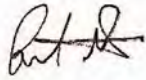


REQUEST FOR COUNCIL ACTION

Date: November 14, 2011
Item No.: 13.e

Department Approval

City Manager Approval



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

BACKGROUND

To better protect the community from potentially vicious or dangerous animals, proposed is a revision and amendment to City Code Title Five, Section 501.16 as reflected in the Attachment to this RCA. The proposed revision and amendment clearly addresses and defines an appeal process (summarized briefly in the following paragraph) of what the City has designated a dangerous or potentially dangerous animal per City Code Title Five, Section 501.16. The proposed revisions and amendments have been reviewed and approved by the City Attorney.

Beginning six months after an animal is declared potentially dangerous; an Owner may request annually that the animal control authority review the designation. The owner must provide evidence that the animal's behavior has changed due to the animal's age, neutering, environment, completion of obedience training that includes modification of aggressive behavior, or other factors. If the animal control authority finds sufficient evidence that the animal's behavior has changed, the authority may rescind the potentially dangerous animal designation.

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 or potentially 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

Discuss the revisions and amendments to City Code Title Five, Section 501.16.

REQUESTED COUNCIL ACTION

Discuss the ordinance amendment as proposed in the attachment (Title Five, Section 501.16 Roseville City Code) to this RCA.

Prepared by: Kirk Lindahl, Lead Community Service Officer
Attachments: A: Ordinance Amending Title five, Section 501.16

1 Attachment A

2
3 City of Roseville
4 ORDINANCE NO. _____
5

6 AN ORDINANCE ADDING TITLE FIVE, SECTION 501.16 C2
7 REGARDING A REVIEW PROCESS FOR POTENTIALLY DANGEROUS DOG
8 DETERMINATION AND AMENDING TITLE FIVE, SECTION 501.16 G TO ADD AN
9 APPEAL PROCESS FOR POTENTIALLY DANGEROUS DOG DETERMINATION
10

11 THE CITY OF ROSEVILLE ORDAINS:

12
13 SECTION 1: Title Five, Section 501.16 C2 of the Roseville City Code is hereby added
14 to read as follows:
15

- 16 2. Potentially Dangerous animal designation review. Beginning six months after an
17 animal is declared potentially dangerous; an Owner may request annually that the
18 animal control authority review the designation. The Owner must provide evidence
19 that the animal's behavior has changed due to the animal's age, neutering,
20 environment, completion of obedience training that includes modification of
21 aggressive behavior, or other factors. If the animal control authority finds sufficient
22 evidence that the animal's behavior has changed, the authority may rescind the
23 potentially dangerous animal designation.
24

25 SECTION 2: Title Five, Section 501.16 G of the Roseville City Code is hereby amended
26 to read as follows:
27

- 28 G. Appeal of Dangerous or Potentially Dangerous Animal Determination.
29 1. The Owner of an animal determined to be dangerous or potentially dangerous may
30 appeal the dangerous animal determination.
31 2. The written notice of appeal must be received by the City within 14 days from the
32 date of the dangerous or potentially dangerous animal determination.
33 3. The hearing on the appeal of a dangerous or potentially dangerous animal
34 determination shall be before a hearing officer. The hearing officer shall be the
35 Animal Humane Society Director of Humane Investigations, or their designee.
36 4. The hearing shall take place within 14 days of the receipt of the notice of appeal.
37 5. In the event that the dangerous or potentially dangerous animal determination is
38 upheld by the hearing officer, actual expenses of the hearing, up to a maximum of
39 \$1,000, will be the responsibility of the animal's owner.
40 6. The hearing officer shall issue a decision on the matter within ten days after the
41 hearing. The decision must be delivered to the animal's owner by hand delivery or
42 registered mail as soon as practical and a copy must be provided to the City. (Ord.
43 1391, 3-29-2010).
44

SECTION 3: 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 _____, 20_____.

Ordinance Adding Title Five Section 501.16 C2 regarding a review process for potentially dangerous dog determination and Amending Title Five Section 501.16 G to add an appeal process for potentially dangerous dog determination.

(SEAL)

CITY OF ROSEVILLE

BY: _____
Daniel J. Roe, Mayor

ATTEST:

William J. Malinen, City Manager