



City of Blaine Anoka County, Minnesota

Blaine City Hall
10801 Town Sq Dr NE
Blaine MN 55449

Legislation Text

File #: ORD 19-2424, Version: 2

CONSENT AGENDA- *Brian Podany, Police Chief*

SECOND READING

AMENDING CHAPTER 14 - ANIMALS, ARTICLE I. - IN GENERAL AND ARTICLE II. - ADMINISTRATION AND ENFORCEMENT, ADDING POTENTIALLY DANGEROUS DOG REGULATIONS TO THE CODE OF ORDINANCES OF THE CITY OF BLAINE

Although “dangerous dog” language was added to City Ordinance several years ago, “potentially dangerous dog” language was not. By not having this language the Police Department is limited in how they can track dogs that have been declared potentially dangerous and what requirements must be met for the registration. Most cities have registration requirements in their ordinances.

First reading was held February 21 with no changes made.

Recommendation

By motion, hold second reading and adopt the Ordinance as proposed.

THE CITY OF BLAINE DOES ORDAIN: (Added portions are underscored and deleted portions are shown in brackets with overstrike.)

ARTICLE I. - IN GENERAL

Sec. 14-1. - Definitions.

Dangerous dog means any dog that has:

- (1) Without provocation, inflicted substantial bodily harm on a human being on public or private property;
- (2) Killed a domestic animal without provocation while off the owner's property; or
- (3) been found to be potentially dangerous, and after the owner has notice that the dog is

potentially dangerous, the dog aggressively bites, attacks, or endangers the safety of humans or domestic animals

Potentially dangerous dog means any dog that:

(1) when unprovoked, inflicts bites on a human or domestic animal on public or private property;

(2) when unprovoked, chases or approaches a person, including a person on a bicycle, upon the streets, sidewalks, or any public or private property, other than the dog owner's property, in an apparent attitude of attack; or

(3) has a known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals. This definition is pursuant to Minnesota Statute 347.50.

Sec. 14-5. - Confinement of certain dogs and cats.

(a) The owner shall confine within a building or a secure enclosure every fierce, dangerous, potentially dangerous or vicious dog, and shall not take such dog out of such building, or secure enclosure, unless such dog is securely muzzled.

ARTICLE II. - ADMINISTRATION AND ENFORCEMENT

Sec. 14-43. - Dangerous dog determination and appeal.

(a) *Initial determination.* The city designated animal control authority shall be responsible for initially determining (initial determination) whether a dog is a potentially dangerous or dangerous dog. The animal control authority may retain custody of a dog which has been initially determined to be a dangerous dog pending the hearing as hereinafter provided. The initial determination shall be conclusive unless the owner appeals the initial determination as hereinafter provided.

(b) *Notice of initial determination.* The notice of initial determination shall be made in writing and delivered by mail or by posting at the residence of the dog's owner. The notice of initial determination shall describe the dog deemed to be potentially dangerous or dangerous, shall identify the officer making the initial determination and shall inform the owner of the owner's right to appeal the initial determination.

(c) *Request for hearing and appeal.* An owner may appeal the initial determination by filing a

request for hearing with the city clerk within 14 days of the initial determination. The owner shall submit a deposit to the city clerk in accordance with the existing fee schedule. The city clerk shall assign a hearing officer, who shall not be the person who made the initial determination. At the hearing, the hearing officer shall consider the reports and comments of the animal control authority, the testimony of any witnesses, witness statements and the comments of the owner of the dog. After considering all of the evidence submitted, the hearing officer shall make written findings and shall determine whether the dog is a potentially dangerous or dangerous dog (final determination). The findings shall be made in writing within five days of the date of the hearing by delivering, by mail or by posting at the residence of such owner. If the hearing officer finds in favor of the owner the deposit shall be returned to the dog's owner.

Sec. 14-44. - Dangerous and potentially dangerous dog regulation.

Registration required. No person may keep a potentially dangerous or dangerous dog in the city unless the dog is registered with the city animal control authority [~~as provided in the city police department policy~~]. The city animal control authority may impose certain requirements prior to registration, including but not limited to:

- (a) photograph of the dog
- (b) proof of current rabies vaccination
- (c) proof that a microchip has been implanted
- (d) copy of written notice to property owner if the dog is residing at a rental property
- (e) photograph of a proper enclosure
- (f) proof of obedience training
- (g) a current City of Blaine dog license

The city animal control authority shall issue a certificate of registration to the owner of a potentially dangerous or dangerous dog once said requirements have been met.

Sec. 14-45. - Notification of death or transfer.

- (a) No owner of a potentially dangerous or dangerous dog shall transfer ownership or residence of the dangerous dog without notifying the city animal control authority within 30 days.
- (b) Upon changing the residence of a potentially dangerous or dangerous dog the owner must notify the animal control authority of the jurisdiction in which the dog will reside.
- (c) The city animal control authority shall be notified in writing upon the death of a potentially dangerous or dangerous dog. An affidavit may be required of the owner if proof of death cannot be obtained by a licensed veterinarian.
- (d) The owner of a potentially dangerous or dangerous dog shall notify the new owner of the dog that the dog has been declared {a} potentially dangerous or dangerous dog and that it must be registered in the jurisdiction in which the dog will reside.

INTRODUCED AND READ in full the 21st day of February 2019.

PASSED by the City Council of the City of Blaine this 7th day of March, 2019.