

Aitkin County Board of Commissioners  
Request for County Board Action/Agenda Item Cover Sheet



To: Chairperson, Aitkin County Board of Commissioners      Date: 12/23/2011

Via:

From: Undersheriff John Drahota

Title of Item: Potentially Dangerous Dog Hearing

Requested Meeting Date: 01/03/2012      Est. Presentation Time: 30 minutes

Presenter: Undersheriff John Drahota

**Type of Action Requested** (check all that apply)

- For info only, no action requested
- For discussion only with possible future action
- Let/Award Bid or Quote (attach copy of basic bid/quote specs or summary of complex specs, each bid/quote received & bid/quote comparison)
- Approve/adopt proposal by motion
- Authorize filling vacant staff position
- Request to schedule public hearing or sale
- Request by member of the public to be heard
- Item should be addressed in closed session under MN Statute \_\_\_\_\_
- Approve under Routine Business
- Adopt Ordinance Revision
- Approve/adopt proposal by resolution (attach draft resolution)
- Other (please list) **Affirm or Rescind Potentially Dangerous Dog Designation**

**Fiscal Impact** (check all that apply)

- Is this item in the current approved budget?  Yes  No (attach explanation)
- What type of expenditure is this?  Operating  Other (attach explanation)
- Revenue line account # that funds this item is: \_\_\_\_\_
- Expenditure line account # for this item is: \_\_\_\_\_

**Staffing Impact** (Any yes answer requires a review by Human Resources Manager before going to the board)

- Duties of a department employee(s) may be materially affected.  Yes  No
- Applicable job description(s) may require revision.  Yes  No
- Item may impact a bargaining unit agreement or county work policy.  Yes  No
- Item may change the department's authorized staffing level.  Yes  No



**Supporting Attachment(s)**

- Memorandum Summary of Item
- Copy of applicable county policy and/or ordinance (excerpts acceptable)
- Copy of applicable state/federal statute/regulation (excerpts acceptable)
- Copy of applicable contract and/or agreement
- Original bid spec or quote request (excluding complex construction projects)
- Bids/quotes received (excluding complex construction projects, provide comparison worksheet)
- Bid/quote comparison worksheet
- Draft County Board resolution
- Plat approval check-list and supporting documents
- Copy of previous minutes related to this issue
- Other supporting document(s) (please list) Sheriff's Office reports/documents

**Provide eleven (11) copies of supporting documentation NO LATER THAN Wednesday at 8:00am to make the Board's agenda for the following Tuesday. Items WILL NOT be placed on the Board agenda unless complete documentation is provided for mailing in the Board packets. (see reverse side for details)**

# AITKIN COUNTY ADMINISTRATION

**Aitkin County Courthouse**  
217 Second Street N.W. Room 130  
Aitkin, MN 56431  
218-927-7276  
Fax: 218-927-7374

**TO: Aitkin County Board of Commissioners**

**FROM: Patrick Wussow, Aitkin County Administrator**

**RE: Request for Hearing to Remove Potentially Dangerous Dog  
Designation- Dog Named Maggie**

**DATE: December 27, 2011**

Attached you will find a request from Zora and John Varholdt 52602 190<sup>th</sup> Place, McGregor MN., to contest the designation of Potentially Dangerous Dog for her dog named Maggie. Today I left a phone message for John and Zora inviting them to the hearing, notifying them of the hearing date and time and to call me with questions. This week staff will mail the agenda and related packet information to the applicants.

Sheriff Turner and members of the Aitkin County Sheriff's Department will be at the hearing to present and answer any questions relating to their information contained as part of this packet.

The County Board will need to determine if the dog named Maggie is potentially dangerous as defined by Mn. Statute.

Please note that the complainant has been notified of the hearing and been invited to speak.

DEC 13 2011

Aitkin County Sheriff's Office  
Animal Care and Control Program

Date: 12/3/11

ICR # 11002319

**DECLARATION OF OWNERSHIP AND REQUEST FOR HEARING**

I Certify that I am the owner or person claiming an interest in the animal(s) described on the Notice, and

- 1)  I request a hearing to contest the determination of a Potentially Dangerous or a Dangerous Dog.
- 2)  My animal has been impounded and I request a hearing for the determination of whether reasonable grounds for the impoundment exist.
- 3)  My animal has been impounded and I relinquish ownership of the impounded animal described on the Impoundment Notice to the Aitkin County Sheriff's Office for appropriate disposition by Animal Control. I hereby release the Aitkin County Sheriff's Office, its employees, agents and Animal Control employees and agents from any and all liability arising from the acceptance and disposition of the animal(s).

To the best of my knowledge the animal(s) has \_\_\_\_\_, has not  (check one) bitten any persons or animals in the past fourteen (14) days.

SIGNATURE: Zora Varholdt Date: 12-7-11

PRINTED NAME: ZORA VARHOLDT

ADDRESS: 52602 190<sup>th</sup> PLACE  
McGregor MN 55760

PHONE: HOME: 218-426-3587 WORK: NA

DRIVER'S LICENSE #: D614046828611

**THIS NOTICE MUST BE RETURNED BY PERSONAL DELIVERY OR MAIL AND RECEIVED BY THE AITKIN COUNTY ADMINISTRATOR'S OFFICE WITHIN FOURTEEN (14) DAYS FROM THE DATE LISTED ABOVE TO RECEIVE A HEARING BEFORE THE ANIMAL CONTROL AUTHORITY.**

Aitkin County Administrator's Office  
217 2<sup>nd</sup> Street NW, RM# 130  
Aitkin, MN 56431  
Phone: 218-927-7276

**AITKIN COUNTY SHERIFF'S OFFICE  
ANIMAL CARE AND CONTROL PROGRAM**

**NOTICE OF DETERMINATION**

**OF**

**POTENTIALLY DANGEROUS DOG**

TO: Name: John Varholdt

Address: 52602 190th PC McGregor MN

Phone#: 218-426-3587

Your dog, a Black & Tan dog "Maggie", has been determined to be  
(description)  
a potentially dangerous or dangerous dog within the meaning of Minnesota Statutes  
347.50 Subd. 2. & Subd 3.

A dangerous dog must be registered pursuant to Minnesota Statute  
347.51. Failure to register said dog within 14 days of this Notice may  
result in confiscation pursuant to Minnesota Statute 347.54.

Failure to register a dangerous dog or provide the safeguards required by  
Minnesota Statutes 347.52 is a misdemeanor and may be punished by up  
to 90 days in jail and/or a fine of \$700.00.

07/07/11  
Date

Inv. Steve Cook  
Deputy

I have read and understand the contents of this notice and acknowledge receipt of a  
copy thereof.

07/07/11  
Date

John Varholdt  
Owner or Caretaker

White Copy: Deputy

Yellow Copy: Owner



**Aitkin County Sheriff's Office**

217 Second Street NW, Room 185  
Aitkin, MN 56431  
(218) 927-7435

**Incident Detail Report**

**Printed On: Fri, Dec 23, 2011**

<b>Case Number:</b> 2011002319	<b>NCIC:</b> MN0010000	Status: CAD Import	Status By:
Juvenile: No	Protected: No	Case Hold: No	Additional Reports: Yes
			Status Date Time: 07/07/2011 12:44

**Call For Service**

Date Reported: 7/7/2011 Thursday 10:22 Date Committed Start: 7/7/2011 10:22 Date Committed End:

Received By: 341 How Received: CAD

Description: Animal Complaint CAD Seq Nbr: ACSO:2011:3504

Event Type: CAD Agency: Aitkin County

Case Status: Case Disposition:

**Scene**

Location:

Business Name:

Low House Nbr: 52506 High House Nbr: Community Code:

Street: 190TH PL

Unit Nbr/Type: Intersection Street:

City/State/Zip: MCGREGOR, MN 55760 Address:

LGN: 5133 GEO Code: Weather Conditions:

Place Committed: 52506 190TH PL, MCGREGOR (526TH LN/)

**Officer Information**

Officer	Dt/Tm Dispatched	Dt/Tm Assigned	Dt/Tm Arrived	Dt/Tm Cleared	Role
206	7/7/2011 10:56	7/7/2011 12:24	7/7/2011 12:20	7/7/2011 12:34	Primary

**Offense Detail**

ISN: 01 Offense Code: 7818 Literal: potentially dang dog/dang dog

Statute: Status: Exceptionally cleared Status Date: 07/07/2011 Criminal Activity:

Counts: Larceny Type: Campus Code: Offense Level:

CAD Offense Code: CAD Literal: Animal Complaint

CAD Disposition: Cleared

Remark:

Disposition:

Aitkin County Sheriff's Office  
Case Number 2011002319 (MN0010000)

Incident Detail Report

Printed On: Fri, Dec 23, 2011

Associations

<b>Name:</b> JONES, DARCY ANNE	Driver License:	K701115798008	
<b>Role:</b> Complainant	Resident:		
<b>Phone:</b> (952)221-4494	<b>DOB:</b> 6/26/1971	<b>Age (Range):</b> 40	<b>Organization Type:</b>
<b>Address:</b> 52506 190TH PL, McGregor, MN 55760	<b>LGN:</b>		
<b>Sex:</b> Female	<b>Race:</b>	<b>Disability:</b>	
<b>Eye Color:</b>	<b>Hair Color:</b>	<b>Height:</b> 5'06"	<b>Weight:</b> 145 lbs.
<b>Name:</b> varholdt, john gary	Driver License:	K331197093307	
<b>Role:</b> Owner of Vehicle	Resident:		
<b>Phone:</b> (218)426-3587	<b>DOB:</b> 6/15/1938	<b>Age (Range):</b> 73	<b>Organization Type:</b>
<b>Address:</b> 52602 190TH PL, McGregor, MN 55760	<b>LGN:</b>		
<b>Sex:</b> Male	<b>Race:</b>	<b>Disability:</b>	
<b>Eye Color:</b> Brown	<b>Hair Color:</b>	<b>Height:</b> 5'07"	<b>Weight:</b> 180 lbs.

Narrative

R: LGN 5133 Darcy states her neighbors dog has bit her dog twice and is very aggressive  
R: 206 clear cl's residence and 10-6 @ varholdt's residence (owner of dog)  
R: 206 served potentially dangerous dog papers



**Aitkin County Sheriff's Office**  
217 Second Street NW, Room 185  
Aitkin, MN 56431  
(218) 927-7435

2011002319 002 NTE 206 report

**Supplemental Reports**

**Printed On: Fri, Dec 23, 2011**

Description: 206 report	Sequence: 002	Report Date: 07/07/2011
Case Number: 2011002319	N C I C: MN0010000	Off Cd: 7818
Officer: 206	Approval Process:	Report Type: Notes
CSI Status:	Status By:	Secured: No
		Status Dt/Tm: 07/07/2011 15:04

**Notes**

**AITKIN COUNTY SHERIFF'S DEPARTMENT  
INVESTIGATIVE REPORT**

INV. REPORT BY: Investigator Steve Cook      CASE #: 11002319

DEPUTIES/OFFICERS ASSISTING:

NATURE OF CASE: Dog complaint

LOCATION: 52506 190th Place McGregor

**SUMMARY**

Darcy Jones reported, her neighbor's dog, was growling, barking and showing her teeth at her this morning. The dog owner, John Varholdt was served a potentially dangerous dog paper.

**PERSONS MENTIONED:**

REPORTED:    Name/DOB: Darcy Anne Jones, 06/26/71  
                  Address: 52506 190th Place McGregor, MN 55760  
                  Telephone (H/W): 952-221-4494

SUSPECT:    Name/DOB: John Gary Varholdt, 06/15/38  
                  Address: 52602 190th Place McGregor, MN 55760  
                  Telephone (H/W): 218-426-3587

VICTIM:      Name/DOB:  
                  Address:  
                  Telephone (H/W):

MENTIONED: Name/DOB:

Notes

Address:

Telephone (H/W):

PROPERTY STOLEN:

TYPE OF EVIDENCE AND LOCATION (BIN, LOCKER, and GARAGE):

DATE AND TIME OCCURRED: 07/07/11

TIME ARRIVED                      TIME COMPLETED:

## DETAILS:

On Thursday, July 07, 2011, I, Investigator Steve Cook, responded to an aggressive dog complaint at 52506 190th Place, McGregor.

I arrived at the residence and spoke with Darcy Jones. Darcy stated, her neighbor has a black and tan colored dog, called Maggie. Darcy stated, Maggie has come into her yard, and bit her dog Alex, twice last year, and has come at Alex several times this year, but they have been outside with her, and chased Maggie away.

Darcy stated, this morning, she went jogging on 190th Place, with Alex, who she had on a leash, and when she went by the neighbor's home, Maggie came running onto the road, barking, growling, and showing her teeth. Darcy stated, she stopped jogging, kicked at Maggie to get her away, and slowly walked away. Darcy stated, when she got a ways down the road, Maggie stopped following, turned around, and went back to her house. Darcy stated, when she came back, came back from the other direction, by passing the neighbor's house. Darcy stated, she has spoken with the dog's owner in the past, telling them about the aggressiveness, in which they keep a shock collar on the dog for a while, but it is short lived, and Maggie begins to roam the neighborhood again. Darcy stated, she is becoming very fearful of Maggie, that she might bite her.

I went to the neighbor's home, John Varholdt. Maggie was not aggressive towards me at the residence. John stated, he has spoken with the neighbors in the past, because they have contacted him, about Maggie being aggressive, but does not think she was. John stated, he has an invisible fence, and shock collar that he will put on Maggie, which he did, while I was there. I gave John a potentially dangerous dog paper, a copy of the State Statutes, and explained to him, he had 14 days to comply with having a chip installed in Maggie. John stated, he would get the chip installed right away.

Case disposition: Clear/ Served Potentially Dangerous Dog papers.  
Investigator Steve Cook



Notes



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John I would give him a couple of weeks to find another vet.

On September 13, 2011 at 1725 hours, I contacted John again, and he told me, he had been in contact with Patti, and she had ordered a micro chip for the dog.

On September 15, 2011 at 0931 hours, I called the number for Patti Zebro, 218-768-7601, and left a message for her to call me in regards to the micro chip. Patti has never returned my call.

On October 7, 2011 at 0946 hours, I spoke with Zora Varholdt. Zora stated, they have not heard back from Patti yet. Zora stated, she wanted to know what she could do in regards to her dog being declared potentially dangerous. Zora stated, she doesn't believe Maggie is potentially dangerous. I told Zora that along with the packet (Potentially dangerous dog paper, Minnesota Statute on Dangerous/Potentially Dangerous Dog, request for a hearing) there should be a request for a hearing form. Zora stated, they did not get that form.

In my first report, I have documented that I gave John the potentially dangerous dog form, Minnesota State Statutes, and he had 14 days to get the dog micro chipped. I could not recall if I gave John the request for hearing form or not.

I spoke with Under Sheriff John Drahota, explaining this to him. Under Sheriff Drahota stated, to just drop off a request for hearing form.

On Saturday December 3, 2011, at 1340 hours, I dropped off the request for hearing form with John and Zora at the McGregor Laundromat. I explained to Zora that she has 14 days from this date, to fill out the form, and return it to the Aitkin County Court Administrators Office.

Investigator Steve Cook



**Aitkin County Sheriff's Office**  
217 Second Street NW, Room 185  
Aitkin, MN 56431  
(218) 927-7435

2011002319 003 NTE Statement: Jones, Darcy Anne

**Supplemental Reports**

**Printed On: Fri, Dec 23, 2011**

Description: Statement: Jones, Darcy Anne      Sequence: 003      Report Date: 07/21/2011  
Case Number: 2011002319      N C I C: MN0010000      Off Cd: 7818      Report Type: Notes  
Officer: 980      Approval Process:      Secured: No  
CSI Status:      Status By:      Status Dt/Tm: 07/21/2011 06:55

Notes

AITKIN COUNTY SHERIFF'S OFFICE  
VOLUNTARY STATEMENT

THIS STATEMENT IS GIVEN VOLUNTARILY BY:      DARCY ANNE JONES  
STATEMENT IS IN REFERENCE TO ICR #:      11-2319  
DEPUTY TAKING STATEMENT:      INV. STEVE COOK  
DATE OF STATEMENT:      JULY 7, 2011

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- Q I'M INVESTIGATOR STEVE COOK, AITKIN COUNTY SHERIFF'S OFFICE. TODAY'S DATE IS THURSDAY JULY 7, 2011. TIME IS 1215 HOURS. ICR 11002319. AND I'M AT UH, 52506 190TH PLACE MCGREGOR. AND GONNA GET A STATEMENT FROM DARCY D-A-R-C-Y ANNE A-N-N-E JONES. DATE OF BIRTH 6-26-71. AND PHONE IS 952-221-4494. AND UH, DARCY THAT'S ALL CORRECT?
- A YES IT IS.
- Q AND THIS IS IN REGARDS TO YOUR NEIGHBOR'S DOG COUPLE HOUSES AWAY. A BLACK AND TAN DOG CALLED MAGGIE?
- A YES.
- Q O.K. UM, GO AHEAD TELL ME ABOUT THAT DOG.
- A UH, IT'S BEEN VERY AGGRESSIVE TOWARDS OUR DOG. THERE LAST YEAR, LAST YEAR IT CAME OVER INTO OUT DO, OUR YARD. A NU, A NUMBER OF TIMES BUT THERE WAS TWICE THAT IT HAD BIT OUR DOG IN THE BUTT. AND THERE, THE FIRST TIME I HAD WENT OVER AND I'D ASKED THEM, AND TOLD THEM WHAT HAD

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HAPPENED AND ASKED THEM TO KEEP THEIR DOG FROM COMING INTO OUR YARD. 'CAUSE OUR DOG NEVER VENTURES ANYWHERE. UM, AND LATELY LIKE THIS YEAR WE'VE REALLY WATCHED OUR DOG AND THERE'S BEEN A NU, NUMBER OF TIMES THAT SHE'S COME IN AND WE'VE GOTTEN BETWEEN OUR DOG AND AND MAGGIE. UM, JUST TO KEEP HER OUT AND WE'LL TRY AND CHASE HER BACK TO HER YARD AND YELL AT HER. UM, THIS MORNING WHEN I WENT JOGGING, AND IT'S HAPPENED A COUPLE TIMES. BUT THIS MORNING I I USUALLY LOOK FOR HER. AND IF SHE'S OUT I USUALLY TRY AND KINDA WALK PAST AND I DON'T RUN. 'CAUSE RUNNING SEEMS TO MAKE HER MORE AGGRESSIVE. BUT I DIDN'T SEE HER OUT SO I WENT AND I RAN AND UH, SHE CAME AND SHE CHARGED OUT AND SHE DID HER NORMAL. BARES HER TEETH. BARKS. GROWLS. CIRCLES AROUND YOU SO YOU YOU HAVE A HARD TIME MOVING ANYWHERE. UM, AND I JUST YELL AT HER AND TRY AND KINDA KICK AT HER. I DON'T TOUCH HER 'CAUSE SHE'S TOO QUICK BUT TRY TO GET HER AWAY FROM ME AND THEN IF I WALK FURTHER AWAY THEN SHE'LL RUN BACK TO HER HOUSE. BUT SHE COMES LITERALLY OUT IN THE ROAD AND SHE SCARES ME EVERY TIME SHE DOES IT.

Q M.K.

A I DON'T IF SHE'S GONNA BITE ME ESPECIALLY WHEN SHE HAS THE AGGRESSIVE BEHAVIOR THAT SHE'S BITTEN MY DOG TWICE.

Q SHE'S NEVER BITTEN YA BUT SHOWS AGGRESSION.

A YEAH.

Q BARES HER TEETH, GROWLS, BARKS.

A MMM HMM.

Q O.K. AND YOU SAID IT'S HAPPENED MORE THAN ONCE BUT TODAY YOU'RE REPORTING IT?

A YEAH.

Q O.K.

A TODAY I THOUGHT I'M DONE BEING SCARED AND I'M DONE, I MEAN WE TALKED TO 'EM, THEY KNOW THE SITUATION. IT DOESN'T ONLY DO IT WITH JUST US. THERE, YOU KNOW, THERE'S BEEN PEOPLE THAT HAVE WALKED DOWN THE ROAD AND SHE DOES IT TOO. UM, SO I MEAN IF SHE, I MEAN SHE'S JUST A VERY AGGRESSIVE DOG.

Q O.K.

Supplemental Reports

Notes

- A WE JUST WANT THE NEIGHBORS TO DO SOMETHING AND KEEP HER IN CHECK.
- Q OH, KEEP CARE OF THEIR DOG YEAH.
- A YEAH.
- Q ANYTHING ELSE YOU'D LIKE TO ADD?
- A I DON'T THINK SO.
- Q O.K. I'LL END IT AT 1218 HOURS.

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WITNESS	PERSON MAKING THIS STATEMENT	DATE
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WITNESS	I HAVE RECEIVED COPY	DATE
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I HEREBY CERTIFY THIS IS AN ACCURATE REPRODUCTION OF ALL QUESTIONS ASKED AND ANSWERED AS BEST I COULD TRANSCRIBE FROM THE TAPED STATEMENT TAKEN ON JULY 7, 2011, BY INVESTIGATOR STEVE COOK OF DARCY ANNE JONES.

**SCOTT A. TURNER**  
**SHERIFF OF AITKIN COUNTY**

217 Second Street NW, Room 185  
Aitkin, MN 56431

Telephone: 218-927-2138  
Toll Free: 1-888-900-2138  
Fax: 218-927-7359

December 23, 2011

Darcy Jones  
52506 190<sup>th</sup> Pl  
McGregor MN 55760

RE: Potentially Dangerous Dog hearing, ICR 11-2319.

Dear Ms. Jones,

On July 7<sup>th</sup>, 2011, you contacted our office regarding an aggressive dog that approached you while out walking. Based on the information provided to Investigator Steve Cook regarding the incident, the owners of the dog, John & Zora Varholdt, were served a notice designating their dog, Maggie" as a Potentially Dangerous Dog.

As part of due process, the owners have requested a hearing on this matter to challenge the Potentially Dangerous Dog determination. This letter is to inform you that a hearing date and time has been set before the Aitkin County Board, who is the hearing authority. The hearing date is Tuesday, January 3, 2012 at 11:00 a.m. in the Board Room of the Aitkin County Courthouse. Your presence is not required but you are welcome to attend and provide additional input to the County Board in order to aid them in making their decision on this matter. I would ask that you contact me prior to the hearing date to let me know whether you plan on attending. I can be reached direct by calling 218-927-7423.

Sincerely,



John Drahotz  
Undersheriff  
ACSO

# 2011 Minnesota Statutes

## Regulation of Dangerous Dogs

### **347.50 DEFINITIONS.**

#### **Subdivision 1. Terms.**

For the purpose of sections 347.50 to 347.56, the terms defined in this section have the meanings given them.

#### **Subd. 2. Dangerous dog.**

"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.

#### **Subd. 3. Potentially dangerous dog.**

"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.

#### **Subd. 4. Proper enclosure.**

"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.



### **Subd. 5.Owner.**

"Owner" means any person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having care, custody, or control of a dog.

### **Subd. 6.Substantial bodily harm.**

"Substantial bodily harm" has the meaning given it under section 609.02, subdivision 7a.

### **Subd. 6a.Great bodily harm.**

"Great bodily harm" has the meaning given it under section 609.02, subdivision 8.

### **Subd. 7.Animal control authority.**

"Animal control authority" means an agency of the state, county, municipality, or other governmental subdivision of the state which is responsible for animal control operations in its jurisdiction.

### **Subd. 8. Provocation.**

"Provocation" means an act that an adult could reasonably expect may cause a dog to attack or bite.

### **History:**

1988 c 711 s 1; 1989 c 37 s 3-5; 1994 c 550 s 1; 1Sp2001 c 8 art 8 s 14,15; 2008 c 325 s 2

## **347.51 DANGEROUS DOGS; REGISTRATION.**

### **Subdivision 1.Requirement.**

No person may own a dangerous dog in this state unless the dog is registered as provided in this section.

### **Subd. 2. Registration.**

An animal control authority shall issue a certificate of registration to the owner of a dangerous dog if the owner presents sufficient evidence that:

- (1) a proper enclosure exists for the dangerous dog and a posting on the premises with a clearly visible warning sign that there is a dangerous dog on the property, including a warning symbol to inform children;
- (2) a surety bond issued by a surety company authorized to conduct business in this state in a form acceptable to the animal control authority 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 for any personal injuries inflicted by the dangerous dog;

(3) the owner has paid an annual fee of not more than \$500, in addition to any regular dog licensing fees, to obtain a certificate of registration for a dangerous dog under this section; and

(4) the owner has had microchip identification implanted in the dangerous dog as required under section 347.515.

### **Subd. 2a. Warning symbol.**

If an animal control authority issues a certificate of registration to the owner of a dangerous dog pursuant to subdivision 2, the animal control authority must provide, for posting on the owner's property, a copy of a warning symbol to inform children that there is a dangerous dog on the property. The warning symbol must be the uniform symbol provided by the commissioner of public safety. The commissioner shall provide the number of copies of the warning symbol requested by the animal control authority and shall charge the animal control authority the actual cost of the warning symbols received. The animal control authority may charge the registrant a reasonable fee to cover its administrative costs and the cost of the warning symbol.

### **Subd. 3. Fee.**

The animal control authority may charge the owner an annual fee, in addition to any regular dog licensing fees, to obtain a certificate of registration for a dangerous dog under this section.

### **Subd. 3a. Dangerous dog designation review.**

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.

### **Subd. 4. Law enforcement; exemption.**

The provisions of this section do not apply to dangerous dogs used by law enforcement officials for police work.

### **Subd. 5. Exemption.**

Dogs may not be declared dangerous if the threat, injury, or damage was sustained by a person:

- (1) who was committing, at the time, a willful trespass or other tort upon the premises occupied by the owner of the dog;
- (2) 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
- (3) who was committing or attempting to commit a crime.

## **Subd. 6.**

[Repealed, 1Sp2001 c 8 art 8 s 30]

## **Subd. 7. Tag.**

A dangerous dog registered under this section 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.

## **Subd. 8. Local ordinances.**

A statutory or home rule charter city, or a county, may not adopt an ordinance regulating dangerous or potentially dangerous dogs based solely on the specific breed of the dog. Ordinances inconsistent with this subdivision are void.

## **Subd. 9. Contracted services.**

An animal control authority may contract with another political subdivision or other person to provide the services required under sections 347.50 to 347.565. Notwithstanding any contract entered into under this subdivision, all fees collected under sections 347.50 to 347.54 shall be paid to the animal control authority and all certificates of registration must be issued in the name of the animal control authority.

## **History:**

1988 c 711 s 2; 1989 c 37 s 6-10; 1991 c 195 s 1; 1994 c 550 s 2; 1997 c 187 art 3 s 32; 1Sp2001 c 8 art 8 s 16-18; 2008 c 325 s 3-7

## **347.515 MICROCHIP IDENTIFICATION.**

The owner of a dangerous or 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.

## **347.52 DANGEROUS DOGS; REQUIREMENTS.**

(a) An owner of a dangerous dog shall keep the 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 and under the physical restraint 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.

(b) An owner of a dangerous dog must renew the registration of the dog annually until the dog is deceased. If the dog is removed from the jurisdiction, it must be registered as a dangerous dog in its new jurisdiction.

(c) 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 location where the dog will reside 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 or the address where the dog has been relocated.

(d) An animal control authority shall 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 shall seize the dog and have it sterilized at the owner's expense.

(e) A person who owns a dangerous dog and 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.

(f) A person who transfers ownership of a dangerous dog must notify the new owner that the animal control authority has identified the dog as dangerous. The current owner must also notify the animal control authority in writing of the transfer of ownership and provide the animal control authority with the new owner's name, address, and telephone number.

### **History:**

1988 c 711 s 3; 1Sp2001 c 8 art 8 s 20; 2008 c 325 s 8

## **347.53 POTENTIALLY DANGEROUS AND DANGEROUS DOGS.**

Any statutory or home rule charter city, or any county, may regulate potentially dangerous and dangerous dogs. Except as provided in section 347.51, subdivision 8, nothing in sections 347.50 to 347.565 limits any restrictions that the local jurisdictions may place on owners of potentially dangerous or dangerous dogs.

### **History:**

1988 c 711 s 4; 1989 c 37 s 11; 2008 c 325 s 9

## **347.54 CONFISCATION.**

### **Subdivision 1. Seizure.**

(a) The animal control authority having jurisdiction shall immediately seize any dangerous dog if:

- (1) after 14 days after the owner has notice that the dog is dangerous, the dog is not validly registered under section 347.51;
- (2) after 14 days after the owner has notice that the dog is dangerous, the owner does not secure the proper liability insurance or surety coverage as required under section 347.51, subdivision 2;
- (3) the dog is not maintained in the proper enclosure;
- (4) the dog is outside the proper enclosure and not under physical restraint of a responsible person as required under section 347.52; or
- (5) the dog is not sterilized within 30 days, pursuant to section 347.52, paragraph (d).

(b) 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.

### **Subd. 2.Reclaimed.**

A dangerous dog seized under subdivision 1 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 sections 347.51 and 347.52 will be met. A dog not reclaimed under this subdivision within seven days may be disposed of as provided under section 35.71, subdivision 3, and the owner is liable to the animal control authority for costs incurred in confining and disposing of the dog.

### **Subd. 3. Subsequent offenses; seizure.**

If a person has been convicted of a misdemeanor for violating a provision of section 347.51, 347.515, or 347.52, and the person is charged with a subsequent violation relating to the same dog, the dog must be seized by the animal control authority having jurisdiction. If the owner is convicted of the crime for which the dog was seized, the court shall order that the dog be destroyed in a proper and humane manner and the owner pay the cost of confining and destroying the animal. If the owner is not convicted and the dog is not reclaimed by the owner within seven days after the owner has been notified that the dog may be reclaimed, the dog may be disposed of as provided under section 35.71, subdivision 3.

### **History:**

1988 c 711 s 5; 1989 c 37 s 12; 2008 c 325 s 10,11

# **347.541 DISPOSITION OF SEIZED ANIMALS.**

## **Subdivision 1. Hearing.**

The owner of any dog declared dangerous has the right to a hearing by an impartial hearing officer.

## **Subd. 2. Security.**

A person claiming an interest in a seized dog may prevent disposition of the dog by posting security in an amount sufficient to provide for the dog's actual cost of care and keeping. The security must be posted within seven days of the seizure inclusive of the date of the seizure.

## **Subd. 3. Notice.**

The authority declaring the dog dangerous shall give notice of this section by delivering or mailing it to the owner of the dog, or by posting a copy of it at the place where the dog is kept, or by delivering it to a person residing on the property, and telephoning, if possible. The notice must include:

- (1) a description of the seized dog; the authority for and purpose of the dangerous dog declaration and seizure; the time, place, and circumstances under which the dog was declared dangerous; and the telephone number and contact person where the dog is kept;
- (2) a statement that the owner of the dog may request a hearing concerning the dangerous dog declaration and, if applicable, prior potentially dangerous dog declarations for the dog, and that failure to do so within 14 days of the date of the notice will terminate the owner's right to a hearing under this section;
- (3) a statement that if an appeal request is made within 14 days of the notice, the owner must immediately comply with the requirements of section 347.52, paragraphs (a) and (c), and until such time as the hearing officer issues an opinion;
- (4) 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 sections 347.51, 347.515, and 347.52;
- (5) a form to request a hearing under this subdivision; and
- (6) a statement that all actual costs of the care, keeping, and disposition of the dog are the responsibility of the person claiming an interest in the dog, except to the extent that a court or hearing officer finds that the seizure or impoundment was not substantially justified by law.

## **Subd. 4. Right to hearing.**

Any hearing must be held within 14 days of the request to determine the validity of the dangerous dog declaration. The hearing officer must be an impartial employee of the local government or an impartial person retained by the local government to conduct the

hearing. In the event that the dangerous dog declaration is upheld by the hearing officer, actual expenses of the hearing up to a maximum of \$1,000 will be the responsibility of the dog's owner. The hearing officer shall issue a decision on the matter within ten days after the hearing. The decision must be delivered to the dog's owner by hand delivery or registered mail as soon as practical and a copy must be provided to the animal control authority.

## **History:**

2008 c 325 s 12

## **347.542 RESTRICTIONS.**

### **Subdivision 1. Dog ownership prohibited.**

Except as provided in subdivision 3, no person may own a dog if the person has:

- (1) been convicted of a third or subsequent violation of section 347.51, 347.515, or 347.52;
- (2) been convicted of a violation under section 609.205, clause (4);
- (3) been convicted of a gross misdemeanor under section 609.226, subdivision 1;
- (4) been convicted of a violation under section 609.226, subdivision 2; or
- (5) had a dog ordered destroyed under section 347.56 and been convicted of one or more violations of section 347.51, 346.515, 347.52, or 609.226, subdivision 2.

### **Subd. 2. Household members.**

If any member of a household is prohibited from owning a dog in subdivision 1, unless specifically approved with or without restrictions by an animal control authority, no person in the household is permitted to own a dog.

### **Subd. 3. Dog ownership prohibition review.**

Beginning three years after a conviction under subdivision 1 that prohibits a person from owning a dog, and annually thereafter, the person may request that the animal control authority review the prohibition. The animal control authority may consider such facts as the seriousness of the violation or violations that led to the prohibition, any criminal convictions, or other facts that the animal control authority deems appropriate. The animal control authority may rescind the prohibition entirely or rescind it with limitations. The animal control authority also may establish conditions a person must meet before the prohibition is rescinded, including, but not limited to, successfully completing dog training or dog handling courses. If the animal control authority rescinds a person's prohibition and the person subsequently fails to comply with any limitations imposed by the animal control authority or the person is convicted of any animal violation involving unprovoked bites or dog attacks, the animal control authority may permanently prohibit the person from owning a dog in this state.

## **History:**

2008 c 325 s 13

## **347.55 PENALTY.**

- (a) A person who violates a provision of section 347.51, 347.515, or 347.52 is guilty of a misdemeanor.
- (b) It is a misdemeanor to remove a microchip from a dangerous or potentially dangerous dog, to fail to renew the registration of a dangerous dog, to fail to account for a dangerous dog's death or change of location where the dog will reside, to sign a false affidavit with respect to a dangerous dog's death or change of location where the dog will reside, or to fail to disclose ownership of a dangerous dog to a property owner from whom the person rents property.
- (c) A person who is convicted of a second or subsequent violation of paragraph (a) or (b) is guilty of a gross misdemeanor.
- (d) An owner who violates section 347.542, subdivision 1, is guilty of a gross misdemeanor.
- (e) Any household member who knowingly violates section 347.542, subdivision 2, is guilty of a gross misdemeanor.

## **History:**

1988 c 711 s 7; 1Sp2001 c 8 art 8 s 21; 2008 c 325 s 14

## **347.56 DESTRUCTION OF DOG IN CERTAIN CIRCUMSTANCES.**

### **Subdivision 1. Circumstances.**

Notwithstanding sections 347.51 to 347.55, a dog may be destroyed in a proper and humane manner by the animal control authority if the dog:

- (1) inflicted substantial or great bodily harm on a human on public or private property without provocation;
- (2) inflicted multiple bites on a human on public or private property without provocation;
- (3) bit multiple human victims on public or private property in the same attack without provocation; or
- (4) bit a human on public or private property without provocation in an attack where more than one dog participated in the attack.



## **Subd. 2. Hearing.**

The animal control authority may not destroy the dog until the dog owner has had the opportunity for a hearing before an impartial decision maker. The definitions in section 347.50 and the exemptions under section 347.51, subdivision 5, apply to this section.

### **History:**

1Sp2001 c 8 art 8 s 22; 2008 c 325 s 15

## **347.565 APPLICABILITY.**

Sections 347.50 to 347.56 must be enforced by animal control authorities or law enforcement agencies, whether or not these sections have been adopted into local ordinance.

### **History:**

2008 c 325 s 16