



Request for City Council Committee Action From the Department of Regulatory Services

Date: November 1st, 2007

To: CM Don Samuels, Chair of Public Safety and Regulatory Services Committee

Referral to: CM Paul Ostrow, Chair of Ways and Means

Subject: Ordinances Amending Title 4 of Code - Chapter 64 relating to Dogs, Cats, Ferrets, and Rabbits, defining terms, requirements, fee and fines for dangerous and potentially dangerous animals. Chapter 66 relating to Animals and Fowl: Rabies Control, clarifying requirements for impoundment of rabies suspects and dogs, cats, or ferrets bitten by rabid animals.

Recommendation:

That the City Council takes action to amend Title 4 –

Chapter 64 relating to Dogs, Cats, Ferrets, and Rabbits, defining terms, requirements, fee and fines for dangerous and potentially dangerous animals,

Chapter 66 relating to Animals and Fowl: Rabies Control, clarifying requirements for impoundment of rabies suspects and dogs, cats, or ferrets bitten by rabid animals.

Previous Directives:

Prepared by:

Burt Osborne, Director
Lori Olson, Deputy Director
Dan Niziolek, Manager Animal Care and Control
Joel Fussy, Assistant City Attorney
Thomas Deegan, Manager Problem Property Unit

Presenters in Committee:

Burt Osborne, Director

Approved by:

Rocco Forte, Assistant City Coordinator

Burt Osborne, Director

Lori Olson, Deputy Director

Financial Impact

- No financial impact
- Action requires an appropriation increase to the ___ Capital Budget or ___ Operating Budget
- Action provides increased revenue for appropriation increase
- Action requires use of contingency or reserves
- Action is within the Business Plan
- Action requires a change to the Business Plan
- Other financial impact – Fine and fee increases for cost recovery.

Community Impact

Neighborhood Notification
City Goals
Comprehensive Plan
Zoning Code
Other

Supporting Information

In April of this year, a work group, the Dangerous Animals Ordinance Work Group, was convened by Regulatory Services in response to the near fatal dog attack on a Minneapolis resident. The working group members were:

Council Members Samuels, Johnson, Goodman, Hofstede, and Ostrow.

Mayor's Office: Erica Prosser.

Community members: Anne Hendrickson, Amy Dreager, Roberta Englund, Bill Stephenson, Leonard Parades, and Shannon McKenzie.

Minneapolis City Staff: Animal Care and Control staff: Thomas Deegan, Tom Doty, Marilyn Fisher, Nilushi Ranaweera. Regulatory Services: Burt Osborne, Lori Olson, and Greg Simbeck. Assistant City Attorney Lafele Murphy.

Animal Humane Society: Keith Streff.

The group focused on reviewing best practices of addressing the issue of dangerous animals in an urban environment. After reviewing other cities' efforts and identifying where

Minneapolis Ordinances could be strengthened, the work group recommended a number of amendments to the City of Minneapolis's dangerous animals ordinances.

The proposed ordinance amendments include:

New regulation:

Chapter 64

64.10:

- **License Required** - Any dog or cat over 4 months of age not licensed is subject to seizure. If the cat or dog is not licensed in 5 days, its disposition may be at the direction of Animal Care and Control.
- **No leash park permit** will be issued to animal declared as potentially dangerous or dangerous.

64.110

- Subsection M – **Restrictions on future ownership-**
 - **(1)** Any person who owns a declared dog, and violates this ordinance may be subject to restrictions on ownership or custody of other dogs of the same species for a period of five years after the original declaration.
 - **(4)** A convicted felon, who owns, purchases, receives, or has in his or her possession or under his or her custody or control a dog that poses a danger to the public's health, safety or welfare or if misused is guilty of a misdemeanor.
- Subsection O - **Concealing of dangerous dogs-**
 - Any person who harbors, hides or conceals a dog found to be potentially dangerous or dangerous by the Minneapolis Animal Care and Control and has been ordered into custody for disposition shall be guilty of a misdemeanor and formal charges may be filed.
- Subsection P - **Conditioning and training equipment prohibited.**
 - No person shall use or possess any device, equipment, treatment or products for the strengthening or conditioning of an dog that could enhance the dogs ability to inflict bodily injury upon human beings or domestic dogs on public or private property

Existing Ordinance Changes:

Chapter 64

64.10

- **License Required** – Increase in administrative fine from \$25.00 to \$200.00.

64.110

- Subsection C - **Dangerous declarations** – Added language to allow the Manager of Animal Care and Control to consider five key factors in determining whether a dog is potentially dangerous or dangerous.
- Subsection D – **"Potentially Dangerous"**

- Broadened definition beyond state statute.
 - Exempted the dogs trained by a recognized program within an established curriculum for training dogs for services such as rescue and recovery, that demonstrates any behavior related to a “dangerous dog.”
 - **(1)** - Added and defined “bodily Harm” instead of “bodily injury” to align with the state law.

- Subsection E – **“Dangerous dog”**
 - Broadened definition beyond state statute.
 - Exempted the dogs trained by a recognized program within an established curriculum for training dogs for services such as rescue and recovery, that demonstrates any behavior related to a “dangerous dog”
 - **(1)** - Added and defined “Substantial bodily Harm” instead of “Substantial bodily injury” to align with the state law.
 - **(4)** - Added language in order to emphasize the repetitive attacking behavior of a dog.
 - **(5)** - Added the dog owner is in possession of items intended to be used for training dogs to fight.

- Subsection F and L – **Dangerous declaration appeals**
 - Gave the authority to Animal Care and Control to dispose the animals when owners have failed to register or appeal after a declaration and/or have failed to comply with the requirements.
 - Expedited appeals process – **(1)** Potentially dangerous animal – 5 days for owner to appeal, **(2)** Dangerous animal – 10 days for owner to appeal.

- Subsection H – **Potentially dangerous and dangerous animal requirements** - Specified kennel requirements.

Chapter 66:

- Added Manager of Animal Care and Control in the handling and processing of rabies cases.