



**Request for City Council Committee Action
From the Department of Regulatory Services**

Date: April 4, 2007

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

Subject: Dangerous Animals ordinance and enforcement process.

Recommendation: Receive and file.

Previous Directives: NA

Prepared by/Presenters in Committee: Rocco Forte, Assistant City Coordinator, Emergency Preparedness and Regulatory Services and Burt Osborne, Director, Operations, Licenses & Environmental Management

Approved by: Rocco Forte, Assistant City Coordinator, Emergency Preparedness and Regulatory Services

Permanent Review Committee (PRC) Approval _____ Not Applicable
Policy Review Group (PRG) Approval Date of Approval Not Applicable

Financial Impact (Check those that apply)

- No financial impact (If checked, go directly to Background/Supporting Information).
 Action requires an appropriation increase to the _____ Capital Budget or _____ Operating Budget.
 Action provides increased revenue for appropriation increase (in 2007 Budget request).
 Action requires use of contingency or reserves.
 Business Plan: _____ Action is within the plan. _____ Action requires a change to plan.
 Other financial impact (Explain):
 Request provided to department's finance contact when provided to the Committee Coordinator.

Community Impact (use any categories that apply)

- Neighborhood Notification
City Goals
Comprehensive Plan
Zoning Code
Other

Background/Supporting Information Attached

There are an estimated 107, 727 dogs in Minneapolis. In 2006, there were 344 dog bite reports, with 239 being animal to human bites and 105 animal to animal bites. Of these bite incidents, 16 resulted in dangerous dog declarations and one (1) in an immediate destruct order.

There are two types of dangerous animal declarations that can be made by Animal Care & Control. The declaration types are consistent with State statute. They are:

Dangerous Animal

- Inflicts substantial bodily harm unprovoked
- Kills a domestic animal off owners property unprovoked
- Bites, attacks or endangers safety of humans or domestic animals *after* having been declared potentially dangerous

Potentially Dangerous Animal

- Bites human or domestic animal unprovoked
- Chases or approaches a person in an apparent attitude of attack
- Has a known propensity to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals

Animal Control also has the authority to destruct an animal, if the animal has:

- Has bitten one or more persons on two (2) or more occasions, or
- Has caused serious bodily injury or disfigurement to any person, or
- 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
- Is prohibited by or found to be in violation of section 64.110 (Dangerous Animals) of this Code

Dangerous Animal Process

Attached is a flow chart that outlines the process for declaring dangerous animals. When a bite is reported, the incident is investigated to determine the extent of the bite and the circumstances; at this point, a declaration may be made. From the time of declaration, the owner has 14 days to comply with the dangerous animal requirements. If the owner does not comply, the animal may be seized and euthanized.

Prior to the time of the Ybarra incident on March 26, 2007, Animal Control had followed up on 9 of the 17 2006-2007 dangerous dog declarations, including 7 euthanizations, 2 seizures, and 1 criminal complaint. Since the incident, Animal Control has followed up on 6 dogs, euthanizing 5 dogs and executing 1 search warrant. The other dogs either moved out of the city, are in compliance, are dead, or we could not establish probable cause to obtain a search warrant to seize the animal. The attached chart reflects the status of dangerous dogs since 2002. Animal Control will continue to pursue outstanding dangerous dogs dating back to 2002 and intends to have all animals accounted for by the end of June 2007.

Moving forward, Animal Control will strictly abide by the 14 day compliance period and impound all dangerous animals at the time of declaration. In addition, all dogs declared dangerous or potentially dangerous will be quarantined and held at the Animal Control facility until compliant, rather than at the owner's place of residence, which is the current practice.

Ordinance Amendments – July 2006

In July of 2006, the City Council approved a series of amendments to bring City ordinance in line with State statute. In addition, the amendments added administrative citations, penalties for non-compliance, registration of dangerous animals with the City.

Before the amendments, the owner of a dangerous animal had to comply with the following:

- Follow state requirements (muzzle, leash, kennel, insurance, placard, microchip)
- Register with Hennepin County

After the amendments, the following requirements now apply:

- Register with City plus registration fee (\$200)
- Administrative Citation (\$200)
- Increase in annual license fee (\$75)
- Increased impound (\$100) and kennel fees (\$25 per day)
- Destruct fee (cost of vet time and serum)
- Follow state requirements
- Add muzzle and leash requirements for Potentially Dangerous Dogs
- Register with Hennepin County

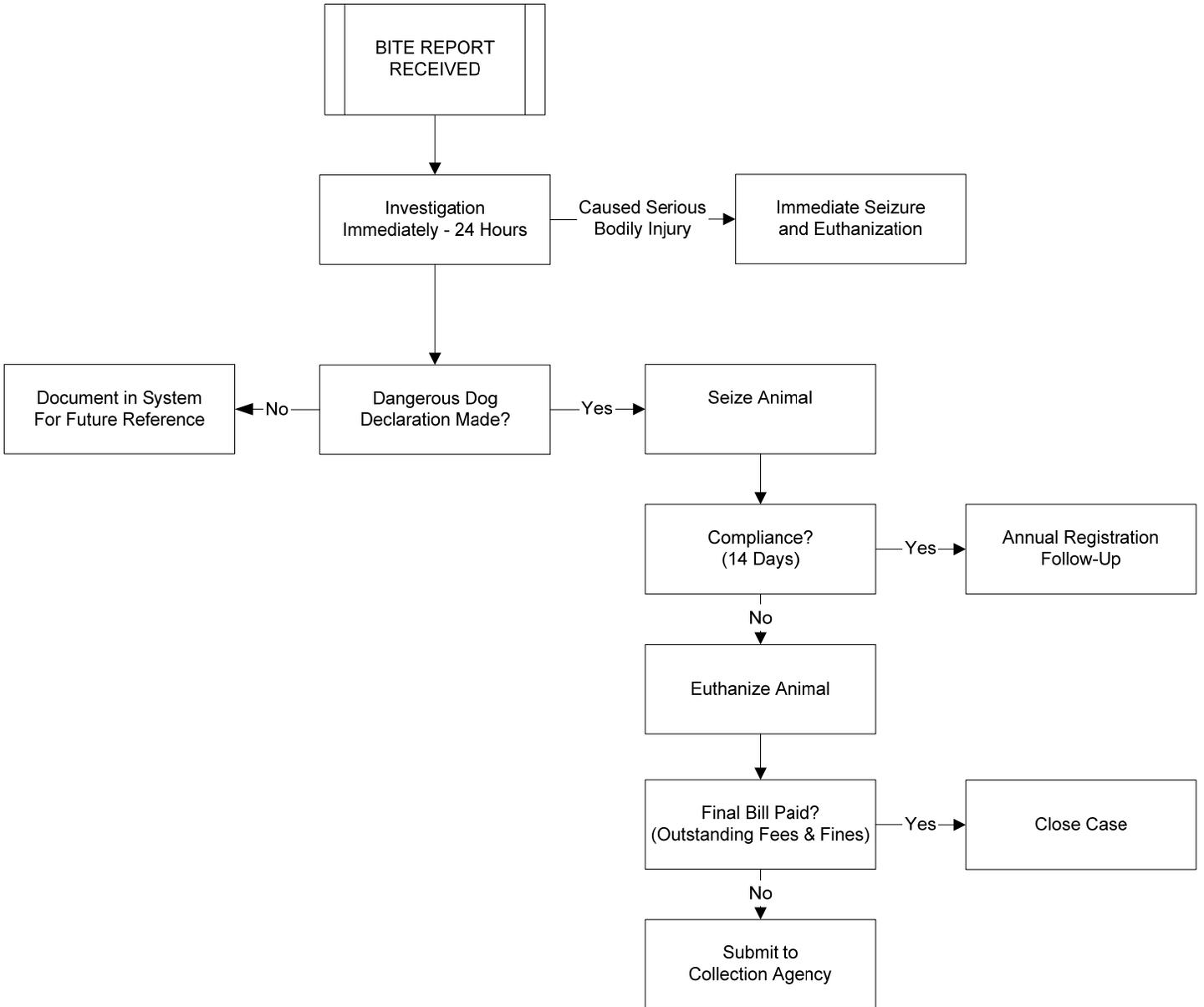
Also, before the amendments, Animal Care & Control designated dangerous and potentially dangerous animals under four different categories with a variety of requirements. The number of designations was confusing, led to many over-rulings of the declaration by hearing officers, and was inefficient. For example, BoBo and Merlin, the dogs that attacked Ms. Ybarra, were declared State Potentially Dangerous by Animal Control on October 23, 2003 (no bite involved) but that declaration was overruled at a hearing in November 2003. The former designations included:

- Licensed Dangerous Dog (muzzle, 3' leash, kennel, microchip, insurance, placard)
- Licensed Potentially Dangerous (muzzle, 3' leash, kennel, microchip)
- Licensed State Potentially Dangerous (microchip)
- Licensed City Dangerous (muzzle, 3' leash, kennel, microchip)

Website

Staff is developing a map to place on Animal Control's website to identify the location of the dangerous dogs in Minneapolis. This map will be updated with each declaration.

Animal Bite Report and Dangerous Dog Declaration Process



64.110. **Dangerous and potentially dangerous animals.** Minneapolis Animal Care and 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) **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 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 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. (86-Or-115, 5-23-86; 88-Or-087, § 2, 5-13-88; 88-Or-098, § 1, 5-27-88; 94-Or-035, § 1, 3-10-95; 2002-Or-010, § 2, 3-1-02; 2006-Or-077, § 1, 7-21-06)

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. (88-Or-087, § 3, 5-13-88; 95-Or-035, § 1, 3-10-95; 2002-Or-010, § 3, 3-1-02; 2003-Or-001, § 1, 1-17-03; 2006-Or-077, § 2, 7-21-06)