



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

**Date:** September 22, 2010

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

**Subject:** Proposed Amendment to Minneapolis Code of Ordinances 64.110 (d) Potentially Dangerous Animals (1) adding “on the property” of the owner or custodian.

**Subject:** Proposed Amendment to Minneapolis Code of Ordinances 64.110 (e) Dangerous Animals adding as a definition “inflicts substantial bodily harm to a domestic animal”.

**Subject:** Proposed Amendment to Minneapolis Code of Ordinances 64.110 (g) Annual Review Requests to include time periods and reduction of fees for completing approved training programs.

**Subject:** Proposed Amendment to Minneapolis Code of Ordinances 64.110 (h) Potentially Dangerous or Dangerous Animal Requirements to prohibit any person who operates a home day care from owning or having custody of a declared animal as a result of aggression towards a person.

**Subject:** Proposed Amendment to Minneapolis Code of Ordinances 64.110 (h) Potentially Dangerous or Dangerous Animal Requirements (14) adding “muzzle and leash” for inspection.

**Subject:** Proposed Amendment to Minneapolis Code of Ordinances 64.110 (l) Noncompliance adding that owners of declared animals who are lost or run away must notify Animal Care & Control in writing.

**Subject:** Proposed Amendment to Minneapolis Code of Ordinances 64.110 (m) Restriction on Future Ownership (c) to include potentially dangerous animals and to add a new provision to include restrictions based on Minnesota State Statute (609.226) Harm Caused by Dog.

**Subject:** Proposed Amendment to Minneapolis Code of Ordinances 64.110 (n) Disposition of Animals adding when unprovoked, kills a domestic animal.

**Recommendation:** That the City Council adopt the proposed ordinance amendments for Minneapolis Code of Ordinance 64.110 Dangerous and Potentially Dangerous Animals.

**Previous Directives:** NA

## Department Information

Prepared by: Lori Olson, Deputy Director of Environmental Management and Dan Niziolek, Manager of Minneapolis Animal Care & Control

Approved by:

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Rocco Forté, Director of Emergency Preparedness & Regulatory Services

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Burt Osborne, Director of Operations, Licensing, and Environmental Services

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Lori Olson, Deputy Director of Environmental Management

Presenters in Committee: Lori Olson, Deputy Director of Environmental Management and Dan Niziolek, Manager of Minneapolis Animal Care & Control

### 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

- Neighborhood Notification
- City Goals
- Comprehensive Plan
- Zoning Code
- Other

### Supporting Information

In our efforts to continuously improve our regulation of dangerous animals in the city of Minneapolis, Minneapolis Animal Care & Control (MACC) brings forward a series of amendments to MCO 64.110, Dangerous and Potentially Dangerous Animals. These amendments will further strengthen our efforts to ensure the safety of neighborhoods and residents from dangerous animals.

Specifically, MACC proposes the following:

1. **64.110 (d) Potentially Dangerous Animal.** MACC cannot declare an animal potentially dangerous for aggressive behavior without a bite that occurs on the property of the dog's owner. This amendment is required to protect individuals who are legally allowed on the property (i.e. mail carriers) and experience aggressive behavior that requires a defensive action but are not bitten.
2. **64.110 (e) Dangerous Animal.** MACC requests the ability to declare an animal dangerous when, unprovoked, that animal inflicts substantial bodily harm to a domestic animal off the property of the owner or custodian of the animal. Currently, MACC can declare an animal potentially dangerous for inflicting injury with a bite on a domestic animal, or MACC can declare a dog dangerous for killing a domestic animal. However, some attacks are so severe that MACC

believes a stronger declaration than potentially dangerous, short of a destruct order, is warranted.

3. **64.110 (g) Annual Review Requests.** Some animals display aggression due to lack of training and socialization. MACC tries to work with owners of declared animals to encourage obedience and other training to discourage future aggressive incidents. MACC believes some animals can be rehabilitated and that declarations do not need to be a life sentence. MACC seeks authority to shorten the current time-period for review of declarations from 24 to 12 months for dangerous and 12 to 6 months for potentially dangerous. In addition, MACC requests the authority to reduce administrative fees for responsible declared dog owners who successfully complete an approved training program.

4. **64.110 (h) Potentially dangerous and dangerous animal requirements.** MACC seeks to prohibit any person who operates a home day care from owning or housing a potentially dangerous or dangerous animal that *has displayed aggression towards a person*. MACC believes the risk of significant harm to non-family member small children in the same house with people-aggressive declared animals warrants this provision.

In addition, MACC proposes adding to 64.110 (h) item #14 the requirement that declared animal owners must submit the required muzzle and three-foot leash for inspection during compliance checks or any other visits related to the declared animal. This requirement ensures that the owners of declared animals are in possession of the mandated equipment for walking a declared animal.

5. **64.110 (i) Non-compliance.** When conducting dangerous animal compliance checks, MACC regularly encounters dog owners who claim their declared animals are lost or ran away. These animals may have been “lost” for months, resulting in time lost in finding these animals. To ensure declared dog owners are held accountable for their animals, MACC needs a provision that mandates written notification within 10 business days that an animal has been lost or run away. Failure to notify MACC would result in an administrative fine or criminal complaint.

6. **64.110 (m) Restriction on future ownership.** Currently, if someone has had more than one dog declared potentially dangerous (on 2 separate incidents) MACC does not have the ability to restrict animal ownership. Two animals being declared potentially dangerous raise concerns about the person’s ability to own dogs without creating a threat to the public safety of Minneapolis residents and their pets. MACC requests the ability to restrict ownership in these cases.

In addition, MACC does not have the ability restrict animal ownership in cases where animals have demonstrated very serious aggression towards a person. MACC requests the ability to restrict ownership in these cases.

7. **64.110 (n) Disposition of animals.** Currently, an animal cannot be issued a destruct order specifically for killing a domestic animal. There are cases when domestic animals are viciously killed and MACC needs clear authority to dispose of these animals.

All proposed amendments have been reviewed by the Minneapolis Animal Care & Control Advisory Board.