

ORDINANCE NO. 2008-29

AN ORDINANCE AMENDING CITY CODE SECTIONS
710.005(2), 925.005 AND 925.105 REGARDING DANGEROUS ANIMALS

The City of Minnetonka Ordains:

Section 1. City Code section 710.005(2) is amended as follows:

2. animals

<u>dangerous animal registration</u>	<u>\$50.00</u>	<u>925.105</u>
commercial kennel license		925.065
per year or portion thereof	\$35.00	
multiple animal permit	\$10.00	925.065
veterinary hospital license	\$35.00	925.070
impounding fee		925.035
first time	\$25.00	
second time (in one year)	\$50.00	
third time (in one year)	\$75.00	
each subseq. impound in one year	\$100.00	
wild animal display permit	\$15.00	925.095

Section 2. City code section 925.005, subd. 1s amended as follows:

11. "Potentially dangerous animal" means an animal that:

a. when unprovoked, inflicted bites that broke the skin on a human or domestic animal on public or private property;

b. when unprovoked, chased or approached a person ~~who was on public property, including a person on a bicycle, upon the streets, sidewalks, or any public or private property other than the animal owner's property,~~ in an apparent attitude of attack

The ~~stricken~~ language is deleted; the underlined language is inserted.

indicated by such things as snarling and bared teeth; or

c. has a known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.

“Potentially dangerous animal” does not include an animal taking action that was:

~~d. directed toward a person or animal who was willfully trespassing, committing another tort, committing a crime, or attempting to commit a crime, on premises occupied by the animal's owner;~~

~~e. provoked; or~~

f. done to defend or protect itself or a human being within its immediate vicinity from an unjustified attack or assault.

Section 3. City code section 925.105 is amended as follows:

925.105. Dangerous and Potentially Dangerous Animals.

1. Dangerous animals. ~~A person who owns, keeps, possesses, or acts as a custodian for a dangerous animal must comply with the requirements of~~ The provisions of Minn. Stat. §§ 347.50 through 347.54 347.56 are adopted by reference and govern dangerous animals in the city of Minnetonka, except that the word “animal” is substituted for the word “dog” wherever it appears in those statutes.

2. Potentially dangerous animals.

a. A person who owns, keeps, possesses, or acts as a custodian for a potentially dangerous animal must do the following:

a.(1) maintain the animal under restraint by use of a leash not exceeding six feet in length at all times when the animal is off the owner's premises; ~~and~~

b.(2) when the animal is on the owner's premises, confine the animal within a fenced enclosure sufficient to keep the animal from leaving the enclosure, or maintain the animal on a leash or chain not exceeding six feet in length;

(3) have a microchip identification implanted in the animal as required by Minn. Stat. §347.515; and

(4) provide notification of the death, change in ownership, or transfer of the animal in accordance with the requirements in Minn. Stat. §347.52(c) and (f).

b. The notice and hearing requirements provided in Minn. Stat. §347.541 apply to the determination by authorized city personnel that an animal is potentially dangerous.

~~3. Notice of determination. Upon a determination by authorized city personnel that an animal is either dangerous or potentially dangerous as defined by state law or this ordinance, the city must provide notice of this determination to the animal's owner by serving the owner personally or by registered mail. The notice must describe the animal deemed to be dangerous or potentially dangerous and must identify the person making the determination. The notice must inform the owner of the right to appeal the officer's determination within 10 days after receipt of the notice. Immediately upon receipt of the notice the owner must comply with the state law requirements for muzzling an animal designated to be dangerous and confining it in an enclosure. If no timely appeal is received by the city, the owner of the animal must comply with the requirements in state law and/or this ordinance within a reasonable time established by authorized city personnel.~~

~~4. Hearing. If the owner timely appeals the determination that the animal is dangerous or potentially dangerous, a hearing must be held within 15 days after the city receives the appeal. Pending the outcome of the appeal, the owner must comply with the state law requirements for muzzling an animal and confining it in an enclosure. The hearing will be held before a city hearing officer appointed under city code section 1310.035. The hearing will be held in accordance with city code section 1310.035(3). The hearing officer must make written findings of fact and reach a conclusion whether the animal is dangerous or potentially dangerous as defined by state law or city ordinance. The findings and conclusions must be made within 10 working days after the hearing and must be served on the owner personally or by registered mail. The decision of the hearing officer is final but may be appealed by a writ of certiorari to the district court. If the hearing officer upholds the determination made by authorized city personnel, the owner of the animal must comply with the requirements in state law and/or this ordinance within a reasonable time established by authorized city personnel.~~

53. Stopping an attack. If authorized city personnel are witness to an attack by an animal upon a person or another animal, the personnel may take whatever means the personnel deems appropriate to bring the attack to an end and prevent further injury to the victim.

~~6. Notification of changes. The owner of an animal designated as dangerous or~~

~~potentially dangerous must notify authorized city personnel in writing if the animal has died, is to be relocated from its current address, or is to be given or sold to another person. The notification must be given in writing at least 14 days before the change of address or ownership, or within 14 days after the animal's death. The notification must include the current owner's name and address, any relocation address, and the name and address of any new owner.~~

Section 4. A violation of this ordinance is subject to the penalties and provisions of Chapter XIII of the city code.

Section 5. This ordinance is effective 30 days after publication.

Adopted by the city council of the City of Minnetonka, Minnesota, on

Janis A. Callison, Mayor

ATTEST:

David E. Maeda, City Clerk

ACTION ON THIS ORDINANCE:

Date of introduction: September 29, 2008
 Date of adoption: October 13, 2008
 Motion for adoption: Wiersum
 Seconded by: Wagner
 Voted in favor of: Callison, Ellingson, Hiller, Schneider, Wagner, Wiersum
 Voted against:
 Abstained:
 Absent: Allendorf
 Ordinance adopted.

Date of publication:

CERTIFIED COPY:

I certify that the foregoing is a correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota, at a meeting held on October 13, 2008.

David E. Maeda, City Clerk