

Ordinance 2008-01

AN ORDINANCE CONTROLLING DANGEROUS DOGS AND POTENTIALLY DANGEROUS DOGS.

The City Council of the City of Grand Marais ordains:

Chapter 10 of the City Code is amended by adding Article III, as follows:

ARTICLE III.

Potentially Dangerous and Dangerous Dogs

§ 10-70 Definitions.

- A. Owner. "Owner" means any person keeping, harboring, or having charge or control of, or permitting any animal habitually to be or remain on, or be lodged or fed within, such person's house, yard or premises, excluding veterinarians or kennel operators temporarily maintaining on their premises, for a period of 30 days or less, animals owned by others.
- B. Attack. "Attack" shall mean the deliberate action of a dog, whether or not in response to a command by a person, to bite, to seize with its teeth or to pursue any human, animal or inanimate object, with the intent to destroy, kill, wound, injure or otherwise harm the object of its action.
- C. Proper Enclosure. "Proper Enclosure" means securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and a secure top and shall provide protection from the elements for the animal. A proper enclosure does not include a porch, patio, or any part of a house, garage, or other structure that would allow the animal to exit of its own volition, or any house or structure in which windows are open or in which door or window screens are the only obstacles that prevent the animal from exiting.

§ 10-71. Potentially Dangerous Dogs

- A. Declaration of a Potentially Dangerous Dog. A City animal control officer or other law enforcement official shall determine that a dog is a potentially dangerous dog if the animal has:
  - 1) Without provocation, inflicted bite(s) on a human or domestic animal on public or private property;
  - 2) Without provocation, chased or approached a person upon the streets, sidewalks or other public or private property, other than the dog owner's property, in an apparent attitude of attack; or

- 3) Has a known propensity, tendency or disposition to attack without provocation, causing injury or otherwise threatening the safety of humans or domestic animals.
- B. Notice of Declaration to Owner. Upon a determination by an animal control officer or other law enforcement official that a dog is potentially dangerous, the City shall serve a Notice of Potentially Dangerous Dog on the owner of such dog. Notice shall be served upon the owner of the dog personally or by certified mail. Service upon any owner is effective as to all owners.
- C. Registration. No person may own, possess, keep, harbor, maintain or otherwise have a potentially dangerous dog in the City unless the dog is currently registered as provided in this section. Registration must be completed with fourteen (14) days from owner's receipt of Notice of Potentially Dangerous Dog.
- D. Certificate of Registration. The City Clerk shall issue an annual certificate of registration to the owner of the potentially dangerous dog if the owner presents sufficient evidence that:
- 1) Fee. Payment has been made for the annual Potentially Dangerous Dog registration fee.
  - 2) Proper Enclosure. An owner of a potentially dangerous dog will keep the dog in a proper enclosure that has been inspected and approved by the City.
  - 3) Tag. A potentially dangerous dog must have a standardized, easily identifiable tag identifying the dog as potentially dangerous and containing the uniform potentially dangerous dog symbol required by the City affixed to the dog's collar at all times.
  - 4) Surety Bond or Policy of Liability Insurance. An owner of a potentially dangerous dog will obtain a surety bond issued by a surety company authorized to conduct business in this state in of at least \$50,000, payable to any person injured by the potentially dangerous dog, or a policy of liability insurance has been issued by an insurance company authorized to conduct business in this state in the amount of at least \$50,000, insuring the owner for any personal injuries inflicted by the dangerous dog.

#### §. 10-72. Dangerous Dogs

- A. Declaration of a Dangerous Dog. A City animal control officer or other law enforcement official shall determine that a dog is a dangerous dog if the animal has:
- a. Without provocation, inflicted substantial bodily harm on a human being on public or private property; or

- b. Killed or caused substantial bodily harm to a domestic animal without provocation while off the owner's property; or
  - c. Been previously found to be potentially dangerous, and after the owner has notice that the dog is potentially dangerous, the dog aggressively bites, attacks, or endangers the safety of humans or domestic animals.
  - d. Notice of Declaration of Dangerous Dog to Owner. Upon a determination by an animal control officer or other law enforcement official that a dog is dangerous, the City shall serve a Notice of Dangerous Dog to the owner of such dog. Notice shall be served upon the owner of the dog personally or by certified mail. Service upon any owner is effective as to all owners.
    - i. Registration. No person may own, possess, keep, harbor, maintain or otherwise have a dangerous dog in the City unless the dog is currently registered as provided in this section. Registration must be completed with fourteen (14) days from owner's receipt of Notice of Dangerous Dog.
- B. Certificate of Registration. The City Clerk shall issue an annual certificate of registration to the owner of the dangerous dog if the owner presents sufficient evidence that:
- a. Fee. Payment has been made for the annual Dangerous Dog registration fee.
  - b. Proper Enclosure. An owner of a potentially dangerous dog will keep the dog in a proper enclosure, that has been inspected and approved by the City.
  - c. Warning Symbol. All owners of dangerous dogs within the city shall display in a prominent place on their property a warning symbol approved by the Minnesota Commissioner of Public Safety to inform children that there is a dangerous dog on the property. In addition, a similar symbol is required to be posed on the proper enclosure of such animal.
  - d. Tag. A dangerous dog must have a standardized, easily identifiable tag identifying the dog as dangerous and containing the uniform dangerous dog symbol required by the City affixed to the dog's collar at all times. The tag shall be of design approved by the Minnesota Commissioner of Public Safety.
  - e. Surety Bond or Policy of Liability Insurance. An owner of a dangerous dog will obtain a surety bond issued by a surety company authorized to conduct business in this state in of at least \$50,000, payable to any person injured by the dangerous dog, or a policy of liability insurance has been issued by an insurance company authorized to conduct

- i. business in this state in the amount of at least \$50,000, insuring the owner for any personal injuries inflicted by the dangerous dog.
      - f. Microchip Implant. All owners of dogs declared dangerous, shall cause the dog to be implanted with a microchip for identification and provide the City animal control officer with the name of the microchip manufacturer and the serial identification number of the implanted microchip.
- C. Neutering/Altering. Upon the designation of a dog as dangerous, the animal control officer may require the owner to cause the dog to be sterilized at the owner's expense and provide the City animal control authority with proof thereof, including the name, address and telephone number of the veterinarian who performed the procedure, within thirty (30) days of the date the dog was determined to be dangerous.
- D. Leash and Muzzle. An owner of a potentially dangerous or dangerous dog shall keep the dog, when not confined in a proper enclosure, muzzled and restrained by a substantial leash not longer than four (4) feet and under the physical restraint of a responsible person.
- E. Exemption. A dog shall not be declared a potentially dangerous or dangerous dog if the threat, injury, or damage was sustained by a person:
  - a. Who was committing, at the time, an unlawful trespass or other tort upon the premises occupied by the owner of the dog;
  - b. Who was provoking, tormenting, abusing, or assaulting the dog or who can be shown to have repeatedly, in the past, provoked, tormented, abused, or assaulted the dog; or
  - c. Who was committing or attempting to commit a crime.
- F. Law Enforcement; exemption. The provisions of this section do not apply to dogs used by law enforcement officials for police work.
- G. Appeal of the Potentially Dangerous or Dangerous Dog Designation. Within fourteen (14) days after receipt of a notice of a potentially dangerous or dangerous dog declaration, an owner may request a hearing to appeal the designation. The request must be in writing and filed with the City Clerk.
- H. Appeal Hearing Procedure.
  - a. Setting Hearing Date. In the event that an appeal is filed with the City Clerk, a hearing shall be scheduled within two weeks of the date the request for appeal is received.
  - b. Notice of Hearing Date. In the event that an appeal is filed, a notice shall be mailed to the owner stating the date, time, place and subject of the hearing.

- c. Designated Hearing Officer. The City Manager or a designated hearing officer shall convene a hearing at which time the dog owner shall have an
  - i. opportunity to present evidence and testimony to support the appeal of the potentially dangerous or dangerous dog designation. The hearing officer may receive evidence and testimony from the animal control officer or law enforcement official and other parties who wish to be heard.
- d. Written Recommendation. Upon receiving the evidence and testimony, the hearing officer shall make a written recommendation to the city council which may confirm, or rescind the potentially dangerous or dangerous dog designation.
- e. Requirements of Owner Pending Appeal. During a pending appeal, an owner of a declared potentially dangerous or dangerous dog shall comply with the following requirements.
  - 1. Proper Enclosure. An owner of a declared potentially dangerous or dangerous dog, pending appeal, will keep the dog in a proper enclosure that has been inspected and approved by the City.
  - 2. Leash and Muzzle. An owner of a declared potentially dangerous or dangerous dog, pending appeal shall keep the dog, when not confined in a proper enclosure, muzzled and restrained by a substantial leash not longer than four (4) feet and under the physical restraint of a responsible person.

#### I. Confiscation.

- a. Seizure. The animal control officer or any law enforcement official shall immediately seize any potentially dangerous or dangerous dog if, after fourteen (14) days after the owner has notice of the designation, and the owner has not filed an appeal of the designation, and:
  - 1. The dog is not validly registered under this section;
  - 2. The dog is not maintained in the proper enclosure;
  - 3. The dog is outside the proper enclosure and not under physical restraint of a responsible person as required under this section; or
  - 4. The owner does not secure the proper surety coverage or liability insurance as required under this section.
- b. Reclamation. An owner may reclaim a potentially dangerous or dangerous dog seized under the section, by paying impounding and boarding fees and presenting proof to the City that the requirements

of this section have been met. The City may dispose of a dog that is not reclaimed within ten (10) days and the owner is liable to the City for costs incurred in confining and disposing of the dog.

- J. Destruction of Dog in Certain Circumstances. A dog that has previously been declared a potentially dangerous dog or a dangerous dog that inflicts substantial or great bodily harm on a human being on public or private property without provocation may be destroyed in a proper and humane manner by the animal control officer, The animal control officer may not destroy the dog until the dog owner has had the opportunity for a hearing as prescribed by this section, subdivision 1 OH. Upon a determination following appeal that destruction is appropriate, the owner of the dangerous dog shall pay the costs incurred in confiscation, boarding and destruction.
- K. Fees. The City may charge the owner an annual fee, in addition to any regular dog license fees, to obtain a certificate of registration for a potentially dangerous or a dangerous dog under this section. Fees may also be charged for signs and tags that are designated as the official symbol of a potentially dangerous or dangerous dog.
- L. Notice of Dog's removal. An owner of a potentially dangerous or dangerous dog must notify the animal control officer, in writing, of the death of the dog or its transfer to a new owner or jurisdiction within thirty (30) days of the death or transfer. The owner will provide to the animal control officer, the name, address and telephone number of the new owner, or address where the dog will reside in the new jurisdiction. An animal that has been removed from the City pursuant to this provision may not reenter the city.
  - a. Notice to Property Owner. A person who owns a potentially dangerous or dangerous dog and who rents property from another where the dog will reside, must disclose to the property owner prior to entering the lease agreement and at the time of the lease renewal, that the person owns a potentially dangerous or dangerous dog that will reside at the property.
- M. Penalties. It shall be unlawful for the owner of a potentially dangerous dog or a dangerous dog to fail to comply with the requirements and conditions set forth in this section. A violation of any provision of this Article of the City Code shall be a misdemeanor.

First Reading:

Date: February 13, 2008

Ayes:	_____	Bolstad, Costello, Kennedy, Larsen, Lenz	_____
Nays:	_____		_____
Absent:	_____		_____
Abstain	_____		_____

Second Reading:

Date: \_\_\_\_\_, 2008

Ayes:	_____		_____
Nays:	_____		_____
Absent:	_____		_____
Abstain	_____		_____

Published: