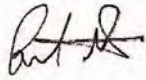


ROSEVILLE
REQUEST FOR COUNCIL ACTION

Date: March 29, 2010
Item No.: 13.a

Department Approval

City Manager Approval



Item Description: **ADOPT AN ORDINANCE AMENDING TITLE FIVE, SECTION 501.16 OF THE ROSEVILLE CITY CODE RELATING TO VICIOUS ANIMALS**

BACKGROUND

To better protect the community from potentially vicious or dangerous animals, and to bring the ordinance into compliance with new state law, proposed are revisions and amendments to City Code Title Five, Section 501.16 as reflected in the Attachment to this RCA.

In 2008, the MN Legislature made changes to the current statutes regarding dangerous dogs. These changes came into effect on August 1st, 2008. The new law toughened the requirements for the keeping of dangerous dogs and required an Impartial Hearing Officer to be hired by the City in the event an owner appeals a dangerous dog declaration made by the Chief of Police.

The proposed revisions bring Ordinance 501.16 into agreement with the revised MN § 47.52. The proposed revisions have been reviewed and approved by the City Attorney.

The proposed revisions and amendments broaden the definition and scope of what the City considers a dangerous animal and the owner's responsibility in regulating the animal through proper adherence and regulation to City code. The following amendments have been made: Notice of Dangerous Animal Determination and Appeal of Dangerous Animal Determination.

POLICY OBJECTIVE

Approve the revisions and amendments to Title Five, Section 501.16 of the Roseville City Code as stated in the attachment.

FINANCIAL IMPACTS

No cost to the City; however, a hearing on the appeal of a dangerous animal determination before a hearing officer designated by the Animal Human Society Director of Human Investigations could cost the owner of the dangerous animal a maximum of \$1,000 based on the determination of the investigation.

STAFF RECOMMENDATION

Adopt an Ordinance amending Section 501.16 A, B, and D and adding 501.16 F and G relating to Dangerous Dogs per revised MN § 47.52.

And

Approve an Ordinance Summary amending Section 501.16 A, B, and D and adding 501.16 F and G relating to

31 Dangerous Dogs per revised MN § 47.52

32 **REQUESTED COUNCIL ACTION**

33 Adopt an Ordinance amending Section 501.16 A, B, and D and adding 501.16 F and G relating to Dangerous
34 Dogs per revised MN § 47.52.

35 And

36 Approve an Ordinance Summary amending Section 501.16 A, B, and D and adding 501.16 F and G relating to
37 Dangerous Dogs per revised MN § 47.52

38

39

40

41

Prepared by: Sgt. Joshua Arneson

Attachments: A: Ordinance Amending Title five, Section 501.16
B. Ordinance Summary

**City of Roseville
ORDINANCE No.**

**AN ORDINANCE AMENDING TITLE FIVE, SECTION 501.16 DANGEROUS ANIMALS
501.16 A. DEFINITIONS; 501.16 B. DANGEROUS ANIMAL REGISTRATION; 501.16 D. REGULATION
OF DANGEROUS ANIMALS; AND ADDING 501.16 F. NOTICE OF DANGEROUS ANIMAL
DETERMINATION; AND 501.16 G. APPEAL OF DANGEROUS ANIMAL DETERMINATION**

THE CITY OF ROSEVILLE ORDAINS:

SECTION 1: Title Five, Section 501.16 of the Roseville City Code is amended to read as follows:

A. Definitions

HEARING OFFICER means an impartial employee appointed by the City, or an impartial person retained by the City, to conduct a hearing under this Ordinance.

B. Dangerous Animal Registration

2. The City will, upon application by the Owner, issue a certificate of registration to the Owner of a dangerous animal if the Owner presents evidence that:

b. ~~a warning sign, including a warning symbol for children, has been placed on the animal Owner's property informing of the presence of the dangerous animal; a warning sign provided by the City, to inform children that there is a dangerous dog on the property, has been placed on the animal Owner's property. The warning symbol must be the uniform symbol provided by the commissioner of public safety. The City may charge the registrant a reasonable fee to cover its administrative costs and the cost of the warning symbol.~~

c. the Owner has procured a surety bond issued by a surety company authorized to do business in Minnesota, in a form acceptable to the City in at least the sum of \$50,000 \$300,000 payable to any person injured by the animal or, alternatively, the Owner has in place a policy of insurance providing the same protection;

5. Tag. The dangerous animal registered under this section must have an ~~easily identifiable standardized~~ a tag containing the uniform dangerous dog symbol, identifying the animal as dangerous, which is affixed to the animal's collar at all times.

D. Regulation of Dangerous Animals-

3. An Owner of a dangerous animal must notify the City in writing of the animal's death or its transfer ~~outside the City to a new location~~ within 30 days of death or transfer, and must execute an affidavit of death or transfer as requested by the City.

4. ~~The City may require any dangerous animal to be~~ An Owner of a dangerous animal must have the animal sterilized at the Owner's expense. The Owner must provide proof of sterilization of the animal to the City. If the Owner does not have the animal sterilized, within 30 days of the dangerous animal determination, the animal control authority ~~may~~ shall seize the animal and have the animal sterilized ~~also~~ at the Owner's expense.

6. A person that ~~sells~~ transfers a dangerous animal must notify the ~~purchaser~~ new Owner that the animal has been identified as dangerous, and must also notify the City in writing, providing the new Owner's name, address and telephone number.

7. The City shall seize a dangerous animal if, after 14 days after the Owner has notice that the animal is dangerous, the animal is not validly registered as a dangerous animal or the Owner has not secured the required liability insurance or surety coverage. The City may seize a dangerous animal if any other of the requirements contained in this subdivision have not been met. A seized animal may be reclaimed upon payment of impounding and confinement costs and proof that the requirements of this Ordinance ~~will be~~ have been met. An animal not reclaimed within seven days will be destroyed, and the Owner will be liable for all costs incurred in confining and disposing of the animal. A person claiming an interest in a seized animal may prevent disposition of the animal by posting security in an amount sufficient to provide for the animal's actual cost of care and keeping. The security must be posted within 7 days of the seizure inclusive of the date of the seizure.

9. Notwithstanding anything in this ~~subdivision~~ Ordinance to the contrary, the City may seize and destroy an animal that ~~has inflicted substantial or great bodily harm on a human being on public or private property without provocation; has:~~

- a. inflicted substantial or great bodily harm on a human on public or private property without provocation;
- b. inflicted multiple bites on a human on public or private property without provocation;
- c. bit multiple human victims on public or private property in the same attack without provocation; or
- d. bit a human on public or private property without provocation in an attack where more than one animal participated in the attack.

Destruction of the animal may occur after the animal Owner has been notified of the intended destruction and, has had a reasonable opportunity for at least 7 days to request a hearing challenging the decision to destroy the animal. a hearing before a decision maker appointed by the City. If a hearing is requested, the hearing shall be before a hearing officer.

F. Notice of Dangerous Animal Determination

1. The Owner of the animal and persons that have suffered injury or damage from the animal shall be given written notice of the determination of the animal as dangerous. The notice shall provide:
 - a. a description of the animal; the authority for and purpose of the dangerous animal declaration, and seizure, if applicable; the time, place, and circumstances under which the animal was declared dangerous; and the telephone number and contact person where the animal is kept;
 - b. that the Owner of the animal may request a hearing concerning the dangerous animal declaration; failure to do so within 14 days of the date of the notice will terminate the owner's right to a hearing;
 - c. that if an appeal request is made within 14 days of the notice, the Owner must immediately comply with the requirements of paragraphs D (1) and (3) of this subdivision, and until such time as the hearing officer issues an opinion;
 - d. that if the hearing officer affirms the dangerous animal declaration, the Owner will have 14 days from the date of the determination to comply with all other requirements of this subdivision;
 - e. that all actual costs of the care, keeping, and disposition of the animal are the responsibility of the person claiming an interest in the animal, except to the extent that a court or hearing officer finds that the seizure or impoundment was not substantially justified by law; and
 - f. a form for notifying the City of an appeal and requesting a hearing under this subdivision;

G. Appeal of Dangerous Animal Determination.

1. The Owner of an animal determined to be dangerous may appeal the dangerous animal determination.
2. The written notice of appeal must be received by the City within 14 days from the date of the dangerous animal determination.
3. The hearing on the appeal of a dangerous animal determination shall be before a hearing officer. The hearing officer shall be the Animal Humane Society Director of Humane Investigations, or their designee.
4. The hearing shall take place within 14 days of the receipt of the notice of appeal.
5. In the event that the dangerous animal determination is upheld by the hearing officer, actual expenses of the hearing, up to a maximum of \$1,000, will be the responsibility of the animal's owner.
6. The hearing officer shall issue a decision on the matter within ten days after the hearing. The decision must be delivered to the animal's owner by hand delivery or registered mail as soon as practical and a copy must be provided to the City.

SECTION 2: Effective date. This ordinance shall take effect upon its passage and publication.

Passed by the City Council of the City of Roseville this ____ day of _____ 2010.

(SEAL)

CITY OF ROSEVILLE

BY: _____
Craig D. Klausing, Mayor

ATTEST:

William J. Malinen, City Manager

**CITY OF ROSEVILLE
OFFICIAL SUMMARY OF ORDINANCE No.**

**AN ORDINANCE AMENDING TITLE 5, OF THE CITY CODE, AMENDING
CHAPTER 501.16, A COMPREHENSIVE SECTION ON DANGEROUS ANIMALS
WITHIN THE CITY OF ROSEVILLE**

The City Council of the City of Roseville adopted Ordinance No. on February 8th, 2010, which is summarized as follows:

The Roseville City Code is amended by re-writing Section 501.16 regarding Dangerous Animals, the Registration of Dangerous Animal, the Regulation of Dangerous Animals, the Notice of Dangerous Animal Determinations and the Appeal of Dangerous Animal Determinations. The ordinance takes effect on January 1, 2011.

A printed copy of the ordinance is available for inspection by any person during regular office hours in the office of the City Manager at the Roseville City Hall, 2660 Civic Center Drive, Roseville, Minnesota 55113. A copy of the ordinance and summary is also posted at the Reference Desk of the Roseville Branch of the Ramsey County Library, 2160 Hamline Avenue, Roseville, Mn. 55113, and on the internet web page of the City of Roseville (www.ci.roseville.mn.us).

Attest: _____
William J. Malinen, City Manager

Date: _____