

# CITY OF COON RAPIDS, MINNESOTA

## CHAPTER 6-100

### DOG CONTROL

6-101 Purpose. The City Council finds that dogs are an important part of the community in that they provide companionship, recreation, and protection for many citizens. The Council further finds that, if not properly treated and controlled, a dog can become a nuisance and a hazard to persons and property and that, therefore, the reasonable regulation of dogs is necessary to provide for the public health, safety, and general welfare.[Revised 11/17/98, Ordinance 1650]

6-102 Applicability of Chapter 5-100. The provisions of Chapter 5-100 shall apply to the issuance of licenses hereunder to the extent applicable.

6-103 Definitions. As used in this Chapter, unless the context otherwise indicates:

(1) “Animal Control Authority” means the Police Department and any other person appointed by the City Manager to perform the duties of animal control.[Revised 11/17/98, Ordinance 1650]

(2) “Dangerous Dog” means any dog within the City or outside the City has:

(a) Without provocation, inflicted substantial bodily harm on a human being on public or private property;

(b) Killed a domestic animal without provocation while off the owner's property;

(c) Been found to be potentially dangerous, and after the owner has been notified that the dog is potentially dangerous, the dog aggressively bites, attacks, or endangers the safety of humans or domestic animals; or

(d) Attacked one or more persons on two or more occasions.[Revised 10/5/10, Ordinance 2046]

(3) “Designated Animal Shelter” means an entity contracted by the City to house, maintain, and dispose of animals from the City.

(4) “Dog” means any male or female of any breed of domesticated dog.

(5) “Owner” means the license holder or any other person or persons, firm, association, organization or corporation owning, keeping, possessing, having an interest in, having care custody or control of or harboring a dog. Any person keeping or harboring a dog for five consecutive days is an owner thereof, for the purposes of this Chapter.

(6) “Potentially Dangerous Dog” means any dog within the City or outside the City:

(a) When unprovoked, inflicts a bite on a human or domestic animal on public or private property;

(b) When unprovoked, chases or approaches a person, including a person on a bicycle, upon the streets, sidewalks, or any public property or private property, other than the dog owner's property, in an apparent attitude of attack; or[Revised 11/17/98, Ordinance 1650]

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

(7) “Proper Enclosure” means securely confined indoors or in a securely enclosed and locked pen or structure suitable to prevent the animal from escaping and providing protection from the elements for the dog. A proper enclosure does not include a porch, patio, or any part of a house, garage or other structure that would allow the dog to exit of its own volition, or any

house or structure in which windows are open or in which door or window screens are the only obstacles that prevent the dog from exiting.

(8) "Running at large" means any dog that is off the premises of the owner and not under the custody of the owner or other person either by leash, cord, or chain of not more than six feet or otherwise restrained or confined.[Revised 10/5/10, Ordinance 2046]

(9) "Substantial Bodily Harm" has the meaning given it under Minnesota Statutes Section 609.02, subd. 7a.[Revised 11/17/98, Ordinance 1650]

(10) "Unreasonably disturbs the peace and quiet" includes, persistent howling, yelping, or barking for a ten minute period that is audible from a distance of more than 100 feet from where the animal is being kept.[Revised 10/5/10, Ordinance 2046]

#### 6-104 Licensing.

(1) All dogs kept, harbored, or maintained in the City of Coon Rapids must be licensed and registered. Applications for licenses must be made to the City Clerk upon forms provided by the Clerk. The application will require the owner, among other information required by the City Clerk, to supply the name, age, predominant breed, sex, color and markings of each dog sought to be licensed. In addition, when the applicant or owner has been convicted of violation of Section 6-120 relative to the dog sought to be licensed, the application will require proof of public liability insurance as set forth in that section. Upon submission of the application and a certificate evidencing compliance with the terms and provisions of City Code Section 6-115, relating to vaccination for rabies, and upon payment of a license fee, the City Clerk will issue a license, which license will be effective until the next 31st day of December of an even numbered year.

(2) A certified service dog that aids a person who is totally or partially blind or deaf, or who has physical or sensory disabilities, will be issued a dog license at no charge following receipt of the completed license application and proof the dog is certified as a service dog and has received a current rabies vaccination.[Revised 10/5/10, Ordinance 2046]

(3) The fee for a dog license will be established from time to time by resolution of the City Council.[Revised 10/5/10, Ordinance 2046]

6-105 Fees. The license and impoundment fees for a dog will be established from time to time by resolution of the City Council.[Revised 11/17/98, Ordinance 1650]

6-106 Tags. The license will be in the form of an identification tag and must be affixed by the owner to a collar to be worn by the dog. In case a tag is lost or destroyed, a duplicate will be issued by the City Clerk upon presentation of a receipt showing payment of the license fee for the current period and payment of \$1.00 for the duplicate tag. Dog tags will not be transferable from one dog to another and no refunds will be made on any dog license fee.[Revised 11/17/98, Ordinance 1650]

6-107 Animal Control Authority. In place of or in addition to the Police Department, the City Manager may appoint, or contract with, a person or persons, to perform the duties of Animal Control Authority.

6-108 Duties of Animal Control Authority. The Animal Control Authority will perform the following duties:

(1) Capture, seize and deliver to any designated animal shelter any dog found: running at large within the City; unlicensed; or not wearing the metal tag provided for in this Chapter.

- (2) Pick up and dispose of the carcasses of dead animals located on public property.
- (3) Investigate all cases of animal bites reported to the authority and supervise the quarantine of any such animal pursuant to Section 6-116.
- (4) Investigate all reports of dangerous or potentially dangerous dogs referred to the authority and complete the dangerous/potentially dangerous animal report.
- (5) If not the Police Department, report regularly to the Chief of Police, or the Chief's designee, on the activities of the Animal Control Authority within the City.

6-109 No Interference with Officer. It will be unlawful for any person to knowingly interfere with any peace officer, Animal Control Authority, or any of their duly authorized assistants, or with any duly authorized agent while engaged in performing work under the provisions of this Chapter.

6-110 Impoundment. All dogs seized by the Police Department or the Animal Control Authority or any of the authority's duly authorized assistants must be immediately transported to the designated animal shelter. The owner, if known, will be immediately notified by telephone or personal contact and by written notice to the owner's last known address. All animals seized by the City must be held for redemption by the owner for at least five regular business days in accordance with Minnesota statutes. The notice will state that the owner has five business days to claim the dog. [Revised 10/18/11, Ordinance 2078]

6-111 Reclaiming. An owner may reclaim an impounded dog by meeting the applicable requirements of this Chapter and:

- (1) If the dog has a current license, by paying to the designated animal shelter impound boarding fees as determined by contract between the City and the designated animal shelter, for each day the animal has been confined.
- (2) If the dog does not have a current license, by first obtaining a license from the City Clerk and paying the required impound boarding fees to the designated animal shelter.

6-112 Unclaimed Animals. Any animal not claimed within the allotted time will be disposed of in accordance with the provisions of Minnesota Statutes Section 35.71, Subdivision 3, as amended.

6-113 Destroying a Dog. It is unlawful for any person other than the Animal Control Authority or a Police Officer to kill or destroy any dog running at large in the City or that has been known to bite a person within a period of 10 days or is being held pursuant to Section 6-116. This section will not apply if the dog is destroyed to prevent the infliction of substantial bodily harm on a human being.

6-114 Abandonment. No person shall abandon or release any dog or other animal within the boundaries of the City of Coon Rapids.

6-115 Rabies Vaccination.

- (1) All applicants for a dog license or duplicate thereof will present to the Clerk or Clerk's designee, at the time of license application, a certificate issued by a Doctor of Veterinary medicine confirming that the dog being licensed has been vaccinated against rabies, and that such vaccination is effective on the date the certificate is presented. No license shall be issued without such veterinarian's certificate.

(2) Any dog found not to be currently vaccinated against rabies shall be subject to immediate impoundment, and its owner or any person who claims the animal shall pay, in addition to the fees and charges authorized in Section 6-105, the actual cost of rabies vaccination administered the animal by or at the direction of the City's agent.

(3) No dog need be vaccinated when a licensed veterinarian has examined the animal and certified that, at such time, vaccination would endanger its health because of its age, infirmity, debility, illness, or other medical consideration; and such exception certificate is presented to the Animal Control Officer within five days of such examination. The animal shall be vaccinated against rabies as soon as its health and age permit. Unvaccinated animals must be confined to the owner's property or a veterinary facility.

(4) No dog will be released from impoundment by the City's agent, regardless of reason for impoundment, until the certificate required in this subsection has been supplied or other adequate proof has been furnished to the City ensuring compliance with the vaccination requirement. [Revised 10/5/10, Ordinance 2046]

6-116 Report of Dog Bites. Any person knowing of a human being bit by a dog must immediately notify the Animal Control Authority or the Police Department. Said dog will then be impounded and kept under observation for a period of 10 days before being disposed of, if necessary, unless owner provides proof of current rabies vaccination. If proof is provided at the time the dog is to be impounded or within 24 hours after the dog has been impounded, the dog can be released to the owner to be quarantined at the owner's residence. Failure to notify the Animal Control Authority or Police Department of a human being bit by a dog constitutes a petty misdemeanor. [Revised 10/5/10, Ordinance 2046]

6-117 Running at Large.

(1) It is unlawful for any person who owns or has custody of a dog to allow such animal to run at large.

(2) It is lawful to have a dog confined in a motor vehicle without a leash, but it must be on a leash if taken out of the vehicle.

(3) Penalties.

(a) The owner of a dog running at large is guilty of a petty misdemeanor.

(b) The owner of a dog running at large after one or more convictions of similar offense(s) within the preceding 12 calendar months is guilty of a misdemeanor.

6-118 Nuisances. In addition to any other penalties imposed under this Chapter, keeping, maintaining, or harboring a dog that has been permitted to run loose or has caused damage to or loss of private property belonging to a person other than the owner thereof or any member of the owner's household on three or more occasions is deemed a public nuisance. The following events will be considered in determining whether or not there has been a violation of this Section which constitutes a public nuisance: [Revised 11/17/98, Ordinance 1650]

(1) Conviction under City Code Chapter 6-117 involving the permitting of a dog to run at large. [Revised 11/17/98, Ordinance 1650]

(2) Payment to a person by or on behalf of the owner for damages to or destruction of private property or for personal injury.

(3) An acknowledgment by the owner or keeper of a dog that it has caused such damage or personal injury.

6-119 Abatement. A dog found to be a nuisance under Section 6-118 must be abated by the owner or keeper of such animal by the disposition of the animal within 14 days after receipt of notice to the owner or keeper thereof. "Disposition" means the destruction of the animal or its permanent removal from the City. Notice of Abatement will be sent by the Chief of Police or the Chief's designee by certified mail to the owner's last known address. If the owner or keeper of the animal fails to comply within the above-specified period, the Animal Control Authority is authorized and directed to capture and immediately dispose of such animal. The owner or keeper of the dog must immediately make the animal available to the Animal Control Authority. [Revised 11/17/98, Ordinance 1650]

6-120 Dangerous Dogs.

(1) Violation. The owner of a dog that commits an act or acts which identifies the dog as a Dangerous Dog is guilty of a misdemeanor, provided that the City in lieu thereof may, in its sole discretion, charge the owner under the provisions of Minnesota Statutes Section 609.226.

(2) Notice. Upon a determination by the Chief of Police, or the Chief's designee, that a dog is a Dangerous Dog, the Chief, or the Chief's designee, will notify the owner in the manner prescribed in 6-122(1). Notice of a dangerous dog allowed to remain in the City will be sent to each residence located within 350 feet of the dog's residence, and to each public or private school located within 1,000 feet thereof.

(3) Requirements. If the Hearing Officer, on appeal, permits the dog to remain in the City, the following requirements apply unless the Hearing Officer finds that the dog is not a dangerous dog.

(a) Registration. The owner of a Dangerous Dog must provide to the City evidence that:

(i) a proper enclosure exists for the Dangerous Dog and there is a posting on the premises with a clearly visible warning sign, including a warning symbol, to inform children that there is a Dangerous Dog on the property; and

(ii) a surety bond issued by a surety company authorized to conduct business in this state in a form acceptable to the City in the sum of at least \$300,000 payable to any person injured by the Dangerous Dog or a policy of liability insurance issued by an insurance company authorized to conduct business in this state in the amount of at least \$300,000, insuring the owner of any personal injuries inflicted by the Dangerous Dog.

(b) Warning Symbol. The owner of a Dangerous Dog must post on the owner's property a sign with the uniform dangerous dog warning sign issued by the City to inform children there is a Dangerous Dog on the property.

(c) Dangerous Dog Fees. In addition to the City's dog licensing fees, the owner of a dangerous dog must pay a dangerous dog fee that will be established from time to time by resolution of the City Council.

(d) Tag. A Dangerous Dog must have a standardized, easily identifiable tag identifying the dog as dangerous and containing the uniform dangerous dog symbol affixed to the dog's collar at all times.

(e) Control. A Dangerous Dog must be kept in a proper enclosure while on the owner's property. If the dog is outside the proper enclosure, the dog must be muzzled and restrained by a substantial chain or leash not exceeding four feet in length and under the physical control of a responsible adult. The muzzle must be made in a manner that will prevent the dog from biting any person or animal, but will not cause injury to the dog or interfere with its vision or respiration.

(f) An owner of a Dangerous Dog must notify the Animal Control Authority in writing of the death of the dog or its transfer to a new jurisdiction within 30 days of the death or transfer, and must, if requested by the Animal Control Authority, execute an affidavit under oath setting forth either the circumstances of the dog's death and disposition or the complete name, address, and telephone number of the person to whom the dog has been transferred.[Revised 10/5/10, Ordinance 2046]

(g) The Animal Control Authority will require a Dangerous Dog to be sterilized at the owner's expense. If the owner does not have the animal sterilized within 30 days, the Animal Control Authority may have the animal sterilized at the owner's expense.[Revised 10/5/10, Ordinance 2046]

(h) The owner of a Dangerous Dog who rents property from another where the dog will reside must disclose to the property owner prior to entering the lease agreement and at the time of any lease renewal that the person owns a dangerous dog that will reside at the property.[Revised 10/5/10, Ordinance 2046]

(i) If the owner of a Dangerous Dog sells the dog, the owner must notify the purchaser that the Animal Control Authority has identified the dog as dangerous. The seller must also notify the Animal Control Authority in writing of the sale and provide the Animal Control Authority with the new owner's complete name, address, and telephone number.[Revised 10/5/10, Ordinance 2046]

(j) The owner of a Dangerous Dog must have a microchip implanted in the dog for identification, and the name of the microchip manufacturer and identification number of the microchip must be provided to the Animal Control Authority. If the microchip is not implanted by the owner, it may be implanted by the Animal Control Authority. In either case, all costs related to purchase and implantation of the microchip must be borne by the dog's owner. No person will remove a microchip from a Dangerous Dog.[Revised 10/5/10, Ordinance 2046]

(4) Exceptions. The provisions of this Section do not apply to the following:

(a) Dogs used by law enforcement officials for police work.

(b) Dogs where the threat, injury or damage was sustained by a person:

(i) who was committing, at the time, a willful trespass or other tort upon the premises occupied by the owner of the dog;

(ii) who was provoking, tormenting, abusing, or assaulting the dog or who can be shown to have repeatedly, in the past, provoked, tormented, abused or assaulted the dog; or

(iii) who was committing or attempting to commit a crime.

(5) Confiscation.

(a) Seizure. The Animal Control Authority having jurisdiction will immediately seize any Dangerous Dog if:

(i) the owner does not appeal the Police Chief's order within the appeal period;

(ii) the owner does not comply with the requirements of paragraph (3) of this section for any dangerous dog allowed to remain in the City;

(iii) the dog is not destroyed or permanently removed from the City within five (5) calendar days after the City Council has denied an appeal.

(b) Costs. If an owner of a dangerous dog is convicted of a crime for which the dog was originally seized, the Court may order that the dangerous dog be confiscated and destroyed in a proper and humane manner, and that the owner pay the costs incurred in confiscating, confining, and destroying the dangerous dog.

(c) Reclaiming. A Dangerous Dog seized under this Section may be reclaimed by the owner of the dog upon payment of impounding and boarding fees and presenting proof to the appropriate Animal Control Authority that the requirements of this Chapter have been met. A dog not reclaimed under this paragraph within seven days may be disposed of as provided under Minnesota Statutes Section 35.71, subd. 3, and the owner is liable to the City for costs incurred in confining and disposing of the dog.

(6) Subsequent Violations.

(a) The owner of a Dangerous Dog that commits a subsequent act or acts described in Section 6-103(6) or 6-103(8) is guilty of a misdemeanor and the dog must be destroyed or permanently removed from the City within five calendar days after receipt of an order from the Chief of Police, or the Chief's designee.

(b) The owner of a Dangerous Dog that commits a subsequent act or acts described in Section 6-103(2) is guilty of a misdemeanor, provided that in lieu thereof the City, in its sole discretion, may charge the owner under the provisions of Minnesota Statutes Section 609.226, and the dog must be destroyed within five calendar days after receipt of an order from the Chief of Police or the Chief's designee.

6-121 Potentially Dangerous Dog.

(1) Violation. The owner of a dog that commits an act which identifies the dog as a Potentially Dangerous Dog is guilty of a misdemeanor.

(2) Notice. Upon a determination by the Chief of Police, or the Chief's designee, that a dog is a Potentially Dangerous Dog, the Chief or the Chief's designee will notify the owner in the same manner prescribed in 6-122(1). Following the exhaustion of all appeal rights, notice of a potentially dangerous dog will be sent to each residence located within 350 feet of the dog's residence, and to each public or private school located within 1,000 feet thereof.

(3) Requirements.

(a) A dog determined to be a Potentially Dangerous Dog must be kept in a Proper Enclosure while on the owner's property. If the dog is outside the Proper Enclosure, the dog must be muzzled and restrained by a substantial chain or leash not exceeding six feet in length and under the physical control of a responsible adult person. The muzzle must be made in a manner that will prevent the dog from biting any person or animal but that will not cause injury to the dog or interfere with its vision or respiration.

(b) The owner of a Potentially Dangerous Dog must have a microchip implanted in the dog for identification, and the name of the microchip manufacturer and identification number of the microchip must be provided to the Animal Control Authority. If the microchip is not implanted by the owner, it may be implanted by the Animal Control Authority. In either case, all costs related to purchase and implantation of the microchip must be borne by the dog's owner. No person will remove a microchip from a Potentially Dangerous Dog.[Revised 10/5/10, Ordinance 2046]

(4) Subsequent Violations.

(a) Upon a subsequent act involving the same dog and described in Sections 6-103(6) or 6-103(8), the owner shall be guilty of a misdemeanor and, in addition, the dog must be destroyed or permanently removed from the City within five calendar days upon order from the Chief of Police or the Chief's designee.

(b) If a dog designated as a Potentially Dangerous Dog commits a subsequent act or acts described in Section 6-103(2), the owner is guilty of a misdemeanor, provided that the City in lieu thereof will, in its sole discretion, charge the owner under the provisions of

Minnesota Statutes Section 609.226 and the dog must be destroyed within five calendar days of receipt of an order from the Chief of Police or the Chief's designee.

6-122 Notice and Appeal Hearing.

(1) Notice. After a dog has been declared Dangerous or Potentially Dangerous or has been seized for destruction or has committed subsequent violations, the City shall give notice by delivering or mailing the notice to the owner of the dog, or by posting a copy of the notice at the place where the dog is kept, or by delivering the notice to a person residing on the property, and telephoning, if possible. The notice shall include:

(a) a description of the seized dog; the authority for and purpose of the declaration and seizure; the time, place, and circumstances under which the dog was declared; and the telephone number and contact person where the dog is kept;

(b) a statement that the owner of the dog may request a hearing concerning the declaration and that failure to do so within 14 calendar days of the date of the notice will terminate the Owner's right to an appeal hearing;

(c) a statement that if an appeal request is made within 14 calendar days of the notice, the owner must immediately comply with the requirements of Minnesota Statutes, Section 347.52, paragraphs (a) and (c) regarding proper enclosures and notification to the City upon transfer or death of the dog, until such time as the hearing officer issues an opinion;

(d) a statement that if the hearing officer affirms the Dangerous Dog declaration, the owner will have 14 days from receipt of that decision to comply with all other requirements of Minnesota Statutes, Sections 347.51, 347.515, and 347.52;

(e) a form to request a hearing; and

(f) a statement that if the dog has been seized, all maintenance costs of the care, keeping, and disposition of the dog pending the outcome of the hearing are the responsibility of the owner, unless a court or hearing officer finds that the seizure or impoundment was not substantially justified by law.

(2) Right to Appeal Hearing.

(a) After a dog has been declared Dangerous, Potentially Dangerous or has been seized for destruction, the owner may appeal in writing to the Chief of Police or the Chief's designee within 14 calendar days after the notice of the declaration or seizure. Failure to do so within 14 days of the date of the notice will terminate the owner's right to a hearing. The owner must pay to the City a \$100 fee for an appeal hearing.

(b) The appeal hearing will be held within 14 calendar days of the request. The hearing officer must be an impartial employee of the City or an impartial person retained by the City to conduct the hearing.

(c) If the declaration or destruction is upheld by the hearing officer, actual expenses of the hearing up to a maximum of \$1,000, as well as all maintenance costs, will be the responsibility of the dog's owner. The hearing officer shall issue a decision on the matter within 10 days after the hearing. The decision shall be delivered to the dog's owner by hand delivery or certified mail as soon as practical and a copy shall be provided to the City. The subsequent decision of the hearing officer is final.[Revised 10/5/10, Ordinance 2046]

6-123 Failure to Comply with Order. Any owner who fails to comply with an order to destroy a Dangerous Dog or to destroy or permanently remove a Potentially Dangerous Dog from the City is guilty of a misdemeanor. In addition, the Animal Control Authority will confiscate the dog and have it destroyed in a proper and humane manner and the costs thereof will be the responsibility of the owner.[Revised 11/17/98, Ordinance 1650]

6-124 Review of Designation. Beginning six months after a dog is declared a dangerous dog, an owner may request annually that the Animal Control Authority review the designation. The owner must provide evidence that the dog's behavior has changed due to the dog'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 dog's behavior has changed, the Authority may rescind the dangerous dog designation. [Revised 10/5/10, Ordinance 2046]

6-125 Stopping an Attack. If any police officer or animal control officer is witness to an attack by an animal upon a person or another animal, the officer may take any appropriate means to bring the attack to an end and prevent further injury to the victim, including destroying the dog, if necessary. [Revised 11/17/98, Ordinance 1650]

6-126 Dogs Disturbing the Peace. It is unlawful for any person to own, keep, have in possession, or harbor any dog which howls, yelps, or barks in such a way that unreasonably disturbs the peace and quiet of another person or persons. If the officer deems it necessary to stop the disturbance, the dog may be seized and taken to the designated animal shelter. Any dog placed in the animal shelter may be reclaimed by the owner in accordance with the provisions of Section 6-111, and if not reclaimed may be disposed of in the manner provided in Section 6-112. A violation of this Section is a petty misdemeanor. A violation of this Section after one or more convictions of similar offenses within the preceding 12 calendar months is a misdemeanor. This section shall not apply to dogs responding to trespassers or dogs provoked to bark.

6-127 Removal of Excrement.

(1) It is unlawful for any person who owns or has custody of a dog to cause or permit such animal to defecate on any private property without the consent of the property owner or on any public property unless such person immediately removes the excrement and places it in a proper receptacle.

(2) While a person is with any dog on property not occupied by or under the control of that person, such person will have in their immediate physical possession a means to collect and sanitarily dispose of all the dog's fecal matter deposited on public property or the private property of another. [Revised 10/5/10, Ordinance 2046]

(3) Any person who owns, keeps, harbors, or has charge or control of a dog in or upon premises or land occupied by, or under the control of, that person shall frequently collect and remove any accumulation of dog fecal matter that is unhealthy or offensive to any person or neighborhood. [Revised 10/5/10, Ordinance 2046]

(4) A violation of this Section is a petty misdemeanor. The provisions of this Section do not apply to seeing-eye dogs under the control of a blind person or dogs while being used in City Police activity. [Revised 11/17/98, Ordinance 1650]

6-128 Community Service Officers May Issue Citations. Community service officers may issue citations for violations of this Chapter.

6-129 Penalties. Unless otherwise expressly provided, any violation of this Chapter constitutes a misdemeanor.



