

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



To: Chairperson, Aitkin County Board of Commissioners Date: 06/26/12

Via:

From: Undersheriff John Drahota

Title of Item: Dangerous Dog hearing

Requested Meeting Date: 07/3/12 Est. Presentation Time: 9:30

Presenter: Undersheriff John Drahota

Type of Action Requested (check all that apply)

- For info only, no action requested Approve under Routine Business
 For discussion only with possible future action Adopt Ordinance Revision
 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 Approve/adopt proposal by resolution (attach draft resolution)
 Authorize filling vacant staff position
 Request to schedule public hearing or sale Other (please list) **Approve or Rescind Dangerous Dog Notice**
 Request by member of the public to be heard
 Item should be addressed in closed session under MN Statute _____

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) Police Reports, Misc. forms, photos

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 Dangerous Dog Designation-
Dog Named Moby**

DATE: June 27, 2012

Attached you will find a request from Susan Andersen, 27044 State Hwy 18, Isle, MN to contest the designation of Dangerous Dog for her dog named Moby. Staff will mail the agenda and related packet information to Ms. Andersen.

Undersheriff Drahota 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 Moby is dangerous as defined by Mn. Statute.

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

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

June 26, 2012

Paul Tinjum
1670 Whitecloud Dr.
Isle MN 56342

RE: Dangerous Dog hearing, ICR 12-2263.

Dear Mr. Tinjum,

On 6/20/2012, our office issued Sue Anderson a Dangerous Dog notice, which determined her dog, "Moby", to be a dangerous dog. This was based on the incident that occurred on 6/20/2012, in which Moby bit your son on the facial area.

As part of due process, the owner has requested a hearing on this matter to challenge/contest the 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, July 3rd, 2012 at 9:30 a.m. in the Board Room of the Aitkin County Courthouse.

Your presence is not required but I encourage you to attend and provide personal input to the County Board in order to aid them in making their decision on this matter. Without personal input from the victim(s), the Board must rely upon testimony presented by the dog owner and the police report(s) and statement(s). 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 Drahota
Undersheriff
ACSO

SCOTT A. TURNER
SHERIFF OF AITKIN COUNTY

217 Second Street NW, Room 185
Aitkin, MN 56431

218-927-7435 Emergency 911
Sheriff Fax 218-927-7359 / Dispatch Fax 218-927-6887
TOLL FREE 1-888-900-2138

MEMO

TO: County Board Members

DATE: 6/26/12

FROM: Undersheriff John Drahota

RE: Dangerous Dog Notice

Please note that since the victim is a juvenile, his identification information has been redacted to comply with data privacy.

Aitkin County Sheriff's Office
Animal Care and Control Program

Date: 6-22-12

ICR # D-2263

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: Susan Andersen Date: 6-22-12

PRINTED NAME: Susan Andersen

ADDRESS: 27044 State Hwy B
Blk, MN 56342

PHONE: HOME: 320-676-8511 WORK: 320-676-3232

DRIVER'S LICENSE #: R518161386014

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 2nd Street NW, RM# 130
Aitkin, MN 56431
Phone: 218-927-7276

Moby-dog's name

JUN 22 2012

ICR# D-2263

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

NOTICE OF DETERMINATION

OF

DANGEROUS DOG

TO: Name: Sue + Erik Andersen

Address: 27044 Hwy 18 ~~State~~ Isle 56342

Phone #: 320-676-8511

Your dog, a Kuvasz "Moby" 10yr old male white in color, has been determined to be
(description)
a dangerous dog within the meaning of Minnesota Statutes 347.50 Subd. 2.

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 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 \$1000.00.

The owner of a dangerous or potentially dangerous dog must have a microchip implanted in the dog for identification pursuant to Minnesota Statute 347.515. The name of the microchip manufacturer and the identification number of the microchip must be provided to the animal control authority within 30 days of this notice. Failure to comply with the microchip requirement is a misdemeanor and may be punished by up to 90 days in jail and/or a fine of \$1000.00.

6/20/12
Date

Sherrill Cook #218
Deputy

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

6/20/12
Date

Sue Andersen
Owner or Caretaker

Check if owner refused to sign

White Copy: County Auditor

Yellow Copy: Owner

Pink Copy: Deputy



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

Incident Detail Report

Printed On: Mon, Jun 25, 2012

<u>Case Number:</u> J2012002263	<u>NCIC:</u> MN0010000	Status: CAD Import	Status By:
Juvenile: Yes	Protected: No	Case Hold: No	Additional Reports: No
			Status Date Time: 06/21/2012 06:18

Call For Service

Date Reported: 6/20/2012 Wednesday 15:49 Date Committed Start: 6/20/2012 15:49 Date Committed End:

Received By: 339 How Received: CAD

Description: Animal Complaint CAD Seq Nbr: ACSO:2012:2927

Event Type: CAD Agency: Aitkin County

Case Status: Case Disposition:

Scene

Location:

Business Name:

Low House Nbr: 27044 High House Nbr: Community Code:

Street: STATE HWY 18

Unit Nbr/Type: Intersection Street:

City/State/Zip: ISLE, MN 56342 Address:

LGN: 1007 GEO Code: Weather Conditions:

Place Committed: 27044 STATE HWY 18, ISLE (280TH PL/)

Officer Information

<u>Officer</u>	<u>Dt/Tm Dispatched</u>	<u>Dt/Tm Assigned</u>	<u>Dt/Tm Arrived</u>	<u>Dt/Tm Cleared</u>	<u>Role</u>
218	6/20/2012 16:06		6/20/2012 20:27	6/20/2012 21:03	Primary

Offense Detail

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

Statute: Status: Exceptionally cleared Status Date: 06/20/2012 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 2012002263 (MN0010000)

Incident Detail Report

Printed On: Mon, Jun 25, 2012

Associations

Name:		Driver License:		Victim
Role:	Victim			
Phone:		DOB:		Resident:
Address:	, , MN	Age (Range):	03	Organization Type:
Sex:	Male	Race:		LGN:
Eye Color:		Hair Color:		Disability:
		Height:		Weight:
Name:	Onamia Hospital (Business)	Driver License:		
Role:	Reported By			Resident:
Phone:	(320)532-2402			Organization Type:
Address:	, , MN			LGN:

Media

<u>Date</u>	<u>Identification</u>	<u>Narrative</u>
6/21/2012	12-2263	Notice of Determination of Dangerous Dog

Narrative

R: LGN 1007 Jenah form Onamia hospital reporting dog bite patient seen at their hospital
R: per 218 owners were served dangerous dog papers



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

2012002263 002 NTE 218 Report

Supplemental Reports

Printed On: Mon, Jun 25, 2012

Description: 218 Report Sequence: 002 Report Date: 06/24/2012
Case Number: 2012002263 N C I C: MN0010000 Off Cd: 7818 Report Type: Notes
Officer: 218 Approval Process: Secured: No
CSI Status: Status By: Status D/Tm: 06/24/2012 02:03

Notes

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

INV. REPORT BY: Deputy Sheryl Cook #218 CASE # 12-2263

NATURE OF CASE: Dog bite

OFFICERS ASSISTING:

LOCATION : 27088 Hwy18 Isle

SUMMARY:

PERSONS MENTIONED:

REPORTING PARTY: Name/DOB: Onamia Hospital
Address:
Telephone (H/W): 320-532-2402

VICTIM: Name/DOB: Father Paul Lynn Tinjum
Address: 1670 Whitecloud Drive, Isle, MN 56432
Telephone (H/W): 763-226-4329

DOG OWNER: Name/DOB: Eirik and Sue Anderson
Address: 20044 Hwy 18, Isle, MN 56342
Telephone (H/W): 320-676-8511

WITNESS: Name/DOB: Jake Anderson
Address: same as above

Aitkin County Sheriff's Office

Supplemental Reports

Printed On: Mon, Jun 25, 2012

Notes

Telephone (H/W):

MENTIONED: Name/DOB: East Central Veterinarians
Address: 2004 Mahogany Street, Mora, MN 55051
Telephone (H/W): 320-679-4197

WITNESS: Name/DOB: Anne Theresa Hummel 10/3/1969
Address: 27088 Hwy 18, Isle, MN 56342
Telephone (H/W): 320-676-1655

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

PROPERTY STOLEN:

DATE AND TIME OCCURRED: 6/21/2012 14:30 hours

TIME ARRIVED: TIME COMPLETED:

DETAILS:

On June 20, 2012, I, Deputy Sheryl Cook was notified of a dog bite. Onamia Hospital called at 15:49 hours stating they were notifying Aitkin County of the mandatory reporting for a dog bite. A young male, [redacted], was being treated for a severe bite to the face.

Dispatch gave me the phone number for [redacted] father, Paul. I called Paul and spoke with him. He stated they were on their way to Brainerd to have a plastic surgeon stitch [redacted] face. Onamia hospital was concerned there would be scarring since the bite was so deep and it needed multiple layers of stitches. I advised Paul I would have a Brainerd Officer go to the hospital so pictures could be taken. Paul said that [redacted] was at Anne Hummel's daycare when they received a call stating [redacted] had been bitten. [redacted] told his father that he went to pet a dog and it jumped up and bit him.

I called dispatch and had them call Brainerd Police Department to see if they could assist. Brainerd PD stated they would send an officer over to the hospital.

I then called Anne Hummel. She said that the dog belongs to a neighbor Eirik and Sue Anderson.

Notes

Their son Jake is friend's with her son and he came over on his ATV from his house. The dog, "Moby" followed Jake over. Her daughter and son were standing over next to Jake when the incident happened. She did not see the bite but saw [redacted] running toward the house. She was able to get a gauze pad placed on the bite and then called Paul Tinjum. I asked if either of her children had witnessed the incident. She had asked them and they did not see what happened but had been standing near the incident. A 6 year old girl did state she had petted the dog first and then [redacted] tried to pet him. She said the children were around the dog and the dog did not approach them.

I then called the dog owner, Sue Anderson. I advised her I would try and come down later that evening to see the dog. She said she was unaware that the dog had followed their son over and usually they try to keep the dog in the yard. She said the dog has never been aggressive before and has never bitten anyone. The dog is a 10 year old male Kuvasz. I advised her to keep the dog inside or in a kennel.

I was able to speak with Paul later that evening. He stated that [redacted] had 18 stitches in his face that were inside and outside of the skin. He said that there was a slight possibility of it scarring but said it should heal up okay.

Dispatch also advised me that Brainerd Officer Timothy Friis had called stating he had gone over to the hospital at 16:50 hours. He stated it was a laceration to the lower left side of [redacted] face that was approximately 1.5 inches long.

I then went to the Anderson residence to speak with Sue and Eirik. The dog was inside a kennel and appeared to be calm and friendly when I walked over to him. I noted he was an all white male dog. He was not aggressive toward me. I also took photographs of the dog.

I advised the Anderson's that since there was a severe bite that I determined that the papers I would serve them would be a Dangerous Dog Notification. I filled it out and Sue signed it. I then gave them a form for a hearing and the statues and explained it to them. I also advised them to keep the dog confined. They gave me the name of their Veterinarian and showed me the Rabies certification.

After I went to the Hummel residence. It is three driveways east of the Anderson's. Anne Hummel showed me where the incident occurred. It was on the side of the driveway in the grassy area. I also photographed this. Anne said the dog barked at one point but did not know if that was before or after the incident.

The next day I called East Central Veterinarian and was able to confirm the rabies shots were good through March 2013. The office was able to fax over the shot report to our office. I called Paul and advised him of this.

End of Report

EVIDENCE: Photographs

Notes

Deputy Sheryl Cook #218
ACSO



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

2012002263 003 NTE 711 Brainerd PD's supplement report

Supplemental Reports

Printed On: Mon, Jun 25, 2012

<i>Description:</i> 711 Brainerd PD's supplement report		<i>Sequence:</i> 003	<i>Report Date:</i> 06/25/2012
<i>Case Number:</i> 2012002263	<i>N C I C:</i> MN0010000	<i>Off Cd:</i> 7818	<i>Report Type:</i> Notes
<i>Officer:</i> 383	<i>Approval Process:</i>	<i>Secured:</i> No	
<i>CSI Status:</i>	<i>Status By:</i>	<i>Status Dt/Tm:</i> 06/25/2012 08:16	

Notes

----Subject: dog bite report
Supplemental Report
ICR:12007738 (Brainerd Police Department) 06-20-2012

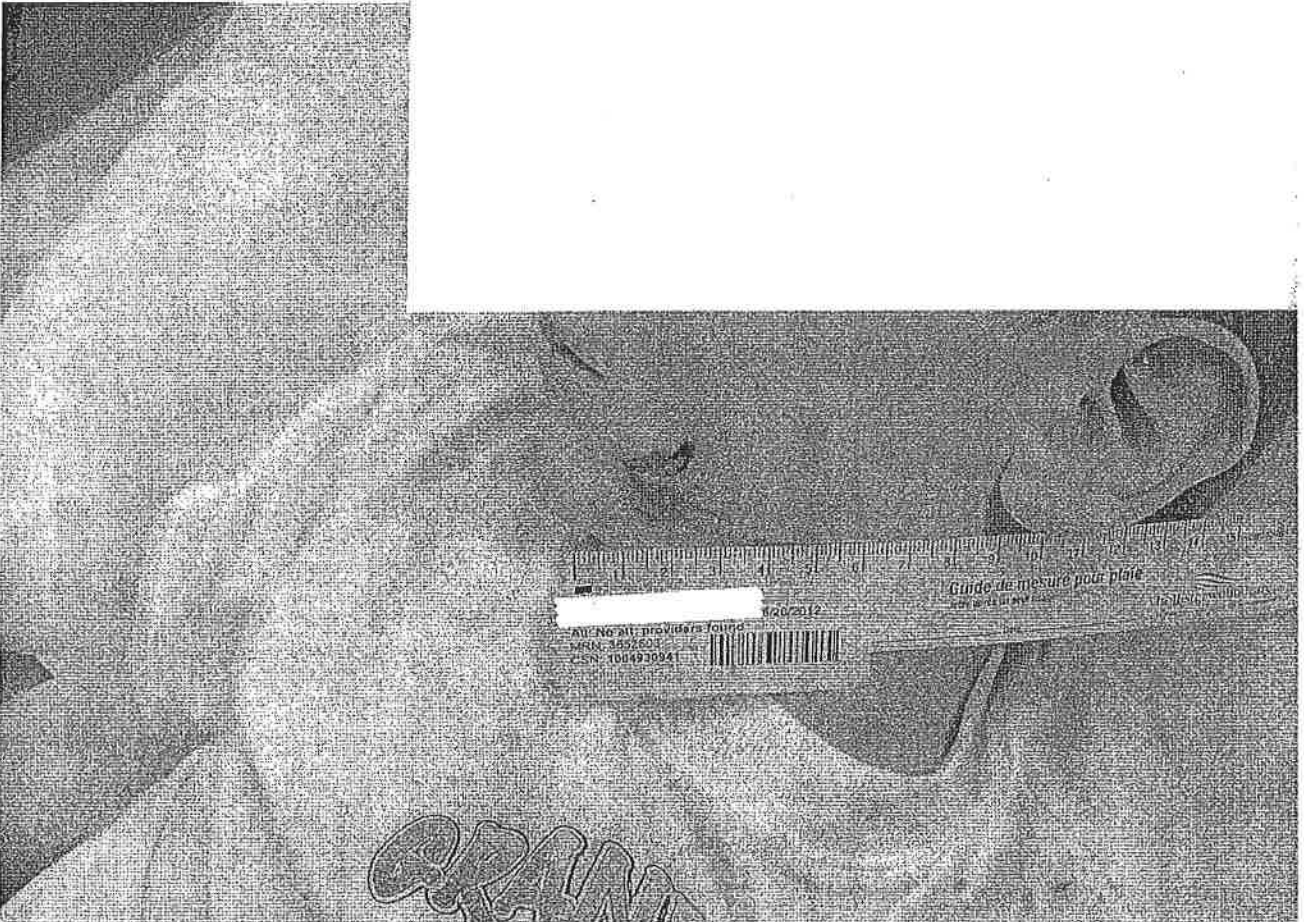
Created By: Friis, Timothy

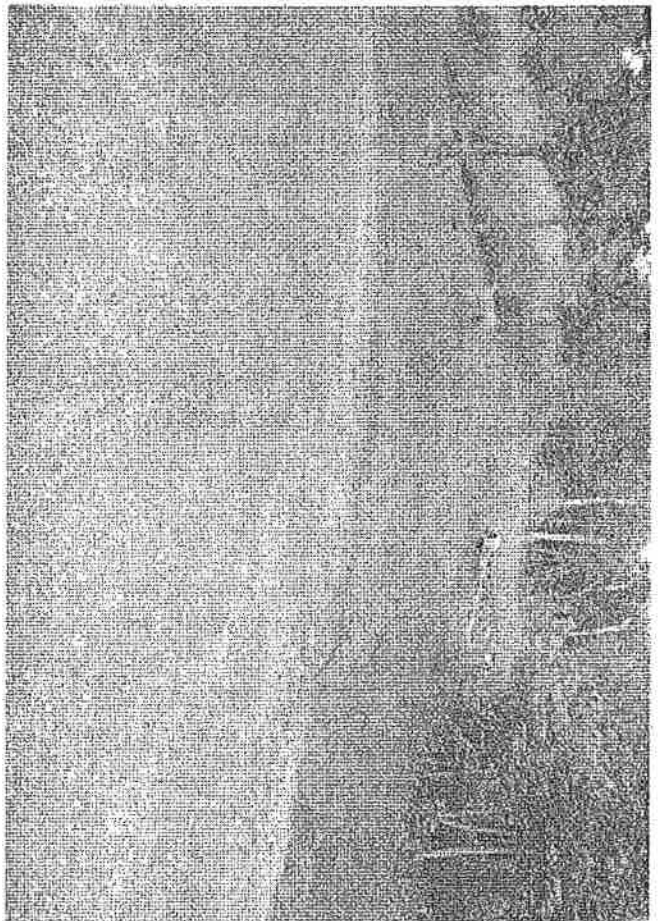
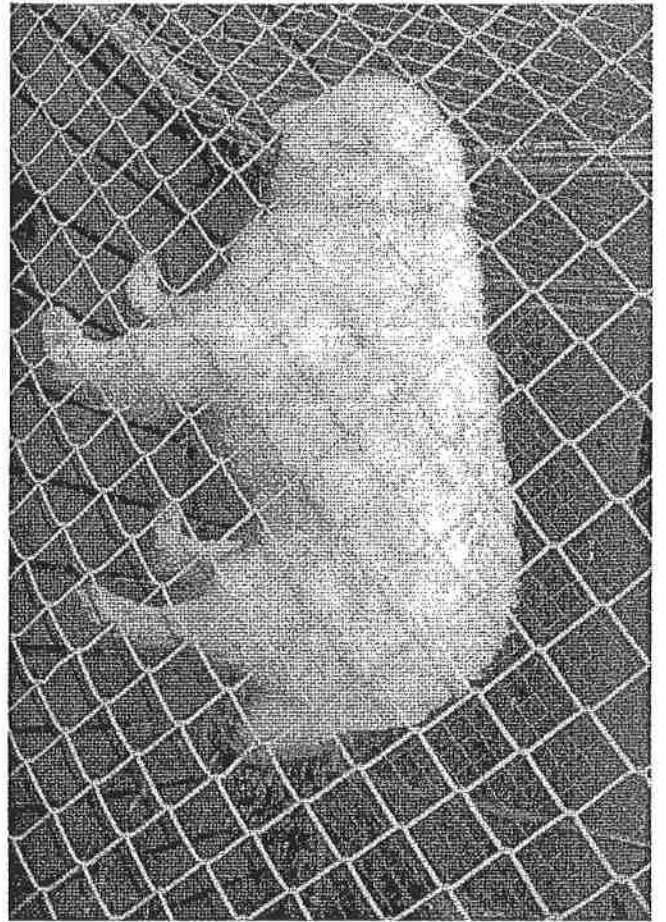
Last Modified By: Friis, Timothy

Title: 711 report

On 6-20-12, at approximately 1650 hours, Officer Friis was requested to assist Aitkin County Sheriff's Office with taking pictures of a three year old boy who suffered an injury to his face due to a dog bite. Officer Friis arrived at Essentia Health and met with Paul Tinjum, the father of [redacted]. Officer Friis noticed [redacted] ad a cut on the lower left side of his face, just below and to the left of his mouth. The cut was approximately 1.5 inches in length. Officer Friis took photographs of the injury and forwarded this information to Aitkin County Sheriff's Office. Paul Tinjum stated to Friis that his son was walking in the yard of their daycare provider when a smaller white dog belonging to the neighbor of the daycare was in the vicinity. Pauls son, [redacted] walked up to the dog to pet it when the white dog bit him on the left cheek area.

End





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