AN ORDINANCE
of the
CITY OF
MINNEAPOLIS

By: Samuels

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 64.10 of the above-entitled ordinance be amended to read as follows:

64.10. License required. (a) No person shall keep, harbor, or maintain care, custody, or control over any dog or cat over four (4) months of age, for a period in excess of five (5) days, without first having obtained a dog or cat license from Minneapolis Animal Care and Control. This section shall not apply to any ~~premises maintained by a licensed~~ veterinarian or a licensed pet shop operator. Violations of this provision may result in an administrative fine.

(b) Any dog not licensed in accordance with this section may be subject to immediate seizure by a Minneapolis Animal Control Officer or a Minneapolis Police Officer in any of the following situations:

(1) The owner or custodian of the unlicensed animal has not obtained a license despite having been previously advised, cited or warned by Minneapolis Animal Care and Control of the licensing requirement imposed by this section. Evidence of any prior notification, warning or citation provided to the same owner or custodian, even if related to a different animal, shall constitute sufficient cause to subject the unlicensed animal to seizure; or

(2) The unlicensed animal is present during the commission of a crime or the execution of a search warrant; or

(3) The owner or custodian of the unlicensed animal is arrested for a crime; or

(4) The owner of the unlicensed animal has one or more delinquent administrative citations associated with the unlicensed animal; or

(5) Investigation or observation by the manager of Animal Care and Control or the manager's designee discloses evidence that the unlicensed animal is being used by its owner or custodian to create an imitimidating or threatening

presence on any public sidewalk, right-of-way or upon any public property inclusive of parks.

If a dog is seized pursuant to this section, it shall be held a minimum of five (5) days in which the Minneapolis Animal Shelter is open to the public for not less than four (4) hours per day. The owner or custodian may reclaim the dog after first coming into compliance with all regulations including licensure and vaccination against rabies. If the dog is not properly licensed after five (5) days, its disposition may be at the discretion of the manager of Minneapolis Animal Care and Control or the manager's designee.

Section 2. 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 ~~may~~ 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) *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) *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 two hundred dollars ($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 dangerous animal shall register the animal as a dangerous animal with Minneapolis Animal Care and Control and shall pay an annual registration fee of two hundred dollars ($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 (1) 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 inflected 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 seventy-five dollars ($75.00).~~

~~(6) Should a dangerous animal be impounded for any reason, a one hundred dollar ($100.00) impound fee and a twenty-five dollar ($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) *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 two hundred dollars ($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 and Control and shall pay an annual registration fee of one hundred dollars ($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 seventy-five dollars ($75.00).~~

~~(6) Should a potentially dangerous animal be impounded for any reason, a one hundred dollar ($100.00) impound fee and a twenty-five dollar ($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) *Hearings for dangerous animals*.~~

~~(1) Thirty (30) days after a dangerous animal declaration is made by Minneapolis Animal Care and Control, the owner or custodian of the declared animal may request a hearing before a manager of Minneapolis Animal Care and Control or the manager's designee. Prior to the scheduled hearing, the owner or custodian of the animal shall submit a one hundred dollar ($100.00) hearing fee to Minneapolis Animal Care and Control. The hearing officer will consider the Minneapolis Animal Care and Control staff report and evidence offered by the owner or custodian of the dangerous animal. The hearing officer may set limits on the amount of evidence submitted and the length of any testimony offered. The hearing officer shall make a final decision within seven (7) days of the hearing. If a hearing is scheduled and the owner or custodian does not appear, a one hundred dollar ($100.00) fee shall be imposed.~~

~~(2) Appeal process: The declaration of a dangerous animal made by Minneapolis Animal Care and Control is final unless an appeal is made to the district court or the court of appeals.~~

~~(e) *Record review for potentially dangerous animals*. Thirty (30) days after a potentially dangerous animal declaration, the owner or custodian of the animal may request a review of the declaration by submitting in writing to Minneapolis Animal Care and Control evidence that disputes the declaration. Minneapolis Animal Care and Control shall make a final decision within seven (7) days upon the receipt of the written request, and upon the written submissions only.~~

~~(f) The owner or custodian of any animal declared dangerous under this ordinance shall make the animal available to be photographed for identification by Minneapolis Animal Care and Control at a time and place specified by Minneapolis Animal Care and Control.~~

~~(g) Minneapolis Animal Care and Control may require that an animal declared dangerous or potentially dangerous under this ordinance be sterilized. If the owner or custodian does not have the animal sterilized, Minneapolis Animal Care and Control may have the animal sterilized at the owner or custodian's expense. Upon request, the owner or custodian of a dangerous or potentially dangerous animal must make the animal available to Minneapolis Animal Care and Control for an inspection to determine that an animal has been sterilized.~~

~~(h) Minneapolis Animal Care and Control may retain custody of any animal declared dangerous or potentially dangerous until the animal is duly and properly registered.~~

~~(i) The owner or custodian of any animal declared dangerous or potentially dangerous must notify Minneapolis Animal Care and Control in writing of the death of~~

~~the animal; its transfer to a residence outside the City of Minneapolis; or its transfer within the City of Minneapolis within thirty (30) days of the death or transfer. If requested by Minneapolis Animal Care and Control the owner or custodian must execute an affidavit under oath setting forth either the circumstances of the animal's death and disposition or the complete name, address, and telephone number of the person to whom the animal has been transferred.~~

~~(j) *Designation review*. After an animal is finally declared dangerous or potentially dangerous by Minneapolis Animal Care and Control, the owner or custodian of the animal may request that Minneapolis Animal Care and Control review the designation annually. An administrative hearing fee of one hundred dollars ($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 and Control finds sufficient evidence that the animal's behavior has changed, Minneapolis Animal Care and 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 and Control pursuant to Minnesota State Statute 347.54 and/or an administrative fine of up to two thousand dollars ($2,000.00).~~

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

(a) For the purposes of this ordinance, 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 public or private property. "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 on public or private property.

(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.

(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 that kills another domestic animal without provocation while off the property of the owner or custodian of the attacking animal.

(4) Any animal, when unprovoked, that repeatedly attacks or attempts to attack a person or domestic animal on private or public property.

(5) 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.

(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. 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.

(2) Dangerous Animal. The owner or custodian of an animal that has been declared dangerous may appeal the declaration and request a hearing. The appeal request must be submitted in writing within ten (10) business days of notification. If a hearing is requested, the program manager, or the manager's designee, shall schedule a hearing within ten (10) calendar days. .Dangerous declaration appeals shall consist of an appearance before the manager of Animal Care and Control, or the manager's designee. A hearing fee of two hundred fifty dollars ($250.00) must be paid prior to scheduling the hearing. The manager of the program may set limits on the amount of evidence that may be submitted and the length of testimony offered.

(3) 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) 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) 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) 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 twenty-four (24) month period from the date of the designation as a dangerous animal or a twelve (12) 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 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.

(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. All owners or custodians of potentially dangerous and dangerous animals shall fully comply with the following

requirements within fourteen (14) 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) 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 (3) foot leash to be held by an adult at all times the animal is outside and not inside a proper enclosure).

(5) Proper enclosure 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 ¼) 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.

(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 and the place where the animal is located.

(15) Minneapolis Animal Care and Control may require that any animal deemed potentially dangerous or dangerous 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) 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) Annual registration with Hennepin County, meeting all county requirements, including fees.

(2) Proof of a current insurance 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 Hennepin County or 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 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, its transfer to a residence outside the City of Minneapolis, or its transfer within the City of Minneapolis within thirty (30) days of the death or transfer. If requested by Animal Care and Control the owner or custodian must execute an affidavit under oath setting forth either the circumstances of the animal's death and disposition or 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 new owner before the animal may be transferred.

(m) *Restriction on future ownership*.

(1) Any person who owns a potentially dangerous or dangerous animal and is found to be in violation any of the requirements of this section or had owned a potentially dangerous or dangerous animal but never achieved compliance may be subject to restrictions on ownership or custody of other dogs of the same species for a period of five (5) years after the original declaration. The animal found to be in violation shall be impounded until due process is completed.

(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. If there is probable 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 keeper of the animal. The owner or keeper 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 permit 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 ordinance;

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 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. 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.

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 after the mandatory hold period as established in section 62.40.

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 a dog with the intent to enhance the dog's ability to inflict bodily injury upon human beings or domestic animals on public or private property.

(g) *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:	$25.00/day
Microchip fee:	$35.00
Euthanizing fee:	$75.00
Rabies vaccination:	$20.00
Sedation, if necessary:	$20.00
Annual license fee:	$75.00
Annual registration:	$100.00 Potentially dangerous $200.00 Dangerous
Appeal Hearing fee:	$250.00 Dangerous $100.00 Potentially dangerous
Prohibited Animal Permit:	$250.00
Annual County Registration fee:	Determined by Hennepin County

Section 3. That Section 64.120 of the above-entitled ordinance be and is hereby repealed:

~~**64.120. Disposition of animals.** (a) The Minneapolis Animal Care and 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) Minneapolis Animal Care and 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, Minneapolis Animal Care and 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 two hundred dollars ($200.00) at the time of the order.~~

~~(3) *Disposition hearing*: If the owner or custodian of an animal requests a hearing to appeal an order of disposition, the hearing shall be held 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, Minneapolis Animal Care and Control shall make a determination whether or not the animal is dangerous. Minneapolis Animal Care and 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 one hundred dollar ($100.00) impound fee and a twenty-five dollar ($25.00) per day kennel fee, and any veterinary~~

~~expenses incurred as a result of the disposition, including costs to euthanize the animal.~~

~~(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 all fines and fees and licensing requirements, it shall be released to the person paying such fees if the Minneapolis Animal Care and Control does not proceed in accordance with subsection (b)(1) and (3).~~

~~(d) Minneapolis Animal Care and Control may apply to the District Court of Hennepin County for subpoenas for hearings under subparagraph (3) above.~~