

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 provided 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) "Dog" shall mean any male or female of any breed of domesticated dog.
- (2) "Owner" shall mean 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 (5) consecutive days shall, for the purposes of this chapter, be deemed an owner thereof.
- (3) "Running at large" shall mean any dog that is not either:[Revised 11/17/98, Ordinance 1650]
  - (a) Effectively contained within a fenced area on private property, or
  - (b) Effectively restrained, by chain or leash, to private property with the consent of the property owner, or
  - (c) Effectively restrained by a chain or leash not to exceed six feet in length.
- (4) "Dangerous Dog" shall mean any dog that 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; or
  - (c) Been found to be potentially dangerous, and after the owner has noticed that the dog is potentially dangerous, the dog aggressively bites, attacks, or endangers the safety of humans or domestic animals.
- (5) "Potentially Dangerous Dog" shall mean any dog that:
  - (a) When unprovoked, inflicts bites 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) Has a known propensity, tendency or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.
- (6) "Proper Enclosure" shall mean 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.

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

(8) “Animal Control Authority” shall mean 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]

6-104 Licensing. All dogs kept, harbored, or maintained in the City of Coon Rapids shall be licensed and registered. Applications for licenses shall be made to the City Clerk upon forms provided by the Clerk. Said application shall 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 Sec. 6-120 relative to the dog sought to be licensed, the application shall 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 6-107, relating to vaccination for rabies, and upon payment of a license fee, the City Clerk shall issue a license, which license shall be effective until the next 31st day of December of an even numbered year.[Revised 11/27/90, Ordinance 1357][Revised 12/6/94, Ordinance 1515][Revised 11/17/98, Ordinance 1650]

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

6-106 Tags. The license shall be in the form of an identification tag and shall 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 such duplicate. Dog tags shall not be transferable from one dog to another and no refunds shall be made on any dog license fee.[Revised 11/17/98, Ordinance 1650]

6-107 Rabies Vaccination. Every owner or keeper of a dog shall cause the same to be vaccinated by a licensed veterinary surgeon with anti-rabies vaccine at least once in every 24-month period and prior to the time such dog shall reach the age of six months.

6-108 Running at Large.

(1) Every owner or keeper of a dog shall cause the same to be under the control of and in custody of a person of sufficient age to adequately control the dog at all times, while the dog is off the premises of the owner. “Control” and “custody” shall mean on a leash of not more than six feet in length. It shall be 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.[Revised 11/17/98, Ordinance 1650]

(2) Penalties.

(a) The owner of a dog running at large is guilty of a petty misdemeanor.[Revised 11/17/98, Ordinance 1650]

(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.[Revised 11/17/98, Ordinance 1650]

6-109 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.[Revised 11/17/98, Ordinance 1650]

6-110 Duties of Animal Control Authority. The Animal Control Authority shall perform the following duties:[Revised 11/17/98, Ordinance 1650]

(1) Capture, seize and deliver to any designated pound 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 every dead animal.

(3) Investigate all cases of animal bites reported to the officer and supervise the quarantine of any such animal to assure that it is kept under observation for a period of 10 days.[Revised 11/17/98, Ordinance 1650]

(4) Investigate all reports of dangerous or potentially dangerous dogs referred to the officer, complete the dangerous/potentially dangerous animal form and refer the same to the County Auditor.[Revised 11/17/98, Ordinance 1650]

(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.[Revised 11/17/98, Ordinance 1650]

6-111 Impoundment. All dogs seized by the Police Department or the Animal Control Authority or any of the authority's duly authorized assistants shall be immediately transported to the designated pound. The owner, if known, shall be immediately notified by telephone or personal contact and by written notice to the owner's last known address. If the owner is unknown, written notice containing a description of the animal shall be posted at the pound and the City Center. The notice shall advise that the owner has five regular business days to claim the dog. "Regular business day" means any day during which the pound is open to the public not less than four consecutive hours between the hours of 8:00 a.m. and 7:00 p.m.[Revised 11/17/98, Ordinance 1650]

6-112 Reclaiming. An owner may reclaim an impounded dog:

(1) If the dog has a current license, by paying to the pound master an impounding fee as established from time to time by resolution of the City Council plus a boarding fee in an amount determined by agreement between the City and the designated pound, for each day the animal has been confined.[Revised 11/17/98, Ordinance 1650]

(2) If the dog does not have a current license, by first obtaining a license from the City Clerk and paying the required fees to the pound master.[Revised 11/17/98, Ordinance 1650]

6-113 No Interference with Officer. It shall 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.[Revised 11/17/98, Ordinance 1650]

6-114 Unclaimed Animals. Any animal not claimed within the allotted time shall be disposed of in accordance with the provisions of Minnesota Statutes Section 35.71, Subdivision 3, as amended.

6-115 Report of Dog Bites. Any person knowing of a human being bit by a dog shall immediately notify the Animal Control Authority or the Police Department and said dog shall then be confined and kept under observation for a period of 10 days before being disposed of, if necessary. Failure to make the appropriate notification shall constitute a petty misdemeanor. [Revised 11/17/98, Ordinance 1650]

6-116 Destroying a Dog. It shall be unlawful for any person other than the Animal Control Authority or a Police Officer to kill or destroy any dog or animal of the dog kind running at large in the City or that has been known to bite a person within a period of 10 days. This section shall not apply if the dog is destroyed to prevent the infliction of substantial bodily harm on a human being.[Revised 11/17/98, Ordinance 1650]

6-117 Abandonment. No person shall abandon or release any dog, cat, or other animal within the boundaries of the City of Coon Rapids.

6-118 Nuisances. In addition to any other penalties imposed under this Chapter, the 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 and members of his household on three or more occasions within a period of 12 consecutive months shall be deemed a public nuisance. The following events shall be considered in determining whether or not there has been a violation of this paragraph which constitutes a public nuisance:[Revised 11/17/98, Ordinance 1650]

(1) Conviction under City Code Chapter 6-108 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 an animal that it has caused such damage or personal injury.

6-119 Abatement. A dog found to be a nuisance under Section 6-118 shall 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" shall mean the destruction of the animal or its permanent removal from the City. Said notice shall be sent by the Chief of Police or his designee by registered mail. 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 shall 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, shall notify the owner in writing served personally or by certified mail sent to the owner's last known address. The notice shall identify the dog, describe the act or acts, including place, date and time that resulted in the Dangerous Dog determination, order the owner to destroy the dog or permanently remove the

dog from the City within seven calendar days of the notice, and advise the owner of the owner's appeal rights under Section 6-122. Notice of a dangerous dog allowed to remain in the City shall 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 City Council, on appeal, permits the dog to remain in the City, the following requirements shall apply unless the Council finds that the dog is not a dangerous dog.

(a) Registration. The owner of a Dangerous Dog shall obtain a certificate of registration from the County showing 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 County in the sum of at least \$50,000 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 \$50,000, insuring the owner of any personal injuries inflicted by the Dangerous Dog.

(b) Warning Symbol. The owner of a Dangerous Dog shall post on the owner's property a warning symbol issued by the County to inform children there is a Dangerous Dog on the property.

(c) County Fees. The owner of a Dangerous Dog shall pay all fees imposed by the County in addition to the City's dog licensing fees.

(d) Tag. A Dangerous Dog registered with the County 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. An owner of a Dangerous Dog shall keep the Dangerous Dog while on the owner's property, in a Proper Enclosure. 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 person. 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

(4) Exceptions. The provisions of this Section shall not apply to 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 shall 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 dog is convicted of a crime for which the dog was originally seized, the Court may order that the 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 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 will be met. A dog not reclaimed under this paragraph within seven days may be disposed of as provided under Minn. Stat. §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(3) shall be 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(5) shall be 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.

(c) The owner of a Dangerous Dog that commits a subsequent act or acts described in Section 6-103(4) shall be guilty of a misdemeanor, provided that in lieu thereof the City, in its sole discretion, may charge the owner under the provisions of Minn. Stat. §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.

(7) Order. Any order issued by the Chief of Police, or the Chief's designee pursuant to this Section shall be in writing and shall be served on the owner personally or by certified mail sent to the owner's last known address. If the order is served by certified mail, three days shall be added to the compliance date. The order must identify the dog, describe the act or acts giving rise to the order including the place, date, and time, state the compliance date and advise the owner of the owner's appeal rights under Section 6-122.[Revised 11/17/98, Ordinance 1650]

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 shall notify the owner in writing served personally or by certified mail sent to the owner's last known address. The notice shall identify the dog, describe the act or acts including place, date, and time that resulted in the Potentially Dangerous Dog determination, advise the owner of the requirements for maintaining a Potentially Dangerous Dog in the City and that a subsequent violation relating to the same dog will result in the dog being destroyed or removed from the City and advising the owner of the owner's appeal rights under Section 6-122. Following the exhaustion of all appeal rights, notice of a potentially dangerous dog shall 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 dog determined to be a Potentially Dangerous Dog shall 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 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.

(4) Subsequent Violations. Upon a subsequent act involving the same dog and described in Sections 6-103(3) or 6-103(5), 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.

(5) If a dog designated as a Potentially Dangerous Dog commits a subsequent act or acts described in Section 6-103(4), the owner is guilty of a misdemeanor, provided that the City in lieu thereof may, in its sole discretion, charge the owner under the provisions of Minn. Stat. §609.226 and, in addition, the dog must be destroyed within five calendar days upon order from the Chief of Police or the Chief's designee.

(6) Any order issued by the Chief of Police, or the Chief's designee, pursuant to this Section shall be in writing and shall be served upon the owner personally or by certified mail sent to the owner's last known address. If the order is served by certified mail, three days shall be added to the compliance date. The order must identify the dog, described the act or acts giving rise to the order including the place, date, and time, state the compliance date, and advise the owner of the owner's appeal rights under Section 6-122. [Revised 11/17/98, Ordinance 1650]

6-122 Appeals. Any owner who feels aggrieved by a notice or order of the Chief of Police, or the Chief's designee may request a hearing before the City Council by filing an appeal in writing with the City Manager within seven days after receipt of the notice or order. Upon the filing of such appeal, no further action shall be taken by the City until the matter has been decided by the City Council and all appeals or appeal times therefrom have been exhausted. Upon receipt of the request, the City Manager shall place the matter before the Council at its next regular meeting that occurs at least seven days after receipt of the request. The owner may appear with or without counsel and present evidence in opposition to the notice or order. Following such hearing the Council shall make a determination of facts and shall, based upon such determination, affirm, repeal, or modify the Chief's notice or order. The Council shall also establish a date for compliance with the order as affirmed or modified, which date shall be not less than five days thereafter. [Revised 11/17/98, Ordinance 1650]

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 shall confiscate the dog and have it destroyed in a proper and humane manner and the costs thereof shall be the responsibility of the owner. [Revised 11/17/98, Ordinance 1650]

6-124 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]

6-125 Dogs Disturbing the Peace. It shall be unlawful for any person to own, keep, have in possession, or harbor any dog which howls, yelps, or barks to the reasonable annoyance of another person or persons. Any person violating this section, who upon first requested by a peace officer or the Animal Control Authority to stop or prevent the annoyance, and refuses to comply with the request will be issued a citation or arrested in accordance with Minnesota Rules of Criminal Procedure, and, if the officer deems it necessary to stop the annoyance, may have the dog taken to the City animal pound. Any dog placed in the pound may be reclaimed by the owner in accordance with the provisions of 6-112, and if not reclaimed may be disposed of in the manner provided in Section 6-114. A violation of this Section shall constitute a petty misdemeanor. A violation of this Section after one or more convictions of similar offenses within the preceding 12 calendar months shall be a misdemeanor.[Revised 11/17/98, Ordinance 1650]

6-126 Removal of Excrement. 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. A violation of this Section shall constitute as petty misdemeanor. The provisions of this Section shall 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]

6-127 Community Service Officers May Issue Citations. Community service officers may issue citations for violations of this chapter, provided, that no community service officer may require a person served to sign a promise to appear with respect to any such citation.

6-128 Penalties. Unless otherwise expressly provided, any violation of this Chapter shall constitute a misdemeanor.