

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2006-Or-077**

**By Samuels**

**Intro & 1st Reading: 6/16/2006**

**Ref to: PS&RS**

**2nd Reading: 7/21/2006**

**Amending Title 4, Chapter 64 of the Minneapolis Code of Ordinances relating to Dogs, Cats, Ferrets, and Rabbits.**

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 64.110 of the above-entitled ordinance be amended to read as follows:

**64.110. Dangerous and potentially dangerous animals.** (a) As used in this section, “dangerous animals” may mean and include:

- (1) Any animal which attacks a human being or domestic animal without provocation; or
- (2) Any animal with a known propensity, tendency, or disposition to attack unprovoked, to cause injury to or to otherwise endanger the safety of humans or other domestic animals; or
- (3) Any animal declared by the animal control officer to be a dangerous animal, as defined herein, or any animal determined to be a dangerous animal under the authority of section 64.120 of this Code.

Minneapolis Animal Care & Control may deem any animal as a dangerous animal or a potentially dangerous animal subject to the requirements under this code and under Minnesota State Statute 347.50 subdivision (2), Dangerous Dogs and Minnesota State Statute 347.50 subdivision (3) Potentially Dangerous Dogs.

(a) Definitions.

(1) Dangerous Animal. “Dangerous Animal” means any animal that:

- a. without provocation, inflicts substantial bodily harm on a human being on public or private property;
- b. kills a domestic animal without provocation while off the owner or custodian’s property;
- c. has been found to be potentially dangerous, and after the owner or custodian has notice that the animal is potentially dangerous, the animal aggressively bites, attacks or endangers the safety of humans or domestic animals.

(2) Potentially Dangerous Animal. “Potentially Dangerous Animal” means any animal that:

- a. when unprovoked inflicts bites on a human or domestic animal on public or private property;
- b. when unprovoked, chases or approaches a person, including a person on a bicycle, upon the streets, sidewalks, or any public or private property, other than the animal owner or custodian’s property, in an apparent attitude of attack;
- c. has a known propensity, tendency or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.

(b) No person owning or harboring or having the care or custody of a dangerous animal shall suffer or permit such animal to go unconfined on the premises of such person. A dangerous animal is

“unconfined” as the term is used in this section if such animal is not securely confined indoors or confined in a secure enclosure suitably sized for the animal so confined upon the premises of said person. An “enclosure” is secure within the meaning of this section if it is constructed of heavy gauge steel mesh, or other suitable material; consists of a top and sides, with the bottom of such sides fastened along their perimeter to a slab floor of concrete or other suitable material; where no slab floor is provided, the sides must be embedded into the ground no less than one foot; all access points of the enclosure must be locked when the animal is confined therein. Animal control may seize an animal that has been declared dangerous that is unconfined.

(b) Requirements for Dangerous Animal Declarations:

(1) No person may own or house a Dangerous Animal in the City of Minneapolis unless the animal is registered as provided in this section.

(2) Fine: The owner or custodian of a Dangerous Animal is subject to an administrative fine in the amount of \$200.00 at the time of declaration.

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(3) Registration: Within fourteen (14) days of a declaration under this code, the owner or custodian of a Dangerous Animal shall register the animal as a Dangerous Animal with Minneapolis Animal Care & Control and shall pay an annual registration fee of \$200.00 by the date of the initial registration.

(4) Within fourteen (14 ) days of declaration, the owner or custodian of a Dangerous Animal shall submit evidence that meets the criteria of Minnesota State Statute 347.51 – Subdivision 2, including evidence that the animal is:

a. properly enclosed while on the owner or custodian’s property with a clearly visible warning sign.

Proper “enclosure” is constructed of heavy gauge steel mesh, or other suitable material; consists of a top and sides, with the bottom of such sides fastened along their perimeter to a slab floor of concrete or other suitable material; where no slab floor is provided, the sides must be embedded into the ground no less than one foot; all access points of the enclosure must be locked when the animal is confined therein;

b. insured for any personal injuries that may be inflicted by the dangerous animal and payable to the injured person(s);

c. properly muzzled and restrained by a three (3) foot leash under the physical restraint of a responsible person when outside the owner or custodian’s property;

d. has had microchip identification implanted; and

e. has an easily identifiable tag with the uniform dangerous animal symbol affixed to the animal’s collar at all times.

(5) Annual License: The owner or custodian of a Dangerous Animal shall obtain an annual license in the amount of \$75.00.

(6) Should a Dangerous Animal be impounded for any reason, a \$100.00 impound fee and a \$25.00 per day kennel fee will be imposed. The owner or custodian of the animal must pay all fees and fines

regardless of the disposition of the animal.

(c) No person owning or harboring, or having the care of a dangerous animal shall suffer or permit such animal to go beyond the premises of such person unless such animal is securely muzzled and restrained with a chain not exceeding three (3) feet in length, and having a tensile strength sufficient to restrain the animal. Animals which are actively participating in recognized local, regional or national trials, training or other such sponsored competition, need not be muzzled while being transported to or from or during such competition.

(c) Requirements for Potentially Dangerous Animal Declarations:

(1) No person may own or house a Potentially Dangerous Animal in the City of Minneapolis unless the animal is registered as provided in this section.

(2) Fine: The owner or custodian of a Potentially Dangerous Animal is subject to an administrative fine in the amount of \$200.00 at the time of declaration.

(3) Registration: Within fourteen (14) days of a declaration under this code, the owner or custodian of a Potentially Dangerous Animal shall register the animal as a Potentially Dangerous Animal with Minneapolis Animal Care & Control and shall pay an annual registration fee of \$100.00 by the date of the initial registration.

(4) Within fourteen (14) days of declaration, the owner or custodian of a Potentially Dangerous Animal shall submit evidence that the animal:

a. is properly muzzled and restrained by no more than a three (3) foot leash under the physical restraint of a responsible person when outside the owner or custodian's property; and

b. has had microchip identification implanted.

(5) Annual License: The owner or custodian of Potentially Dangerous Animals shall obtain an annual license in the amount of \$75.00.

(6) Should a Potentially Dangerous Animal be impounded for any reason, a \$100.00 impound fee and a \$25.00 per day kennel fee shall be imposed. The owner or custodian of the animal must pay all fees and fines regardless of the disposition of the animal.

(d) No person shall own or harbor any animal for the purpose of fighting, or train, torment, badger, bait or use any animal for the purpose of causing or encouraging said animal to unprovoked attacks upon human beings or domestic animals.

(d) Hearings for Dangerous Animals

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& Control the owner or custodian must execute an affidavit under oath setting forth either the circumstances of the dog's animal's death and disposition or the complete name, address, and telephone number of the person to whom the dog animal has been transferred.

(j) Designation Review. After an animal is finally declared dangerous or potentially dangerous by Minneapolis Animal Care & Control, the owner or custodian of the animal may request that Minneapolis Animal Care & Control review the designation annually. An administrative hearing fee of \$100.00 shall be required prior to such a review. At the review, the owner or custodian must provide evidence that the animal's behavior has changed. If Minneapolis Animal Care & Control finds sufficient evidence that

the animal's behavior has changed, Minneapolis Animal Care & Control may rescind the dangerous or potentially dangerous animal designation.

(k) Noncompliance: Failure to comply with the provisions of this ordinance may result in seizure of the animal by Minneapolis Animal Care & Control pursuant to MN stat 347.54 and/or an administrative fine of up to \$2,000.00.

(l) Severability. If any portion of this ordinance should be declared unenforceable, it shall be severed from the ordinance, the remainder of which shall remain in full force and effect.

Section 2. That Section 64.120 of the above-entitled ordinance be amended to read as follows:

**64.120. Disposition of Animals.** (a) The commissioner of health or the commissioner's agent Minneapolis Animal Care & Control is authorized to order the destruction or other disposition of any animal which:

- (1) Has bitten one or more persons on two (2) or more occasions, or
- (2) Has caused serious bodily injury or disfigurement to any person, or
- (3) Has engaged in an attack on or exhibited unusually aggressive behavior towards any person or other animal under circumstances which would indicate danger to safety of the person or animal, or
- (4) Is prohibited by or found to be in violation of section 64.110 of this Code, or
- (5) Is prohibited by section 74.50 of this Code.

(b) The commissioner of health or the commissioner's agent Minneapolis Animal Care & Control, after having been advised of the existence of such animal as defined above, shall proceed as follows:

(1) Notification: The owner or custodian of the offending animal shall be notified in writing as to the reasons the animal is subject to disposition under this section and where applicable, the dates, times, and places, of animals or persons bitten, attacked, injured or disfigured, and shall be given three (3) days to request a hearing for a determination as to the disposition of the animal. If the owner does not request a hearing within three (3) days of the notice, the commissioner Minneapolis Animal Care & Control shall make appropriate order including destruction or other proper disposition of the animal. The owner or custodian must immediately make the animal available to the animal control officer at the time the order is issued for the ordered disposition. The animal control officer is authorized to take the animal subject to the order into custody at the time the order is issued or served.

(2) Fine: The owner or custodian of an animal ordered for destruction or other disposition for reasons cited in this section is subject to an administrative fine in the amount of \$200.00 at the time of the order.

(2) (3) Disposition Hearing: If the owner or custodian of an animal requests a hearing for determination as to the dangerous nature of the animal, to appeal an order of disposition, the hearing shall be held before the commissioner at a date not more than ten (10) days after demand for the hearing. The records of the animal control officer shall be admissible for consideration without further foundation. After considering all evidence, the commissioner Minneapolis Animal Care & Control shall make a determination whether or not the animal is dangerous. The commissioner Minneapolis Animal Care & Control shall make an appropriate order, including destruction or other proper disposition of the animal. The owner or custodian shall immediately make the animal available to the animal control officer for

the ordered disposition at the time an order is issued. An animal shall not be destroyed by animal control until at least five (5) business days have passed since the issuance of an order for destruction.

(4) Fees: The owner or custodian of an animal ordered for disposition under this section shall pay a \$100.00 impound fee and a \$25.00 per day kennel fee, and any veterinary expenses incurred as a result of the disposition, including costs to euthanize the animal.

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(3) (c) A dangerous animal running at large shall be apprehended and if the animal bears no identification which reasonably reveals its ownership, the animal control officer shall impound the animal until the five-day holding period required by section 62.40, or, if the animal has bitten, the ten-day quarantine period required by section 66.40, is completed. If the animal has not been claimed, it shall be destroyed at the end of the appropriate period. If the animal is claimed, upon payment of kennel all fines and fees and licensing requirements, it shall be released to the person paying such fees if the commissioner of health Minneapolis Animal Care & Control does not proceed in accordance with subsection (b)(1) and (3) (2).

(4) (d) The commissioner of health or the commissioner's agent Minneapolis Animal Care & Control may apply to the District Court of Hennepin County for subpoenas for hearings under subparagraph (2) (3) above.

Section 3. That Section 64.130 of the above-entitled ordinance be amended to read as follows:

**64.130. Concealing of dangerous animals.** Any person who harbors, hides or conceals an animal found to be dangerous by the commissioner of health Minneapolis Animal Care & Control which animal has been ordered into custody for destruction or other proper disposition shall be guilty of a misdemeanor.

Adopted 7/21/2006.