ORDINANCE
of the
CITY OF
MINNEAPOLIS

By Samuels and Hodges

Amending Title 4, Chapter 64 of the Minneapolis Code of Ordinances relating to *Animals and Fowl: 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. Minneapolis Animal Care and Control is authorized to 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. The owner or custodian of the animal must immediately comply with the confinement requirements as defined in this ordinance, even if appealing the declaration.

No off leash park permit as defined in section 64.55 shall be issued for any animal that has been declared potentially dangerous or dangerous under this Code or pursuant to state statute.

(a) For the purposes of this chapter, a person is peaceably and lawfully upon the private property of an owner or custodian when he or she is on the property in the performance of any duty imposed upon him or her by the laws of this state or any city or county, or by the laws or postal regulations of the United States, or when he or she is on the property upon express or implied invitation.

(b) Declarations shall be made by the Program Manager of Minneapolis Animal Care and Control, or the manager's designee, based on this Code and state statute. If a declaration is made, the owner of the animal shall be notified in writing. Notification shall include a copy of ordinance and statute, the report (including supplemental reports, if any) and a statement of the declaration.

(c) The manager of animal care and control will consider the following factors in determining a dangerous or potentially dangerous animal declaration:

(1) Whether any injury or damage to a person or domestic animal by the accused animal was caused or contributed to by the actions of that

person, including acts of physical abuse, tormenting, teasing or assault.

(2) Whether a person injured by the animal was committing a trespass or other tort upon the premises occupied by the owner or custodian of the animal, or whether the person injured by the animal was committing or attempting to commit a crime.

(3) Whether a person injured by the animal had gained uninvited and unauthorized entry onto fenced or indoor property of the owner or custodian of the animal. As used in this section, "unauthorized entry" does not include entry into a fenced residential front yard unless the yard is locked or posted to prohibit entry.

(4) Whether any injury or damage to a person by the animal was caused while the animal was protecting or defending a person or the animal's offspring within the immediate vicinity of the animal from an unjustified attack or assault.

(5) The size and strength of the animal (including jaw strength) and the animal's propensity to bite humans or other domestic animals.

(d) *Potentially dangerous animal.* "Potentially dangerous animal" means any animal, except an animal assisting a peace officer engaged in law enforcement duties and/or animals trained by a recognized program within an established curriculum for training animals for services such as rescue and recovery, that demonstrates any of the following behavior:

(1) Any animal that engages in any unprovoked behavior that requires a defensive action by any person to prevent bodily harm when the person and the animal are on or off the property of the owner or custodian of the animal. "Bodily harm" means physical pain or injury, illness, or any impairment of physical condition.

(2) Any animal that, when unprovoked, bites a person on public or private property, causing a minor injury not resulting in muscle tears or disfiguring lacerations or requiring multiple sutures, or corrective or cosmetic surgery.

(3) Any animal that, when unprovoked, bites, inflicts injury, or otherwise causes injury to a domestic animal off the property of the owner or custodian of the attacking animal.

(4) Any animal that, when unprovoked, engages in any behavior that constitutes a physical threat of bodily harm to a person or domestic animal or poses an immediate threat to public safety off the property of the owner or custodian of the animal.

(5) Any animal that has a known propensity, tendency or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals as documented by law enforcement or Minneapolis Animal Care and Control.

(e) *Dangerous animal.* "Dangerous animal" means any animal, except an animal assisting a peace officer engaged in law enforcement duties and/or animals trained by a recognized program within an established curriculum for training animals for services such as rescue and recovery, that demonstrates any of the following behavior:

(1) Any animal that, when unprovoked, inflicts substantial bodily harm on a human being who is conducting himself or herself peacefully and lawfully. "Substantial bodily harm" means bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily member or organ, or which causes a fracture of any bodily member.

(2) Any animal previously designated as a potentially dangerous animal that, after the owner or custodian has been notified of such designation, exhibits any of the behaviors described in this subsection or subsection (d)~~(3)~~ of this section.

(3) Any animal previously designated as a potentially dangerous animal, after the owner or custodian has been notified of such designation, if the owner or custodian subsequently violates any requirement of this section.

(4) Any animal that kills or inflicts substantial bodily harm to another domestic animal without provocation while off <u>or on</u> the property of the owner or custodian of the attacking animal.

(5) Any animal, when unprovoked, that repeatedly attacks or attempts to attack a person or domestic animal on private or public property. For purposes of this provision, "repeatedly" shall mean more than one (1) unprovoked attack or attempted attack occurring during the course of either a single encounter or separate encounters.

(6) The dog's owner or custodian is in possession of training apparatus, paraphernalia or drugs intended to be used to prepare or train dogs to be fought and the dog displays evidence that it has been or will be fought.

(f) *Appeal hearing procedures.*

~~(1) *Potentially dangerous animal.* Potentially dangerous declaration appeals shall consist of a record review by the manager of animal~~

~~care and control, or the manager's designee, using the designated appeal form supplied by animal care and control at the time of the written request. The appeal form must be completed and returned to animal care and control with written evidence and/or affidavits that dispute the declaration within five (5) business days of notification. The owner of the animal shall be notified, in writing, of the record review results within ten (10) calendar days of receipt. There is a one hundred dollar ($100.00) fee for an appeal of a potentially dangerous declaration. The individual conducting the review shall have authority to amend the declaration or order as appropriate and to establish specific requirements.~~

~~(2)~~ (1) *Potentially dangerous and dangerous* ~~*Dangerous*~~ *animal.* The owner or custodian of an animal that has been declared potentially dangerous or dangerous may appeal the declaration and request a hearing. The appeal request must be submitted in writing within ten (10) ~~business~~ calendar days of notification. If a hearing is requested, the program manager, or the manager's designee, shall schedule a hearing within ten (10) ~~calendar~~ business days. ~~Dangerous declaration appeals~~ Appeals shall consist of a hearing ~~an appearance~~ before the manager of animal care and control, or the manager's designee. The hearing officer shall be the manager of animal care and control, or the manager's designee.

a. A hearing fee of two hundred fifty dollars ($250.00) must be paid prior to scheduling the hearing.

b. Individuals receiving means-tested public assistance and/or households with limited income may receive a waiver of appeal fees.

c. The manager of the program and/or the hearing officer may set limits on the amount of evidence that may be submitted and the length of testimony offered.

d. The individual conducting the review shall have authority to amend the declaration or order as appropriate and to establish specific requirements.

~~(3)~~ (2) Any time after a declaration has been issued, animal care and control may seize a declared animal. All applicable fees and costs shall be the responsibility of the owner or custodian of the animal. The animal shall not be released until all fees are paid in full and compliance with all provisions of this Code is achieved. All animals seized pursuant to this subsection may be disposed of by animal care and control after fourteen (14) calendar days of notification of declaration when either the animal is not properly registered or an appeal has not been properly submitted pursuant to this section.

~~(4)~~ (3) In the event that the declaration is overturned, all fees will be reviewed by the hearing officer or the manager of animal care and control.

~~(5)~~ (4) The owner of the animal shall be notified by telephone of the hearing results within three (3) business days and in writing within ten (10) business days.

~~(6)~~ (5) All decisions may be appealed to the Minnesota Court of Appeals.

(g) *Annual review requests.* If there are no additional reports of the behavior described in subsections (d) or (e) of this section within a twelve month period from the date of the designation as a dangerous animal or a six month period from the date of the designation as a potentially dangerous animal, the animal's owner may request a review, in writing, of the declaration designation. The owner must provide documented evidence for review that the animal's behavior has changed due to environment, health, age, training, neutering or other relevant factor. The review request and supporting documentation must be submitted to the manager of animal care and control, and the manager, or the manager's designee, shall rule on the review request based on the record. The owner of the animal shall be notified in writing of the review results within ten (10) business days of receipt. An administrative fee of two hundred fifty dollars ($250.00) shall be paid prior to the review. In cases where the owner has successfully completed a training program approved by the manager of animal care and control, the administrative fee may be reduced or waived by the manager.

(h) *Potentially dangerous or dangerous animal requirements.* No person may own or house a potentially dangerous or dangerous animal in the City of Minneapolis unless the animal is registered as provided in this subsection. No person operating a day care, as that term is defined pursuant to the Zoning Code, or any other home occupation in which children are regularly present, shall own, house or otherwise have temporary or permanent custody upon the premises of any animal previously declared potentially dangerous or dangerous as a result of displaying aggression towards a person. ~~All owners~~ Owners or custodians of potentially dangerous and dangerous animals ~~shall fully~~ may be required to comply with any or all of the following requirements, and any additional requirements established by a hearing officer, within fourteen (14) calendar days of notification of the declaration. Any imposed requirements are proper subjects for consideration by a hearing officer during a potentially dangerous or dangerous animal declaration appeal proceeding. Failure to comply shall ~~lead to~~ constitute adequate grounds for confiscation of the animal and possible disposition under subsections (k) through (n).

(1) Microchip (must be pre-paid if animal care and control implants the microchip).

(2) Current rabies vaccinations (must remain current on rabies vaccinations).

(3) Current annual license for a declared animal (regardless of current license status).

(4) Muzzle (with three-foot leash to be held by an adult at all times the animal is outside and not inside a proper enclosure).

(5) A proper enclosure may be required in order for the animal to be unleashed or unmuzzled. For a potentially dangerous animal, a proper enclosure shall consist of a securely fenced yard area and/or a proper kennel. A securely fenced yard area shall have a fence of sufficient height, strength and design to prevent the animal or the animal's muzzle from moving over, under or through the fence and a gate and locking mechanism of sufficient strength and design to prevent the animal or the animal's muzzle from moving through the gate without proper leash and muzzle. For a dangerous animal, a proper enclosure shall consist of a proper kennel. A proper ~~Proper~~ kennel in all cases ~~which~~ shall meet the following minimum specifications:

a. A minimum of thirty-two (32) square feet in floor area per animal that will be kept in such enclosure.

b. The sidewalls shall have a minimum height of five (5) feet and be constructed of eleven (11) gauge or heavier wire. If the enclosure is on any permeable surface, the fence must be buried a minimum of eighteen (18) inches. Openings in the wire shall not exceed two (2) inches, support posts shall be one and one-quarter (1 1/4) inch or larger steel pipe buried a minimum of eighteen (18) inches into the ground.

c. A cover over the entire kennel shall be provided. The cover shall be constructed of the same gauge wire as the sidewalls or heavier and shall have no openings greater than two (2) inches.

d. An entrance/exit gate shall be provided and constructed of the same material as the sidewalls and shall also have no openings greater than two (2) inches. The gate shall be self closing, self locking and shall be locked at all times the animal is in the kennel.

e. The kennel shall comply with all zoning setbacks requirements unless variances are obtained.

(6) Secured area maintained inside the home where the animal will stay when persons, other than family members, are present.

(7) Annual registration and payment of all applicable fees including submission of photographs of the required kennel and secured area and a current photograph of the animal. All fines shall be paid within thirty (30) days of the date they are due.

(8) The animal may not be possessed or maintained at any other location other than the owner's property.

(9) The owner or custodian of the animal may not be a minor under age eighteen (18).

(10) The animal shall not be subjected to neglect, suffering, cruelty, or abuse.

(11) The location where the animal is possessed or maintained shall be kept clean and sanitary with proper and adequate food, water, ventilation, shelter and care at all times.

(12) The owner of a potentially dangerous or dangerous animal may be required to complete an approved obedience class, at the direction of the manager of animal care and control or the manager's designee.

(13) If the animal is to move from the approved location, written notification shall be provided to the manager of animal care and control within ten (10) business days prior to relocation.

(14) The manager of animal care and control, or the manager's designee, shall be allowed at any reasonable time to inspect the animal, the animal's muzzle and leash, and the place where the animal is located.

(15) Minneapolis Animal Care and Control may require that any animal deemed potentially dangerous and any puppies or offspring of the animal in the care and custody of the owner be sterilized at the owner's expense. ~~Arrangements may be made at a pet hospital or clinic within the City of Minneapolis. Animal care and control shall transport the animal to the clinic and may transport back to the shelter until compliance is achieved. The owner of the animal shall make payment arrangements with the clinic prior to commencement of the procedure.~~

(i) *Additional dangerous animal requirements.* In addition to the requirements of subsection (h), all owners or custodians of dangerous animals shall fully comply with the following requirements within fourteen (14) calendar days

of notification of the declaration. Failure to comply shall lead to confiscation of the animal and possible disposition under subsections (k) through (n).

(1) The animal and any puppies or offspring of the animal in the care and custody of the owner shall be sterilized at the owner or custodian's expense and adequate proof of sterilization shall be submitted.

(2) Proof of a current insurance policy or surety bond in the amount of at least three hundred thousand dollars ($300,000.00) to cover any personal injuries inflicted by the animal and payable to the injured party or parties.

(3) A clearly visible sign posted in the front and rear of the property indicating that a "dangerous animal" is on or in the premises, meeting any requirements as designated by the manager of animal care and control.

(j) *Declared animal from other jurisdictions.* No animal that has previously been determined to be potentially dangerous, dangerous or vicious by another jurisdiction shall be kept, owned or harbored in the City of Minneapolis unless the animal's owner or custodian complies with the requirements of the applicable declaration level as defined in subsections (h) and/or (i) of this section. Potentially dangerous or dangerous animal requirements must be met prior to bringing the animal into the city. Animals in violation of this subsection are subject to impoundment and humane destruction by lethal injection after notice and a hearing (if requested) under subsection (n) of this section.

(k) *Impoundment.*

(1) Any animal which bites a person or domestic animal and/or is subject to potentially dangerous or dangerous animal proceedings may be impounded at the discretion of animal care and control pending hearings and compliance.

(2) All animals that have been previously declared potentially dangerous or dangerous shall be impounded at the animal care and control facility for the quarantine period and held until the final disposition is determined.

(3) All animals found to be in violation of the requirements of this section shall be impounded.

(4) The impounded animal's owner shall be charged for all impoundment related costs and fees.

(l) *Noncompliance, transfer, loss or death of declared animals.*

(1) Failure to comply with the provisions of this section may result in seizure of the animal by animal care and control and disposition pursuant to subsection (n).

(2) The owner or custodian of any animal declared potentially dangerous or dangerous must notify Minneapolis Animal Care and Control in writing of the death of the animal within fourteen (14) days of the animal's death. If requested by animal care and control the owner or custodian must execute an affidavit under oath setting forth the circumstances of the animal's death and disposition.

(3) If the owner or custodian of any animal declared potentially dangerous or dangerous wishes to relocate the animal based solely upon the owner or custodian relocating his or her principle residence either within or without the City of Minneapolis, the owner or custodian shall notify Minneapolis animal care and control in writing prior to such relocation. If requested by animal care and control, the owner or custodian must execute an affidavit under oath setting forth the new address of the owner or custodian where the animal will be housed.

(4) The owner or custodian of any animal declared potentially dangerous or dangerous shall not transfer the ownership or custodianship of such an animal to another person or persons unless the owner or custodian receives prior written approval from the manager of animal care and control. If requested by animal care and control, the owner or custodian must execute an affidavit under oath setting forth the complete name, address, and telephone number(s) of the person to whom the animal has been transferred. All applicable requirements of this section and this code must be met by the prospective new owner before the animal may be transferred.

(5) Whenever any animal declared potentially dangerous or dangerous is lost or runs away, the owner or custodian of the animal shall provide written notification to the manager of animal care and control within ten (10) business days after the loss of the animal. The manager of animal care and control may require that the owner or custodian provide an affidavit under oath setting forth the nature and circumstances of the loss of the animal. Should the animal return or should the owner or custodian otherwise subsequently become aware of the location of the animal, the owner or custodian shall notify the manager of animal care and control within three (3) business days.

(m) *Restriction on future ownership.*

(1) Any person who:

a. Has owned or owns or had custody of an animal declared potentially dangerous or dangerous or ordered destroyed and is found to be in violation of any requirement of this section; or

b. Had owned a potentially dangerous or dangerous animal but never achieved compliance with the requirements of this section; or

c. Has owned or had custody of more than one (1) animal declared potentially dangerous or dangerous and/or ordered destroyed within two (2) years; or

d. Has owned or owns or had custody of an animal which has inflicted substantial bodily harm on a person and/or kills a domestic animal as a result of the intentional act or acts of that owner or custodian;

e. Has been convicted of any violation of Minnesota Statute Section 609.226, Harm Caused by Dog, or amendments thereto;

may be subject to restrictions on ownership or custody of other animals of the same species for a period of five (5) years after the ~~original~~ most recent declaration. For the purposes of this section, custody would include any animal in the dwelling in which the person subject to the ownership restriction lives. The animal found to be in violation shall be impounded until due process is completed.

(For the purposes of this section, custody means the presence of any animal on the property of any dwelling or residence in which the restricted persons lives or resides including, but not limited to, all surrounding grounds, outbuildings and/or garages.)

(2) Any animal owner in violation of this subsection shall be notified in writing of the violation and may request a hearing in writing within five (5) business days of receipt of the notice. If a hearing is requested, the program manager or the manager's designee shall schedule a hearing within ten (10) business days. Violation appeals shall consist of an appearance before the manager of animal care and control or the manager's designee. An administrative fee of two hundred fifty dollars ($250.00) shall be paid prior to the scheduling of the hearing. The program manager may set limits on the amount of evidence that may be submitted and the length of any testimony offered.

(3) The owner of the animal shall be notified, in writing, of the hearing results within ten (10) business days.

(4) Any person convicted of a violent felony, as defined in Minnesota Statute 624.712, subdivision 5, who owns, possesses, or controls an animal weighing more than twenty (20) pounds, or an animal that the manager of animal care and control designates as posing a danger to the public's health, safety or welfare if misused by a person convicted of a violent felony, must have a prohibited animal permit to own, keep or maintain that animal. For the purposes of this section, own, keep, or maintain would include any animal in the dwelling in which the person subject to the ownership restriction lives. If there is cause to believe that an animal poses a danger to the public's health, safety or welfare if misused by a person convicted of a violent felony, the animal may be impounded pending a determination made under this article and until a permit is obtained. If the manager of animal care and control designates an animal as posing a danger to the public's health, safety or welfare if misused by a convicted felon, written notice of this designation shall be mailed to the owner or custodian of the animal. The owner or custodian must pay an application fee and apply for the prohibited animal permit within fifteen (15) calendar days after the mailing of the written notice of designation. The manager of animal care and control may deny a prohibited animal permit if he or she determines that the animal poses a danger to the public's health, safety or welfare, or may condition the issuance of the permit upon the permittee's written agreement to comply with conditions of ownership to be determined by the manager of animal care and control. These conditions of ownership may include, but are not limited to, those found under subsections (h) and (i). A prohibited animal may subsequently be revoked by the manager of animal care and control if there is probable cause to believe that the convicted violent felon's continued ownership of the animal poses a danger to the public's health, safety or welfare. Any person violating this subsection is guilty of a misdemeanor. A person convicted of a violent felony under this article shall not include persons whose convictions were set aside, or persons whose sentences were completed ten (10) years or more in the past. "Misuse" by a convicted felon means use of an animal in a threatening or aggressive manner, or in the commission or furtherance of the commission of a crime.

a. Any animal whose owner or keeper is in violation of this subsection shall be impounded, or impounded subject to destruction, at the owner's expense.

b. An animal that poses a danger to the public health, safety or welfare if misused by a convicted felon under this section means any of the following:

1. An animal weighing more than twenty (20) pounds;

2. An animal which has been designated a potentially dangerous or dangerous animal under subsections (d) or (e) of this section;

3. An animal designated by the manager of animal care and control as posing a danger to the public's health, safety or welfare if misused by a convicted felon based upon the following factors:

i. The nature of any complaints regarding the animal.

ii. The strength of the animal, including jaw strength.

iii. The animal's tolerance for pain.

iv. The animal's tendency to refuse to terminate an attack.

v. The animal's propensity to bite humans or other domestic animals.

vi. The animal's potential for unpredictable behavior.

vii. The animal's aggressiveness.

viii. The likelihood that a bite by the animal will result in serious injury. This subsection shall not apply to any assistance animal, including guide animals, signal animals and service animals, trained or in training to assist a qualified individual with a disability.

(n) *Disposition of animals.*

(1) The Program Manager at Minneapolis Animal Care and Control is authorized to order the destruction or other disposition of any animal which:

a. Kills a person, or

b. Has bitten one (1) or more persons on two (2) or more occasions, or

c. Has caused substantial bodily injury or disfigurement as defined in subsections (d) or (e) of this section, or

d. Has engaged in an attack on or exhibited unusually aggressive behavior towards any person or domestic animal under circumstances that would indicate danger to the safety of the person or animal, or

e. Is prohibited by or found to be in violation of subsections (g), (h), (i), (j) or (l) of this section, or

f. Unprovoked, kills a domestic animal, or

g. Is prohibited by section 74.50 of this Code.

(2) In determining the disposition of the animal the manager of animal care and control will determine the potential of the animal to pose a danger to the public's health, safety or welfare based upon the following factors:

a. The animal weighing more than twenty (20) pounds;

b. The strength of the animal, including jaw strength;

c. The animal's tolerance for pain;

d. The animal's tendency to refuse to terminate an attack;

e. The animal's propensity to bite humans or other domestic animals;

f. The animal's potential for unpredictable behavior;

g. The animal's aggressiveness;

h. The likelihood that a bite by the animal will result in serious injury.

This subsection shall not apply to any assistance animal, including guide animals, signal animals and service animals, trained or in training to assist a qualified individual with a disability.

(3) *Procedure.*

a. The owner or custodian of the offending animal shall be notified in writing as to the reasons the animal is subject to disposition or destruction under this subsection and where applicable, copies of all reports received by animal care and control that were utilized to determine the disposition.

b. The owner shall have three (3) business days after the date of notification to request a hearing to appeal a destruction order. If a hearing is requested, it shall be scheduled within ten (10) business days. The hearing officer shall be the manager of animal care and control or the manager's designee and shall have authority to amend the declaration or order as appropriate.

c. If a hearing is not requested within three (3) business days of the notification, the animal may not be destroyed until a minimum of five (5) business days have passed since the issuance of the order.

d. If the animal has bitten a person, it shall remain at a designated animal care and control facility through the end of the quarantine period as required pursuant to section 66.40. At the conclusion of the quarantine period the animal shall be subject to further disposition as defined in this Code and may be held at the owner's expense until a disposition is determined.

e. Unclaimed animals shall be subject to disposition without notice to the owner or custodian after the mandatory hold period as established in section 62.40. Unclaimed animals shall include animals declared potentially dangerous or dangerous if in the custody of animal care and control and not in full compliance with the requirements of this section.

f. All applicable fees are subject to payment within twenty (20) days for any identified owners and shall be invoiced. All unpaid fees may be forwarded to a collection agency for processing.

(o) *Concealing of dangerous animals.* Any person who harbors, hides or conceals an animal found to be potentially dangerous or dangerous by animal care and control which has been ordered into custody for disposition shall be guilty of a misdemeanor.

(p) *Conditioning and training equipment prohibited.* No person shall use or possess any device, equipment, treatment or products for the strengthening or conditioning of an animal with the intent to enhance the

animal's ability to inflict bodily injury upon human beings or domestic animals on public or private property.

(q) *Fees.* Fees under this section may include, but are not limited to, impound, kennel, license, penalties, hearing, registration and euthanasia fees. All applicable fees shall be defined by this Code and/or included in the licenses and annual billing fees schedule or in the schedule of civil fines for administrative offenses resolution, and duly approved by city council.

Impound fee . . . $100.00

Daily kennel fee, per day . . . 25.00

Microchip fee . . . 35.00

Euthanizing fee . . . 75.00

Rabies vaccination . . . 20.00

Sedation, if necessary . . . 20.00

Annual license fee . . . 75.00

Annual registration:

Potentially dangerous . . . 100.00

Dangerous . . . 200.00

Appeal hearing fee:

Potentially dangerous and dangerous ~~Dangerous~~ . . . 250.00

~~Potentially dangerous . . . 100.00~~

Prohibited animal permit . . . 250.00

Annual County Registration fee--Determined by Hennepin County