



# Request for City Council Committee Action from the Department of Regulatory Services

**Date:** November 4, 2009

**To:** Council Member Don Samuels, Chair – Public Safety & Regulatory Services Committee

**Subject:** Ordinance amending Title 4 of the Minneapolis Code of Ordinances relating to *Animals and Fowl* – a. Chapter 64 relating to *Dogs, Cats, Ferrets, and Rabbits*. Adding new provision regarding the enforcement of animal cruelty. Amend Administrative Fine Fee Schedule

**Recommendation:** Approval of the amendment

**Previous Directives:** None

## Department Information

Prepared by: Lori Olson (673-3914), Dan Niziolek (685-4912)

Approved by:

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Rocco Forté, Assistant City Coordinator for Emergency Preparedness & Regulatory Services

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Burt Osborne, Director of Operations, Licensing & Environmental Services

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Lori Olson, Deputy Director of Environmental Management & Safety

Presenters in Committee: Lori Olson, Dan Niziolek

## Reviews

- Permanent Review Committee (PRC): Approval \_\_\_ Date \_\_\_\_\_
- Civil Rights Approval Approval \_\_\_ Date \_\_\_\_\_
- Policy Review Group (PRG): Approval \_\_\_ Date \_\_\_\_\_

## Financial Impact

- No financial impact

## Community Impact

- City Goals – A Safe Place to Call Home

## Supporting Information

In less serious animal cruelty cases, MACC is requesting approval for the ability to issue an Administrative Citation. This tool will ensure an immediate and appropriate consequence to individuals who have engaged in the less severe cases of animal cruelty; cases that are unlikely to be prosecuted criminally under misdemeanor/felony state animal cruelty laws.

Examples of the types of cases MACC may issue an administrative citation are; cropping of dog ears by someone other than a vet and abandonment of an animal when there are minor health impacts to the animal. In the latter case, MACC is generally forced to obtain a warrant to remove the animal from the building in which it was abandoned.

Criminally charging these cases significantly increases the time between the act of cruelty and the consequence. Also, these less severe cases are unlikely or much less likely to be prosecuted. Given case loads, lack of criminal justice resources, and other more serious cases, these cases take time to come to court and or are often settled for limited consequences.

Finally, with these types of cases, the immediate financial consequences provides the appropriate consequence and lays the ground work for restricting ownership of animals in the future. Often these types of crimes are financially driven, be they dog fighting or abandonment. Outstanding fines will prevent individuals from licensing any other domestic animal, which in turn can result in those animals being seized by MACC.

MACC is recommending that the administrative citation fee for these cases be set at \$500.

#### Amendments

##### New Section in MCO 64

Section 64.170 Overworking or Mistreating Animals. (Adoption of Minnesota State Statute 343.21 Overworking and Mistreating Animals.)

##### New Fee in Administrative Fine Fee Schedule

Animal Cruelty	\$500
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