

**CITY OF ROSE CREEK**

**ORDINANCE # 109-2019**

**AN ORDINANCE REGULATING POTENTIALLY DANGEROUS DOGS AND  
DANGEROUS DOGS WITHIN THE CITY OF ROSE CREEK**

The City of Rose Creek, Minnesota, ordains:

Section 1. No person may own a dangerous dog unless the dog is registered as required by an animal control officer or hearing officer and the dog is otherwise in full compliance with any applicable statute relating to dangerous dogs or animals.

Section 2. No person may own a potentially dangerous dog unless the dog is registered as required by this Ordinance and is microchipped as required by Minnesota Statute.

Section 3. An animal control officer shall have the authority to order the destruction of dangerous dogs in accordance with the terms established by this chapter.

Section 4. Definitions. For purposes of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

*"Animal control officer"* means any law enforcement official deputized by the Mower County Sheriff.

*"Dangerous dog"* means a dog which has:

- (1) Without provocation, inflicted substantial bodily harm to any person on public or private property;
- (2) Killed a domestic animal without provocation while off the owner / custodian's property; or
- (3) Been found to be potentially dangerous and / or the owner / custodian has personal knowledge of the same, and has aggressively bitten, attacked, or endangered the safety of people or domestic animals.

*"Domestic animal"* means an animal commonly accepted as a household pet, including but not limited to dogs, cats, caged birds, gerbils, hamsters, domesticated rabbits, guinea pigs, nonpoisonous, nonvenomous and non-constricting reptiles and amphibians and other similar animals.

*"Owner"* means any person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having care, custody or control of a dog.

*"Potentially dangerous dog"* means a dog which has:

- (1) Without provocation, inflicted bites on a person or domestic animal on public or private property;
- (2) Without provocation, chased or approached a person on a bicycle, upon the streets, sidewalks, or any public or private property, other than the dog owner / custodian's property, in an apparent attitude of attack; or
- (3) A known propensity, tendency, or disposition to attack unprovoked causing injury or otherwise threatening the safety of people or domestic animals.

*"Proper enclosure"* means securely confined indoors or in a securely locked pen or structure suitable to prevent the dog from escaping and to provide protection for any dog from the elements. A proper enclosure does not include a porch, patio, or any part of a house, garage, or other structure that would allow the dog 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 barriers which prevent the dog from exiting. The enclosure shall not allow the egress of the dog in any manner without assistance from a person.

*"Substantial bodily harm"* means a 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.

*"Unprovoked"* means the condition in which the dog is not purposely excited, stimulated, agitated or disturbed.

#### Section 5. Potentially Dangerous Dogs.

1. An animal control officer shall designate a dog as potentially dangerous upon receiving evidence that the dog has:
  - a) Without provocation, inflicted bites on a person or domestic animal on public or private property;
  - b) Without provocation, chased or approached a person on a bicycle, upon the streets, sidewalks, or any public or private property, other than the dog owner / custodian's property, in an apparent attitude of attack; or
  - c) A known propensity, tendency, or disposition to attack unprovoked causing injury or otherwise threatening the safety of people or domestic animals.
2. When a dog is declared a potentially dangerous dog, the animal control officer shall cause one owner / custodian of the potentially dangerous dog to be notified in writing that the dog is potentially dangerous, and notify the owner of his or her appeal rights.
3. In the event an owner / custodian appeals a potentially dangerous dog declaration, the potentially dangerous dog declaration appeal shall consist of a record review by an impartial hearing officer that may include the City Council or other designee as determined by the Mayor. The record shall consist of any reports, affidavits, photographs or video submitted by the animal control officer and the owner / custodian. There is a \$100 fee for an appeal of a potentially dangerous dog declaration. The owner / custodian shall be notified in writing

of the results of the record review within 14 days of the closing of the record. The hearing officer conducting the review shall have the authority to amend the declaration or order as appropriate and to establish specific requirements for the dog found to be potentially dangerous.

Section 6. Dangerous Dogs.

1. An animal control official shall have the authority to designate any dog as a dangerous dog upon receiving evidence that a dog has done one of the following:
  - a) Without provocation, inflicted substantial bodily harm to any person on public or private property;
  - b) Killed s domestic animal without provocation while off the owner / custodian's property; or
  - c) Been found to be potentially dangerous and / or the owner / custodian has personal knowledge of the same, and has aggressively bitten, attacked, or endangered the safety of people or domestic animals.
2. When a dog is declared a dangerous dog, the animal control officer shall cause one owner / custodian of the dangerous dog to be notified in writing that the dog is dangerous, and notify the owner of his or her appeal rights.
3. The owner / custodian of a dog that has been declared dangerous may appeal the designation and request a hearing. The notice of appeal shall be filed within 14 days of the notification that the dog has been declared dangerous. A dangerous dog declaration appeal shall consist of an appearance before the City Council or other impartial designee. The hearing fee of \$250 must be paid prior to the hearing. The hearing officer may set limits on the evidence that may be submitted and the length of the testimony offered. The hearing officer shall have the authority to amend the declaration or order as appropriate and to establish specific requirements for the dog. In the event the declaration is overturned, all fees will be reviewed by the hearing officer including any of the actual costs of care, keeping or disposition of dog following any seizure of the dog. All decisions may be appealed to the Minnesota Court of Appeals.
4. As authorized by Minnesota Statute section 357.54 and as it may be amended from time to time, the animal control officer shall immediately seize any dangerous dog if the owner / custodian does not meet the requirements for maintaining a dangerous dog. The actual costs of care, keeping or disposition of the dog shall be the responsibility of the owner / custodian upon reclaiming the dog unless overturned or reduced by a hearing officer after a hearing.
5. A dangerous dog that has been seized may be reclaimed by the owner / custodian upon payment of any impounding and boarding fees including the actual costs of care, keeping or disposition of the dog and establishing that each of the requirements of this ordinance and any applicable state statute have been satisfied. Any dog not reclaimed within 14 days under this section may be disposed of with the owner / custodian responsible for the costs of confining, impounding and disposing of the dog.



6. *Subsequent Violations.* In the event an owner / custodian of a dangerous dog fails to meet the conditions set by the animal control officer or hearing officer after hearing a second time with the same dog, the dog must be seized by the animal control officer. The owner / custodian may request a hearing in accordance with paragraph 3 of this section. If the owner / custodian is found to have violated the provisions for which the dog was seized, the hearing officer shall order the dog destroyed in a proper and humane manner and the owner / custodian shall pay the costs of confining the dog. If the person is found not to have violated the provisions for which the dog was seized, the owner / custodian may reclaim the dog pursuant to paragraph 5 of this section. Any dog not reclaimed within 14 days may be disposed of as provided in paragraph 5.
7. If the animal control officer or hearing officer does not order the destruction of a dog that has been declared dangerous, said officer may, as an alternative, order any or all of the following in addition to any statutory requirements for maintaining a potentially dangerous dog or dangerous dog:
- a) That the owner / custodian provide and maintain a proper enclosure for the dangerous dog;
  - b) That the owner / custodian post at the front and rear of the premises with clearly visible signs, including a warning symbol to inform children, that there is a dangerous dog on the property;
  - c) That the owner / custodian provide proof annually of public liability insurance in the minimum amount of \$300,000.00;
  - d) That if the dog is outside the proper enclosure, that the dog be muzzled and restrained by a substantial chain or leash not exceeding six feet in length and under the physical restraint of an individual 16 years of age or older. The muzzle must be of a design so as to prevent the dog from biting any person or domestic animal.
  - e) That the dog have an easily identifiable, standardized tag identifying the dog as dangerous with the tag affixed to its collar at all times.
  - f) That the dog be licensed at all times and have up to date rabies vaccinations.

THIS ORDINANCE SHALL TAKE EFFECT UPON ITS ADOPTION AND PUBLICATION ACCORDING TO LAW.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF ROSE CREEK, MINNESOTA, THIS 10<sup>TH</sup> DAY OF DECEMBER, 2019.

APPROVED:

  
MAYOR WEIS

ATTEST:

  
KRISTINE M. ALLAS, CLERK