 are dangerous weapons and constitute an immediate danger to the safety of humans. A peace officer or animal control authority may remove, shelter, and care for an animal found in the circumstances described in subdivision 2 or 3. If necessary, a peace officer or animal control authority may deliver the animal to another person to be sheltered and cared for. In all cases, the peace officer or animal control authority must immediately notify the owner, if known, as provided in subdivision 5. The peace officer, animal control authority, or other person assuming care of the animal shall have a lien on it for the actual cost of care and keeping of the animal. If the owner or custodian is unknown and cannot by reasonable effort be ascertained, or does not, within ten days after notice, redeem the animal by paying the expenses authorized by this subdivision, the animal may be disposed of as provided in subdivision 5.

Subdivision 5 – Disposition.

- (a) An animal taken into custody under subdivision 4 may be humanely disposed of at the discretion of the jurisdiction having custody of the animal ten days after the animal is taken into custody, if the procedures in paragraph (c) are followed.
- (b) The owner of an animal taken into custody under subdivision 4 may prevent disposition of the animal by posting security in an amount sufficient to provide for the actual costs of care and keeping of the animal. The security must be posted within ten days of the seizure inclusive of the date of the seizure. If, however, a hearing is scheduled within ten days of the seizure, the security amount must be posted prior to the hearing.

- (c) (1) The authority taking custody of an animal under subdivision 4 must give notice of this section by delivering or mailing it to the owner of the animal, posting a copy of it at the place where the animal is taken into custody, or delivering it to a person residing on the property and telephoning, if possible. The notice must include:
- (i) a description of the animal seized; the authority and purpose for the seizure; the time, place, and circumstances under which the animal was seized; and the location, address, and telephone number of a contact person who knows where the animal is kept;
 - (ii) a statement that the owner of the animal may post security to prevent disposition of the animal and may request a hearing concerning the seizure and impoundment and that failure to do so within ten days of the date of the notice will result in disposition of the animal; and
 - (iii) a statement that all actual costs of the care, keeping, and disposal of the animal are the responsibility of the owner of the animal, except to the extent that a court or hearing officer finds that the seizure or impoundment was not substantially justified by law. The notice must also include a form that can be used by a person claiming an interest in the animal for requesting a hearing.
- (2) The owner may request a hearing within ten days of the date of the seizure. If requested, a hearing must be held within five business days of the request to determine the validity of the impoundment. The municipality taking custody of the animal or the municipality from which the animal was seized may either (i) authorize a licensed veterinarian with no financial interest in the matter or professional association with either party, or (ii) use the services of a hearing officer to conduct the hearing. An owner may appeal the hearing officer's decision to the district court within five days of the notice of the decision.
- (3) The judge or hearing officer may authorize the return of the animal if the judge or hearing officer finds that (i) the animal is physically fit, (ii) the person claiming an interest in the animal can and will provide the care required by law for the animal, and (iii) the animal has not been used for violent pitting or fighting.
- (4) The person claiming an interest in the animal is liable for all actual costs of care, keeping, and disposal of the animal, except to the extent that a court or hearing officer finds that the seizure or impoundment was not substantially justified by law. The costs must be paid in full or a mutually satisfactory arrangement for payment must be made between the municipality and the person claiming an interest in the animal before the return of the animal to the person.

Subdivision 6 – Photographs.

- (a) Photographs of animals seized during an investigation are competent evidence if the photographs are admissible into evidence under all the rules of law governing the admissibility of photographs into evidence. A satisfactorily identified photographic record is as admissible in evidence as the animal itself.
- (b) A photograph must be accompanied by a written description of the animals seized, the name of the owner of the animals seized, the date of the photograph, and the name, address, organization, and signature of the photographer.

Subdivision 7 – Veterinary investigative report.

- (a) A report completed by a Minnesota licensed veterinarian following an examination of an animal seized during an investigation is competent evidence. A satisfactorily identified veterinary investigative report is as admissible in evidence as the animal itself.
- (b) The veterinary investigative report may contain a written description of the animal seized, the medical evaluation of the physical findings, the prognosis for recovery, and the date of the examination and must contain the name, address, veterinary clinic, and signature of the veterinarian performing the examination.

Statute 343.315

LIVE LURE GREYHOUND TRAINING OR RACING

No person may train a greyhound for racing using a live lure or live bait or conduct a greyhound race using a live lure or live bait.

Statute 343.32

ARTIFICIALLY COLORED ANIMALS; SALE

Statute 343.33

USE AS ADVERTISING DEVICES

Statute 343.34

CARE OF ANIMALS USED AS ADVERTISING DEVICES

Statute 343.35

VIOLATIONS

Statute 343.36

GREASED PIG CONTESTS AND TURKEY SCRAMBLES

Statute 343.37

DECOMPRESSION CHAMBERS PROHIBITED

Statute 343.40

DOG HOUSES

Subdivision 1 – In general. A person in charge or control of any dog which is kept outdoors or in an unheated enclosure shall provide the dog with shelter and bedding as prescribed in this section as a minimum.

Subdivision 2 – Building specifications. The shelter shall include a moistureproof and windproof structure of suitable size to accommodate the dog and allow retention of body heat. It shall be made of durable material with a solid, moistureproof floor or a floor raised at least two inches from the ground. Between November 1 and March 31 the structure must have a windbreak at the entrance. The structure shall be provided with a sufficient quantity of suitable bedding material consisting of hay, straw, cedar shavings, blankets, or the equivalent, to provide insulation and protection against cold and dampness and promote retention of body heat.

Subdivision 3 – Shade. Shade from the direct rays of the sun, during the months of May to October shall be provided.

Subdivision 4 – Farm dogs. In lieu of the requirements of subdivisions 2 and 3, a dog kept on a farm may be provided with access to a barn with a sufficient quantity of loose hay or bedding to protect against cold and dampness.

Subdivision 5 – Zoning. All shelters required by this section shall be subject to all building or zoning regulations of any city, township, county, or state.

Subdivision 6 – Penalty. Whoever violates the provisions of this section is guilty of a petty misdemeanor.

CHAPTER 344. PARTITION FENCES

CHAPTER 345. UNCLAIMED PROPERTY

CHAPTER 346. ANIMALS

ESTRAYS (STRAY ANIMALS)

Statute 346.01

WHO MAY TAKE UP

No person shall take up any estray, except horses or mules, unless such estray shall be found on lands owned or occupied by the person in the town wherein the person resides

Statute 346.02

FINDER TO GIVE NOTICE; PENALTY

A person who finds an estray and knows who owns it shall notify the owner within seven days after finding the estray and request the owner to pay all reasonable charges and take such estray away. A finder who does not know who owns the estray shall within ten days file a notice with the town clerk. The clerk shall transmit a copy thereof to the county recorder, who shall record the same in a book designated "estrays book." The finder shall give posted notice of the finding of the estray in said town. The notice shall briefly describe the estray, giving its marks, natural and artificial, as nearly as practicable, naming the residence of the finder, and specifying the town, section, and time when taken up. For failure to give such notice, the finder shall be liable to the owner of the estray in double the amount of damages sustained by the owner thereby.

Statute 346.03

APPRAISEMENT

Every finder of an estray of the value of \$10 or more at the time of taking up shall, within one month, have it appraised by a county or municipal judge. The certificate of appraisement shall be filed with the town clerk. The finder shall pay 50 cents for the certificate and six cents per mile for each mile necessarily traveled to make the appraisal.

Statute 346.04

CHARGES FOR KEEPING

The person entitled to the possession of any estray, at any time within one year after notice is filed with the town clerk, may have it restored upon proving the right to it and paying all lawful charges that occur in relation to it. If the person and the finder cannot agree as to the amount of the charges, or upon what should be allowed for the use of the estray, either party, on notice to the other, may apply to a district court judge to settle the disagreement. The judge may examine witnesses on oath. If any amount is owed to the finder, over the value of the use of the estray, the money, with costs, shall be a lien upon the estray. The costs of the adjudication shall be allocated by the judge.

Statute 346.05

SALE OF ESTRAY

If no claimant for such estray shall cause its return to the claimant as before provided, and if such estray shall not have been appraised at more than \$10, the finder shall thereupon become the owner thereof; but, if such appraised value exceeds \$10, the estray shall be sold at public auction by any peace officer of the county on the request of the finder. Notice thereof shall be given and the sale conducted and the same fees allowed as in case of sales upon justice's execution. The finder may bid at such sale, and at the time thereof shall deliver to such officer a statement, in writing, of the finder's charges. After deducting such charges, if reasonable, and the costs of sale, the officer shall deposit the remainder of the money, together with the written statement and a statement of the costs of sale, with the county treasurer, taking the treasurer's receipt therefor. If the finder of any such estray shall fail to cause the sale to be made, the finder shall pay to the town the value of the estray, to be recovered in an action by the town.

Statute 346.06

MONEY, HOW DISPOSED OF

If the money so deposited be not claimed by the former owner of the estray within one year after such sale, the same shall be paid by the county treasurer into the public school fund.

Statute 346.07

REMOVAL OF ESTRAY; NEGLECT TO GIVE NOTICE

If any person, without the consent of the finder, shall take away any estray taken up pursuant to this chapter, without first paying all lawful charges incurred in relation to the same, the person shall be liable to the finder for the value of the estray; and, if any person taking up the estray shall neglect to comply with the provisions of this chapter, that person shall be precluded from acquiring any right of property in such estray and from receiving any charges or compensation in relation thereto.

ANIMALS DOING DAMAGE

Statute 346.08

DISTRAINT OF ANIMALS DOING DAMAGE

The owner or occupant of lands may distrain any beast doing damage thereon, either while upon the premises or upon immediate pursuit of such beast escaping therefrom, and before returning to the enclosure or

immediate care of the owner or keeper, and keep such beast upon the distrainer's premises, or in some public ground in the distrainer's town, until the damages shall be appraised, as hereinafter provided.

Statute 346.09

ANIMALS DOING DAMAGE

Subdivision 1 – Notice; appraisers. The person distraining shall give notice to the owner of the beast, if known to the distrainer, within 24 hours if the owner resides in the same town, and within 48 hours if the owner resides in another town in the same county, Sundays excepted. The notice shall specify the time when and the place where distrained, the number of beasts, and the place of their detention, and that at a time and place stated therein, which shall not be less than 12 hours after the service of the notice, nor more than three days after the distress, the distrainer will apply to a designated judge of the county for the appointment of appraisers to appraise the damages. If the owner is unknown or does not reside in the county, the distraining person shall apply for the appointment of appraisers within 24 hours after the distress without notice. After the application, the judge shall appoint three disinterested residents of the town to appraise the damages.

Subdivision 2 – Owners right to appraisal. If the distraining person fails to apply for appointment of appraisers within the time designated in subdivision 1, the owner of the beasts distrained may in the same manner apply for appointment of appraisers.

Statute 346.10

APPRAISEMENT; PROCEDURE

The appraisers, immediately after their appointment, shall be sworn and view the damage done. They may take the evidence of any witnesses of the facts and circumstances necessary to enable them to ascertain the extent of such damage, and the insufficiency of any line fence on the premises where the damage was done, if any dispute shall arise touching the same, and may administer oaths to such witnesses. They shall certify, under their hands, the amount of such damages, and the costs of keeping such beasts to that time, with their fees, not exceeding \$1 per day each; and their determination as to such damages, and the sufficiency of such fence, if in dispute, shall be conclusive.

Statute 346.11

TENDER BY OWNER; EFFECT

At any time before proceedings are begun for such appraisalment, or before action is brought for the recovery of damages, the owner or the owner's agent may tender, to the person aggrieved by the depredation

of such animal, the amount of damages which such owner may believe has been sustained. If the tender be accepted, no further damages shall be recovered in any way; if refused, and the person aggrieved fails to substantiate or recover as damages a sum greater than that tendered, no costs, disbursements, or expenses shall be collected or recovered in the aggrieved person's favor, but the aggrieved person shall pay the costs and disbursements of such owner.

Statute 346.12

IMPOUNDMENTS

Unless the damages so ascertained, together with the fees of the appraisers and justice, shall be paid within 24 hours after appraisal, the person distraining shall cause the beasts to be put into the nearest pound of the same town, if there be one; and, if not, then in some secure enclosure therein, where the same shall remain until sold, as hereinafter directed, or until the damages, fees, and the costs of keeping the beasts after appraisal shall be paid, or until otherwise seized or discharged according to law. From the time of seizure until discharged or sold, such beasts shall be furnished with suitable food, the expense of which, after the appraisal, shall be added thereto as additional costs; and, if the beasts be put in a pound, the certificate of appraisal shall be delivered to the keeper thereof.

Statute 346.13

POUNDMASTER; CUSTODY; SALE; TIME; NOTICE

The poundmaster shall receive and keep in the public pound any beasts so delivered to the poundmaster; and, unless seized or discharged according to law within six days, shall sell the same or as many as shall be necessary to pay such damages, fees, and costs, at public auction, giving three days' posted notice thereof, and posting one such notice on the pound.

Statute 346.14

SALE OF ANIMAL NOT IMPOUNDED

If, by reason of there being no pound within such town, such beasts shall be kept within some other enclosure, and shall not be discharged therefrom in the manner hereinbefore provided within six days after being placed therein, the sheriff of the county shall sell such beasts, or so many as may be necessary to pay such damages, fees, and costs of keeping, upon the same notice as is required in sales of personal property, on execution.

Statute 346.15

REDEMPTION

The purchaser of any animal sold under sections 346.13 and 346.14 shall keep the same at least two months, during which time the owner may redeem such animal by paying all costs and charges of keeping, and the amount paid therefor at the sale, with interest thereon at 12 percent per annum.

POSSESSING REGULATED ANIMALS

Statute 346.155

POSSESSING REGULATED ANIMALS

Subdivision 1 – Definitions.

- (a) The definitions in this subdivision apply to this section.
- (b) "Person" means any natural person, firm, partnership, corporation, or association, however organized.
- (c) "Wildlife sanctuary" means a 501(c)(3) nonprofit organization that:
 - (1) operates a place of refuge where abused, neglected, unwanted, impounded, abandoned, orphaned, or displaced wildlife are provided care for their lifetime;
 - (2) does not conduct any commercial activity with respect to any animal of which the organization is an owner; and
 - (3) does not buy, sell, trade, auction, lease, loan, or breed any animal of which the organization is an owner, except as an integral part of the species survival plan of the American Zoo and Aquarium Association.
- (d) "Possess" means to own, care for, have custody of, or control.
- (e) "Regulated animal" means:
 - (1) all members of the Felidae family including, but not limited to, lions, tigers, cougars, leopards, cheetahs, ocelots, and servals, but not including domestic cats or cats recognized as a domestic breed, registered as a domestic breed, and shown as a domestic breed by a national or international multibreed cat registry association;
 - (2) bears; and
 - (3) all nonhuman primates, including, but not limited to, lemurs, monkeys, chimpanzees, gorillas, orangutans, marmosets, lorises, and tamarins.

Regulated animal includes any hybrid or cross between an animal listed in clause (1), (2), or (3) and a domestic animal and offspring from all subsequent generations of those crosses or hybrids.

- (f) "Local animal control authority" means an agency of the state, county, municipality, or other governmental subdivision of the state that is responsible for animal control operations in its jurisdiction.
- (g) "Bodily harm," "substantial bodily harm," and "great bodily harm" have the meanings given them in section 609.02.

Subdivision 2 – Possession of regulated animals.

- (a) Except as provided in this section, it is unlawful for a person to possess a regulated animal.
- (b) A person who possesses a regulated animal on January 1, 2005, has 90 days to come into compliance with regulations promulgated by the United States Department of Agriculture for regulated animals under the Animal Welfare Act, Public Law 89-544, and its subsequent amendments, and the regulations adopted under that act relating to facilities and operations, animal health and husbandry, and veterinary care for regulated animals.
- (c) Except as provided in paragraph (e), a person must not take possession of a regulated animal after January 1, 2005.
- (d) Except as provided in paragraph (e), a person must not allow regulated animals in their possession to breed after January 1, 2005.
- (e) Except as provided in paragraph (g), a person who possesses a valid United States Department of Agriculture license and is in compliance with the United States Department of Agriculture Animal Welfare Act regulations and standards on January 1, 2005, may breed, purchase, or otherwise acquire new regulated animals after January 1, 2005, in order to:
 - (1) maintain the operating inventory of regulated animals possessed on January 1, 2005;
 - (2) sell regulated animals to other United States Department of Agriculture licensed and compliant facilities within Minnesota for replacement purposes as provided in clause (1);
 - (3) sell regulated animals outside Minnesota; or
 - (4) sell regulated animals to persons eligible under paragraph (f). Offspring under six months of age shall not be counted for the purpose of determining the number of replacement animals that can be possessed under this paragraph.
- (f) Except as provided in paragraph (g), a person who does not hold a United States Department of Agriculture license for regulated animals, possesses a regulated animal on January 1, 2005, and has properly registered the animal may replace the regulated animal if it dies, but may replace it only once.
- (g) If a regulated animal dies of neglect or cruelty, is seized pursuant to

subdivision 5, or if the person is involved in illegal activities, the person cannot acquire a replacement animal.

Subdivision 3 – Registration.

- (a) Within 60 days after January 1, 2005, a person who possesses a regulated animal must notify in writing the local animal control authority using a registration form prepared by the Minnesota Animal Control Association and approved by the Board of Animal Health. The notification shall include the person's name, address, telephone number, and a complete inventory of each regulated animal that the person possesses. The inventory shall include the following information: number and species of each regulated animal; the microchip number and manufacturer for each regulated animal if available; the exact location where each regulated animal is kept; and age, sex, color, weight, scars, and any distinguishing marks of each regulated animal.
- (b) If a person who possesses a regulated animal has a microchip implanted in the animal for identification, the name of the microchip manufacturer and the identification number of the microchip must be provided to the local animal control authority. If a regulated animal is sedated for any reason and the animal does not have a microchip implanted, a microchip must be implanted in the regulated animal. Within 30 days after the microchip is implanted, the name of the microchip manufacturer and the identification number of the microchip must be provided to the local animal control authority. A person selling or transferring ownership of offspring under six months of age as provided in subdivision 2, paragraph (e), is encouraged to have a microchip implanted in the animal prior to the sale or transfer. Within 30 days of acquisition, a person acquiring ownership of an offspring with a microchip implanted shall comply with microchip information reporting requirements under this section.
- (c) If a local animal control authority performs an initial site inspection, a fee of up to \$50 may be charged. An annual fee of \$25 per animal to register regulated animals up to a maximum of \$250 annually per person may be charged. The local animal control authority may charge an additional site inspection fee of \$50 if the person acquires and possesses another type of regulated animal. A certificate of registration must be issued by the local animal control authority to the person upon payment of the fee.

Subdivision 4 – Requirements.

- (a) A person who possesses a regulated animal must maintain health and ownership records on each animal and must maintain the records for the life of the animal. If possession of the regulated animal is transferred to another person, a copy of the health and ownership records must accompany the animal.

- (b) A person who possesses a regulated animal must maintain an ongoing program of veterinary care which includes a veterinary visit to the premises at least annually.
- (c) A person who possesses a regulated animal must notify the local animal control authority in writing within ten days of a change in address or location where the regulated animal is kept. The notification of change in address or location form must be prepared by the Minnesota Animal Control Association and approved by the Board of Animal Health.
- (d) A person with a United States Department of Agriculture license for regulated animals shall forward a copy of the United States Department of Agriculture inspection report to the local animal control authority within 30 days of receipt of the inspection report.
- (e) A person who possesses a regulated animal shall prominently display a sign on the structure where the animal is housed indicating that a dangerous regulated animal is on the premises.
- (f) A person who possesses a regulated animal must notify, as soon as practicable, local law enforcement officials of any escape of a regulated animal. The person who possesses the regulated animal is liable for any costs incurred by any person, city, county, or state agency resulting from the escape of a regulated animal unless the escape is due to a criminal act by another person or a natural event.
- (g) A person who possesses a regulated animal must maintain a written recovery plan in the event of the escape of a regulated animal. The person must maintain live traps, or other equipment necessary to assist in the recovery of the regulated animal.
- (h) A person may not move a regulated animal from its location unless the person notifies the local animal control authority prior to moving the animal. The notification must include the date and the location where the animal is to be moved. This paragraph does not apply to a regulated animal transported to a licensed veterinarian.
- (i) If a person who possesses a regulated animal can no longer care for the animal, the person shall take steps to find long-term placement for the regulated animal.

Subdivision 5 – Seizure.

- (a) The local animal control authority, upon issuance of a notice of inspection, must be granted access at reasonable times to sites where the local animal control authority has reason to believe a violation of this chapter is occurring or has occurred.
- (b) If a person who possesses a regulated animal is not in compliance with the requirements of this section, the local animal control authority shall take possession of the animal for custody and care, provided that the

procedures in this subdivision are followed.

- (c) Upon request of a person possessing a regulated animal, the local animal control authority may allow the animal to remain in the physical custody of the owner for 30 days, during which time the owner shall take all necessary actions to come in compliance with this section. During the 30-day period, the local animal control authority may inspect, at any reasonable time, the premises where the animal is kept.
- (d) If a person who possesses a regulated animal is not in compliance with this section following the 30-day period described in paragraph (c), the local animal control authority shall seize the animal and place it in a holding facility that is appropriate for the species for up to ten days.
- (e) The authority taking custody of an animal under this section shall provide a notice of the seizure by delivering or mailing it to the owner, by posting a copy of it at the place where the animal is taken into custody, or by delivering it to a person residing on the property. The notice must include:
 - (1) a description of the animal seized; the authority for and purpose of the seizure; the time, place, and circumstances under which the animal was seized; and a contact person and telephone number;
 - (2) a statement that a person from whom a regulated animal was seized may post security to prevent disposition of the animal and may request a hearing concerning the seizure and that failure to do so within five business days of the date of the notice will result in disposition of the animal;
 - (3) a statement that actual costs of the care, keeping, and disposal of the regulated animal are the responsibility of the person from whom the animal was seized, except to the extent that a court or hearing officer finds that the seizure or impoundment was not substantially justified by law; and
 - (4) a form that can be used by a person from whom a regulated animal was seized for requesting a hearing under this subdivision.
- (f) If a person from whom the regulated animal was seized makes a request within five business days of the seizure, a hearing must be held within five business days of the request to determine the validity of the seizure and disposition of the animal. The judge or hearing officer may authorize the return of the animal to the person from whom the animal was seized if the judge or hearing officer finds:
 - (1) that the person can and will provide the care required by law for the regulated animal; and
 - (2) the regulated animal is physically fit.

- (g) If a judge or hearing officer orders a permanent disposition of the regulated animal, the local animal control authority may take steps to find long-term placement for the animal with a wildlife sanctuary, persons authorized by the Department of Natural Resources, or an appropriate United States Department of Agriculture licensed facility.
- (h) A person from whom a regulated animal is seized is liable for all actual costs of care, keeping, and disposal of the animal, except to the extent that a court or hearing officer finds that the seizure was not substantially justified by law. The costs must be paid in full or a mutually satisfactory arrangement for payment must be made between the local animal control authority and the person claiming an interest in the animal before return of the animal to the person.
- (i) A person from whom a regulated animal has been seized under this subdivision may prevent disposition of the animal by posting security in the amount sufficient to provide for the actual costs of care and keeping of the animal. The security must be posted within five business days of the seizure, inclusive of the day of the seizure.
- (j) If circumstances exist threatening the life of a person or the life of any animal, local law enforcement or the local animal control authority may seize a regulated animal without an opportunity for hearing or court order, or destroy the animal.

Subdivision 6 – Disposal of animals. Upon proper determination by a Minnesota licensed veterinarian, any regulated animal taken into custody under this section may be immediately disposed of when the regulated animal is suffering and is beyond cure through reasonable care and treatment. The authority taking custody of the regulated animal may recover all costs incurred under this section.

Subdivision 7 – Exemptions. This section does not apply to:

- (1) institutions accredited by the American Zoo and Aquarium Association;
- (2) a wildlife sanctuary;
- (3) fur-bearing animals, as defined in section 97A.015, possessed by a game farm that is licensed under section 97A.105, or bears possessed by a game farm that is licensed under section 97A.105;
- (4) the Department of Natural Resources, or a person authorized by permit issued by the commissioner of natural resources pursuant to section 97A.401, subdivision 3;
- (5) a licensed or accredited research or medical institution; or
- (6) a United States Department of Agriculture licensed exhibitor of regulated animals while transporting or as part of a circus, carnival, rodeo, or fair.

Subdivision 8 – License transfer. Nothing in this section precludes a person who holds a valid United States Department of Agriculture license from selling or transferring the entire business and the regulated animals covered by that license to another person who holds a valid United States Department of Agriculture license.

Subdivision 9 – Report to Board of Animal Health. By July 1 each year, a local animal control authority shall report to the Board of Animal Health on regulated animals registered with the local animal control authority. The report shall include all registration information submitted to the local animal control authority under subdivision 3, paragraph (a), and information on enforcement actions taken under this section.

Subdivision 9a – Confinement and control. A person violates this subdivision who possesses a regulated animal and negligently fails to control the animal or keep it properly confined and as a result the animal causes bodily harm, substantial bodily harm, or great bodily harm to another person.

Subdivision 10 – Penalty.

- (a) A person who knowingly violates subdivision 2, 3, paragraph (b) or (c), or 4 is guilty of a misdemeanor.
- (b) A person who knowingly violates subdivision 3, paragraph (a), is guilty of a gross misdemeanor.
- (c) A person who violates subdivision 9a, resulting in bodily harm is guilty of a misdemeanor and may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than \$1,000, or both.
- (d) A person who violates subdivision 9a, resulting in substantial bodily harm is guilty of a gross misdemeanor and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.
- (e) A person who violates subdivision 9a, resulting in great bodily harm or death is guilty of a felony and may be sentenced to imprisonment for not more than two years or to payment of a fine of not more than \$5,000, or both, unless a greater penalty is provided elsewhere.

ANIMALS AT LARGE

Statute 346.16

RUNNING AT LARGE; DEFINED; PROHIBITED; TREBLE DAMAGES

The herding of any animal of the species of cattle, horse, ass, mule, sheep, swine, or goat upon any land over the protest and against the will of the owner shall be deemed a running at large.

It shall be unlawful for any owner or any person having the control of any such animal to permit the same to run at large in the state.

Any person who shall knowingly permit the running at large of any such domestic animal shall be liable to the person aggrieved for treble damages sustained by the aggrieved person, to be recovered in a civil action brought for that purpose.

Statute 346.17

PROCEEDS OF SALE

Statute 346.18

TAKING DISTRAINED BEASTS A MISDEMEANOR

If any person, without authority of law, and without first paying the damages and costs, takes any distrained beast out of the possession of the person making the distress, or that of the sheriff or poundmaster, as the case may be, without the possessor's consent, the taker shall be guilty of a misdemeanor, and shall also be liable to the person injured in double the amount of the damage done by such beasts.

PET AND COMPANION ANIMAL WELFARE ACT

Statute 346.35

CITATION

Sections 346.35 to 346.44 may be cited as the "Pet and Companion Animal Welfare Act."

Statute 346.36

DEFINITIONS

Subdivision 1 – Scope. **Sections 346.35 to 346.44 shall only apply to veterinarians, animal boarding facilities, and commercial animal facilities. As used in sections 346.35 to 346.44 the terms defined in this section have the meanings given them.**

Subdivision 2 – Abuse. "Abuse" means intentionally causing unnecessary pain, injury, suffering, or harassment to a pet or companion animal.

Subdivision 3 – Cruelty. "Cruelty" means causing or allowing unnecessary pain, suffering, or unjustifiable injury or death to a pet or companion animal.

Subdivision 4 – Expert opinion. "Expert opinion" means the opinion of at least one licensed Minnesota veterinarian selected by an investigating officer.

Subdivision 5 – Neglect. "Neglect" means failure to provide the minimum care required for the health and well-being of a pet or companion animal.

Subdivision 6 – Pet or companion animal. “Pet” or “companion animal” means a nonhuman mammal, bird, or reptile impounded or held for breeding, or possessed by, cared for, or controlled by a person for the present or future enjoyment of that person or another.

Subdivision 7 – Shelter; confinement area. “Shelter” or “confinement area” means an enclosure provided to protect or confine a pet or companion animal when it is not in transit.

Statute 346.37

GENERAL PROVISIONS

Subdivision 1 – Abandoned animals.

- (a) If an animal is left with a veterinarian, boarding facility, or commercial facility pursuant to a written agreement with the owner or person in possession of the animal and the owner or lawful possessor of the animal has not claimed the animal within ten days after notice in accordance with paragraph (b) or (d), the animal is abandoned and the owner has no further rights or claim to the animal.
- (b) The notice required under paragraph (a), must be given by the veterinarian, boarding facility, or commercial facility to the owner or the owner’s agent at the person’s last known address by certified mail, return receipt requested, or may be served upon the owner or owner’s agent in the manner that a summons is served in a civil court action in the district courts. The notice must notify the owner or owner’s agent that the animal may be redeemed by paying all prior expenses incurred within ten days or the animal is abandoned and will be disposed of in accordance with this subdivision.
- (c) If the animal is not claimed within ten days, the veterinarian, boarding facility, or commercial facility becomes the owner of the animal and the animal may be disposed of by the veterinarian, boarding facility, or commercial facility as they consider proper. Upon the veterinarian, boarding facility, or commercial facility becoming the owner of the animal, the veterinarian, boarding facility, or commercial facility is relieved of any liability for disposal of the animal.
- (d) If the notice under paragraph (c) is not given to the owner or owner’s agent, or if the address of the owner or owner’s agent is not known, notice must be given by the veterinarian, boarding facility, or commercial facility by publishing one notice in a legal newspaper circulated in the county where the animal was delivered to the veterinarian, boarding facility, or commercial facility not less than ten days before the animal is to become the property of the veterinarian, boarding facility, or commercial facility under paragraph (c). The published notice must contain the information required in paragraph (b).

(e) Each veterinarian, boarding facility, or commercial facility shall warn its patrons of the provisions of this subdivision by a conspicuously posted notice or by conspicuous type in a written document delivered to the owner or the owner's agent.

Subdivision 2 – Good Samaritans. A person is not liable for rendering humane assistance to an injured pet or companion animal.

Subdivision 3 – Cruel training or handling. A person may not inflict cruelty on a pet or companion animal by the use of a cruel training or handling device or method.

Subdivision 4 – Health care. Adequate health care, including parasite and pest control, must be provided to each pet or companion animal.

Subdivision 5 – Interpretation of terms. A dispute as to the meaning of "abuse," "cruelty," or "neglect" shall be resolved by an expert opinion

Subdivision 6 – Reports of abuse, cruelty, or neglect. A veterinarian must report known or suspected cases of abuse, cruelty, or neglect to peace officers and humane agents as provided in 343.12 and 343.29.

Statute 346.38 EQUINES

Subdivision 1 – Definition. "Equines" are horses, ponies, mules, and burros.

Subdivision 2 – Food. Equines must be provided with food of sufficient quantity and quality to allow for normal growth or the maintenance of body weight. Feed standards shall be those recommended by the National Research Council.

Subdivision 3 – Water. Equines must be provided with clean, potable water in sufficient quantity to satisfy the animal's needs or supplied by free choice. Snow or ice is not an adequate water source.

Subdivision 4 – Shelter. Equines must be provided a minimum of free choice protection or constructed shelter from adverse weather conditions, including direct rays of the sun in extreme heat or cold, wind, or precipitation. Natural or constructed shelters must be of sufficient size to provide the necessary protection. Constructed shelters must be structurally sound, free of injurious matter, maintained in good repair, and ventilated. Outside exercise paddocks for equines do not require separate constructed shelter where a shelter is accessible to the equine on adjacent or other accessible areas of the property provided that equines are not kept in outdoor exercise paddocks during adverse weather conditions.

Subdivision 5 – Space and cleanliness requirements. Constructed shelters except for tie stalls must provide space for the animal to: (1) roll with a minimum danger of being cast; or (2) easily stand, lie down, and turn around. Stalls must be cleaned and kept dry to the extent the animal is not required to lie or stand in fluids. Bedding must be provided in all stalls, kept reasonably clean, and periodically changed. The nature of the bedding must

not pose a health hazard to the animal.

Subdivision 6 – Exercise. Equines must be provided opportunity for periodic exercise, either through free choice or through a forced work program, unless exercise is restricted by a licensed veterinarian.

Subdivision 7 – Hoof care. All equines must have their hooves properly trimmed periodically to prevent lameness

Subdivision 8 – Transportation. A vehicle used to transport an equine must have a floor capable of supporting the animal's weight safely. Floors must be of nonskid construction or of nonskid material sufficient to provide the animal with traction while in transport. A minimum of 12 inches must be allowed between the withers of the largest equine and the structure above the animal while it is in a natural standing position. Sturdy partitions must be provided at a minimum of approximately every ten feet inside the vehicle. Interior compartments of transporting vehicles must be of smooth construction with no protruding or sharp objects and must provide ventilation. Food and water must be provided in sufficient quantities to minimize stress and maintain hydration.

Statute 346.39

DOGS AND CATS

Subdivision 1 – Food. Dogs and cats must be provided with food of sufficient quantity and quality to allow for normal growth or the maintenance of body weight. Feed standards shall be those recommended by the National Research Council.

Subdivision 2 – Water. Dogs and cats must be provided with clean, potable water in sufficient quantity to satisfy the animal's needs or supplied by free choice. Snow or ice is not an adequate water source.

Subdivision 3 – Transportation and shipment. When dogs or cats are transported in crates or containers, the crates or containers must be constructed of nonabrasive wire or a smooth, durable material suitable for the animals. Crates and containers must be clean, adequately ventilated, contain sufficient space to allow the animals to turn around, and provide maximum safety and protection to the animals. Exercise for 20 to 30 minutes and water must be provided at least once every eight hours. Food must be provided at least once every 24 hours or more often, if necessary, to maintain the health and condition of the animals.

Subdivision 4 – Shelter size. A confinement area must provide sufficient space to allow each animal to turn about freely and to easily stand, sit, and lie in a normal position. Each confined animal must be provided a minimum square footage of floor space as measured from the tip of its nose to the base of its tail, plus 25 percent, expressed in square feet. The formula for computing minimum square footage is: (length of animal plus 25 percent) times (length of animal plus 25 percent), divided by 144. A shaded area

must be provided sufficient to protect the animal from the direct rays of the sun at all times during the months of May to October.

Subdivision 5 – Exercise. All dogs and cats must be provided the opportunity for periodic exercise, either through free choice or through a forced work program, unless exercise is restricted by a licensed veterinarian.

Subdivision 6 – Group housing and breeding. Animals housed together must be kept in compatible groups. Animals must not be bred so often as to endanger their health.

Subdivision 7 – Temperature. Confinement areas must be maintained at a temperature suitable for the animal involved.

Subdivision 8 – Ventilation. An indoor confinement area must be ventilated. Drafts, odors, and moisture condensation must be minimized. Auxiliary ventilation, such as exhaust fans, vents, and air conditioning, must be used when the ambient temperature rises to a level that may endanger the health of the animal.

Subdivision 9 – Lighting. An indoor confinement area must have at least eight hours of illumination sufficient to permit routine inspection and cleaning.

Subdivision 10 – Confinement and exercise area surfaces. Where applicable, the interior surfaces of confinement and exercise areas, including crates or containers, must be constructed and maintained so that they are substantially impervious to moisture and may be readily cleaned. They must protect the animal from injury and be kept in good repair.

Subdivision 11 – Drainage. Where applicable, a suitable method must be used to rapidly eliminate excess fluids from confinement areas.

Subdivision 12 – Sanitation. Food and water receptacles must be accessible to each animal and located so as to minimize contamination by excreta. Feeding and water receptacles must be kept clean. Disposable food receptacles must be discarded when soiled. Measures must be taken to protect animals from being contaminated with water, wastes, and harmful chemicals. Wastes must be disposed of properly. Where applicable, flushing methods and a disinfectant must be used periodically. Bedding, if used, must be kept clean and dry. Outdoor enclosures must be kept clean and base material replaced as necessary.

Statute 346.40

PET BIRDS

Subdivision 1 – Food. Birds must be fed at least once each day except as otherwise required to provide adequate health care. The food must be wholesome, palatable, and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the bird, and

must be free from contamination.

Subdivision 2 – Water. Except for birds in shipment for less than four hours, all birds must be provided with clean, potable water in sufficient quantity to satisfy the bird's needs or supplied by free choice. Snow or ice is not an adequate water source.

Subdivision 3 – Transportation. Birds may be transported only in containers constructed of a smooth, durable material. Containers must:

- (a) be suitable for the species being shipped;
- (b) be constructed to prevent escape or chewing of the container by the bird that may be injurious to the health of the bird;
- (c) have ventilation on only one side to prevent cross drafts;
- (d) provide enough space for the bird to stand up, turn around, and obtain necessary food, water, and roosting space;
- (e) have fresh food and water available to the bird at all times if the shipping period exceeds four hours.

Subdivision 4 – Shelter or cage construction. A shelter or cage for a bird must be constructed of materials that are impervious to moisture and can be readily cleaned. Perches or other space must be provided to allow the bird to roost without physical harassment from other birds.

Subdivision 5 – Exercise. Room must be provided for a bird to obtain exercise to maintain itself in good health.

Subdivision 6 – Temperature. A confinement area must be maintained at a temperature suitable for the bird involved.

Subdivision 7 – Ventilation. A bird shelter or cage must provide ventilation with minimized drafts, odors, and moisture condensation.

Subdivision 8 – Lighting. Shelters or cages for birds must have at least eight hours of either natural or artificial light to allow for intake of food and water. Lighting must be of sufficient intensity and distribution to permit routine inspection and cleaning on a regular basis.

Subdivision 9 – Sanitation. Excreta must be removed from the bottom of a bird cage on a regular basis to prevent the contamination of the caged bird. The cage, perches, and food and water receptacles must be cleaned on a regular basis.

Statute 346.41

RODENTS

Subdivision 1 – Food. Food must be made available to every pet rodent at least once a day. This food must be fresh, wholesome, palatable, free from contamination, and of sufficient nutritive value to meet the normal daily requirements necessary to maintain the health and condition of the animal.

*Subdivision 2 – **Water.*** A pet rodent must be provided with clean, potable water in sufficient quantity to satisfy the animal's needs or supplied by free choice. Snow or ice is not an adequate water source.

*Subdivision 3 – **Transportation.*** Rodents may be transported only in containers constructed of a smooth, durable material. Containers must:

- (a) be constructed so as to prevent escape or injury by chewing;
- (b) provide fresh air to each contained animal and yet prevent exposure to injurious drafts;
- (c) provide enough space for each animal to stand up, turn around, and obtain necessary food and water;
- (d) have fresh food and water available to each animal during all shipping periods exceeding six hours. Food and water requirements may be met by providing vegetables or fruits sufficient to meet an animal's food and water needs.

*Subdivision 4 – **Shelter or cage construction.*** Shelters or cages must be constructed in a manner that allows cleaning of the entire surface area. The materials used must be of sufficient strength to prevent escape or injury by chewing and to protect the animal from predators.

A shelter or cage with a solid bottom must be constructed of materials that are impervious to moisture. A shelter or cage with a wire or mesh bottom must be constructed to allow excreta to pass through the spaces in the wire or mesh. The wire or mesh floor must be constructed to prevent injury to the feet and legs of the animals.

Outdoor confinement areas must provide sufficient shade to protect the animal from the direct rays of the sun and shelter the animal from rain or snow.

*Subdivision 5 – **Exercise.*** A shelter or cage must be of sufficient height and have sufficient floor space to allow the caged animals to obtain proper exercise and maintain good health.

*Subdivision 6 – **Temperature.*** A confinement area must be maintained at a temperature suitable for the confined animal.

*Subdivision 7 – **Ventilation.*** A shelter or cage must provide ventilation to the confined animals. It must be constructed to minimize drafts, odors, and moisture condensation. Additional ventilation must be provided when the ambient temperature rises to a level that may endanger the health of the animal.

*Subdivision 8 – **Lighting.*** Lighting of sufficient intensity and distribution must be available to permit routine inspection and regular cleaning.

*Subdivision 9 – **Sanitation.*** A shelter or cage must be cleaned on a regular basis to prevent the accumulation of excreta, hair, contaminated or wet litter, and uneaten or contaminated food. If the shelter or cage has a solid floor, the floor must be covered with clean, dry bedding which must be

changed at least once a week. If the shelter or cage has a wire or mesh floor, the catch pans or troughs under the cage must be cleaned at least once a week. If the cage or shelter becomes soiled or wet to a degree that may be harmful to the caged animals due to water leakage, dead animals, or spoiled foods, the animals must be transferred to clean, dry quarters as soon as possible after discovery of the condition. The shelter or cage, and food and water receptacles, must be regularly cleaned.

Subdivision 10 – Chewing materials. A rodent must be provided with materials that allow necessary chewing to prevent detrimental overgrowth of the animal's teeth.

Statute 346.42

OTHER ANIMALS

Animals not covered in detail in sections 346.38 to 346.41 must be maintained in accordance with a general standard of care necessary for the species as determined by an expert opinion.

Statute 346.43

FARM ANIMALS EXCLUDED

Sections 346.35 to 346.44 do not apply to the care or treatment of an agricultural or farm animal which is used for food or other products or any other agricultural use.

Statute 346.44

PENALTIES

Except where otherwise indicated, a person found guilty of failure to comply with a provision of sections 346.36 to 346.42 is guilty of a misdemeanor.

SEIZED ANIMALS

Statute 346.47

SEIZED ANIMALS

Subdivision 1 – Definitions. As used in this section:

- (1) "establishment" means any public or private agency, person, society, or corporation having custody of animals that are seized under the authority of the state or any political subdivision of the state; and
- (2) "regular business day" means a day during which the establishment having custody of an animal is open to the public not less than four consecutive hours between the hours of 8:00 a.m. and 7:00 p.m.

Subdivision 2 – Impoundment; record keeping. All animals seized by public authority must be held in an establishment for redemption by the owner for at least five regular business days of the establishment or for a longer time specified by municipal ordinance. Establishments must maintain the following records of the animals in custody, and preserve the records for at least six months:

- (1) the description of the animal by species, breed, sex, approximate age, and other distinguishing traits;
- (2) the location at which the animal was seized;
- (3) the date of seizure;
- (4) the name and address of the person from whom any animal three months of age or over was received; and
- (5) the name and address of the person to whom any animal three months of age or over was transferred.

The records must be maintained in a form permitting easy perusal by the public. A person may view the records and animals in custody at any time during which the establishment is open to the public.

Subdivision 3 – Release of animals. A person must not release an animal seized and held under this section for research or product testing, either directly or through an animal dealer. This subdivision does not apply to the temporary transfer of an animal to a college of veterinary medicine or veterinary technology school accredited by the American Veterinary Medicine Association for the purpose of sterilization or needed veterinary care.

DOGS; CATS; ANIMAL SHELTERS; RESEARCH ANIMALS

Statute 346.50

DOGS; IDENTIFICATION

An owner or custodian of a dog who permits the dog to be uncontrolled off the owner's or custodian's premises shall have the dog identified in one of the following ways:

- (1) by a device, tag, or plate attached to the dog by a collar, harness, or device giving the name, address, and telephone number of the current owner;
- (2) by an electronically activated identification device within or attached to the body of the dog through which the owner can be promptly identified;
- (3) by a number legibly tattooed on the thigh, abdomen, or ear of the dog through which the owner can be promptly identified using

information from official dog registries, city or county registries, veterinary hospital registries, or driver's license records;

- (4) by an official license tag of a city or county through which the owner can be promptly identified; or
- (5) by a current rabies vaccination tag or other identification device of a city, a county, or a veterinarian through which the owner can be promptly identified.

Statute 346.51

BITES

An owner or custodian of a dog which does not have an appropriate antirabies vaccination and which bites or otherwise exposes a person to rabies virus may be penalized under section 346.53.

Statute 346.52

LOCAL PROGRAMS

Sections 346.50 to 346.54 do not prohibit or restrict a local governmental unit from imposing an identification or rabies control program with more restrictive provisions or prohibiting dogs from running uncontrolled.

Statute 346.53

PENALTIES

Violation of sections 346.50 and 346.51 is a petty misdemeanor.

Statute 346.54

NOTIFICATION OF OWNERS

Animal shelter personnel who receive animals shall check for identification on each animal, identify the owner by the identification whenever possible, and promptly notify the owner of the location of the animal by the most expedient means.

Statute 346.55

CIVIL LIABILITY

Statute 346.56

UNAUTHORIZED RELEASE OF ANIMALS

Statute 346.57

DOGS AND CATS IN MOTOR VEHICLES

Subdivision 1 – Unattended dogs or cats. A person may not leave a dog or a cat unattended in a standing or parked motor vehicle in a manner that endangers the dog's or cat's health or safety.

Subdivision 2 – Removal of dogs or cats. A peace officer, as defined in section 626.84, a humane agent, a dog warden, or a volunteer or professional member of a fire or rescue department of a political subdivision may use reasonable force to enter a motor vehicle and remove a dog or cat which has been left in the vehicle in violation of subdivision 1. A person removing a dog or a cat under this subdivision shall use reasonable means to contact the owner of the dog or cat to arrange for its return home. If the person is unable to contact the owner, the person may take the dog or cat to an animal shelter.

Subdivision 3 – Petty misdemeanor. A person who violates subdivision 1 is subject to a fine of \$25.

Statute 346.58

DOGS AND CATS; BEST MANAGEMENT STANDARDS FOR CARE BY DEALERS, COMMERCIAL BREEDERS, AND BROKERS

CHAPTER 347. DOGS AND CATS

DOGS

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Statute 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.

Statute 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.

Statute 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.

Statute 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 district court 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 district court summonses.

Statute 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.

Statute 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 appropriate public official to kill and dispose of the dog.

Statute 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.

Statute 347.08

COUNTY BOARD MAY LICENSE

Subdivision 1 – Establishment of licensing system. 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.

Subdivision 2 – Revocation of system. 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.

animal humane society

Statute 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.

Statute 347.10
OWNERS OF DOGS AND KENNELS; LICENSES

Statute 347.11
DOG COLLARS TO BE TAGGED

Statute 347.12
FEEES PAID TO COUNTY TREASURER MONTHLY

Statute 347.13
FEEES, DOG LICENSE FUND; DISBURSAL; ACCOUNTING

Statute 347.14
UNLICENSED DOGS

Statute 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.

Subdivision 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.

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

Subdivision 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.

Subdivision 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.

Statute 347.16

CLAIMS, HEARINGS, NOTICE

Statute 347.17

KILLING 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.

Statute 347.18

TAGS; RESTRICTIONS, PROHIBITIONS

Statute 347.19

FAILURE TO OBTAIN LICENSE

Statute 347.20

EXEMPTIONS

Statute 347.21

INTERPRETATION

Statute 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.

KENNELS AND DEALERS

Statute 347.31

DEFINITIONS

Statute 347.32

LICENSE FOR KENNEL OR DEALER

Statute 347.33

LICENSING PROCEDURES; INSPECTIONS; ADMINISTRATION

Statute 347.34

LICENSES REQUIRED

Statute 347.35

BOARD OF ANIMAL HEALTH RULES

Statute 347.36

ADVERTISING

Statute 347.37

PUBLIC ACCESS; NOTICE; INSPECTION; ENFORCEMENT

Statute 347.38

REVOCAION OF LICENSE

Statute 347.39

PENALTIES



**Statute 347.40
EXCEPTIONS**

REGULATION OF DANGEROUS DOGS

**Statute 347.50
DEFINITIONS**

**Statute 347.51
DANGEROUS DOGS; REGISTRATION**

**Statute 347.515
MICROCHIP IDENTIFICATION**

**Statute 347.52
DANGEROUS DOGS; REQUIREMENTS**

**Statute 347.53
POTENTIALLY DANGEROUS AND DANGEROUS DOGS**

**Statute 347.54
CONFISCATION**

**Statute 347.541
DISPOSITION OF SEIZED ANIMALS**

**Statute 347.542
RESTRICTIONS**

**Statute 347.55
PENALTY**

**Statute 347.56
DESTRUCTION OF DOG IN CERTAIN CIRCUMSTANCES**

**Statute 347.565
APPLICABILITY**



COMMERCIAL BREEDERS, LICENSING AND ENFORCEMENT

**Statute 347.57
DEFINITIONS**

**Statute 347.58
LICENSING AND INSPECTIONS**

**Statute 347.59
STANDARDS OF CARE**

**Statute 347.60
INVESTIGATIONS**

**Statute 347.61
CIVIL ENFORCEMENT**

**Statute 347.615
BIOSECURITY; ENTRY INTO FACILITIES**

**Statute 347.62
PENALTIES**

**Statute 347.63
DOG AND CAT BREEDERS LICENSING ACCOUNT; APPROPRIATION**

**Statute 347.64
APPLICABILITY**

**Statute 347.65
RECOGNITION; COMMERCIAL BREEDER EXCELLENCE**





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ANIMAL HUMANE SOCIETY

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