

## ORDINANCE 202

### ORDINANCE TO REGULATE DANGEROUS DOGS

#### Section 1. Definitions

- A. Potentially dangerous dog. A potentially dangerous dog shall be defined in accordance with Minn. Stat. 347.50, subd. 3, as amended.
- B. Dangerous dog. A dangerous dog shall be defined in accordance with Minn. Stat. 347.50, subd. 2, as amended.

#### Section 2. Designation as potentially dangerous or dangerous dogs.

The City shall designate any dog as potentially dangerous or dangerous upon receiving evidence that the dog meets any of the criteria of section 347.50 subds. 2 or 3, as applicable. The City shall cause the owner of the dog to be notified in writing that such dog is potentially dangerous or dangerous.

#### Section 3. Regulations and requirements.

A potentially dangerous or dangerous dog shall be subject to any and all regulations provided in sections 347.50 through 347.54, as amended, which the City deems appropriate for the particular dog. In addition, the owner may be required to comply with one or more of the following conditions.

- A. The owner of a dog may be required to complete an approved dog obedience class;
- B. The animal may be required to be restrained by chain or leash not to exceed six (6) feet in length, and/or muzzled, and under the control of a person eighteen (18) years of age or older at all times it is outdoors and not inside a proper enclosure.
- C. The owner may be required to show proof of up to date rabies vaccination and, if required, licensing.

#### Section 4. Procedure

The City shall notify the owner(s) of the dog in writing or in person that the animal has been determined to be potentially dangerous and shall specify what, if any conditions are being required of the owner. This notice shall state the criteria of section 347.50 subd. 3 which the dog meets, and shall advise the owner that they have fourteen (14) days to appeal the determination or the imposition of conditions on maintaining the dog by requesting a hearing before the City. If an owner requests a hearing, a hearing shall be scheduled by the City Administrator to be heard at the next general City Council meeting, but no sooner than one week after the date that the hearing is requested. In addition to any evidence and arguments of the owner, the City Council may consider all records, as well as police reports without the necessity for further foundation. After considering all of the evidence, the Council, by majority of the members present, shall issue a decision which rejects or upholds the determination.

#### Section 5. Confiscation & reclamation.

In the event of an owner's failure to comply with this Ordinance, a potentially dangerous dog shall be seized, with a right of reclamation, as provided in Minn. Stat. 347.54, as amended.

Nothing in this section shall prevent the City from ordering the immediate seizure and quarantine of a rabies-suspected animal.

Section 6. Penalties

Any failure or refusal on the part of an owner, to comply with the requirements and regulations of this Ordinance, shall be punishable as a misdemeanor.

Section 7. Stopping an attack.

If any police officer is witness to an attack by a dog upon a person or another animal, the officer may take whatever means the officer deems appropriate to bring the attack to an end and prevent further injury to the victim.

Section 8. Incorporation of Chapter 347.

The City hereby incorporates all provisions of Chapter 347 for purposes of regulating domestic animals.

Section 9. Effective date.

This Ordinance becomes effective upon its passage and publication according to law.

Passed by the City Council of Bird Island this 22<sup>nd</sup> day of January, 2007

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Mayor

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Administrator