4A
Agenda Item #

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

To: Chairperson, Aitkin County Board of Commissioners Date: 08/31/12

Via:

From: Undersheriff John Drahota

Title of Item: Potentially Dangerous Dog hearing

Requested Meeting Date: ___09/11/12_____ 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
_X__ Other (please list) **Approve or Rescind Potentially 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

_____
HR Review

Supporting Attachment(s)

___ Memorandum Summary of Item
___ Copy of applicable county policy and/or ordinance (excerpts acceptable)
_X_ 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
_X__ Other supporting document(s) (please list) Police Report, Statement, Misc. forms, dog owner's letter

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 Kaiser**

DATE: **September 5, 2012**

Attached you will find a request from Andrew Wiesner, 4445 Savannah Drive NW, Rochester, MN to contest the designation of Potentially Dangerous Dog for his dog named Kaiser. Staff will mail the agenda and related packet information to Mr. Wiesner.

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 Kaiser is potentially dangerous as defined by Mn. Statute.

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

AITKIN COUNTY ADMINISTRATION

Patrick Wussow, County Administrator
Aitkin County Courthouse
217 Second Street N.W.
Aitkin, MN 56431
218-927-7276
Fax: 218-927-7374

August 29, 2012

Andrew Wiesner
4445 Savannah Dr. NW
Rochester, MN 55901

Dear Mr. Wiesner:

Your request for a hearing to contest the determination of potentially dangerous or dangerous dog has been received.

A hearing will be held on Tuesday, September 11, 2012 at 9:30 a.m. in the Aitkin County Boardroom. At that time the Aitkin County Board, as the Animal Control Authority, will hear your arguments. The complainant will also be invited to attend the hearing.

If you have any questions, please feel free to call me.

Sincerely,

Patrick Wussow
County Administrator

cc: Sheriff

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

August 31, 2012

Keith Hill
2445 Dunlap St. N
Roseville MN 55113

RE: Potentially Dangerous Dog hearing, ICR 12-2786.

Dear Mr. Hill,

On 7/16/2012, you contacted our office and reported that a dog came onto your cabin property and acted aggressive toward you. Based on the information you provided to Deputy John Novotny regarding the incident, the dog's owner, Andrew Wiesner, was issued a Potentially Dangerous Dog notice, which determined his dog, "Kaiser", to be a potentially dangerous dog.

As part of due process, the owner has requested a hearing on this matter to challenge/contest 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, September 11, 2012 at 9:30 a.m. in the Board Room of the Aitkin County Courthouse.

Your presence is not required but I strongly 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 also answer any questions you may have. I can be reached direct by calling 218-927-7423.

You are welcome to invite other people that may also have concerns regarding this dog. I noted in Deputy Novotny's report that you have had other family members that have experienced similar incidents with this same dog. The more direct information the Board receives will further enable them to make a decision as to whether the potentially dangerous dog designation should remain in effect or be removed.

Sincerely,

John Drahota
Undersheriff
ACSO

AUG 17 2012

Aitkin County Sheriff's Office
Animal Care and Control Program

Date: 8/14/12 ICR # 12-2786

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: Andrew Wiesner Date: 8/14/12

PRINTED NAME: Andrew Wiesner

ADDRESS: 4445 SAVANNAH DR NW

ROCHESTER MN 55901

PHONE: HOME: 5072583777 WORK: 507.285.5082

DRIVER'S LICENSE #: V442247205510

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

Revised 7-2009

Date: August 14, 2012

To: To Whom It May Concern

AUG 17 2012

From: Andrew Wiesner

Re: Pet Complaint (Potentially Dangerous Dog)

To Whom It May Concern:

This letter is in response to the complaint made to the Aitkin County Sheriff's Department on July 26, 2012, ICR#12-2786.

The pet being cited in the "notice of determination" is a 4 year old, (AKC registered) pure bred, fawn colored boxer. When he was about 10 months old, I adopted this dog as his previous owner could not handle his energy level. Within 60 days of his adoption, he was neutered, vaccinated, microchipped and put on medication for health issues that the previous owner neglected. Within 90 days of adoption, he was in full perfect health as a 1 year old, high energy boxer.

Once the health issues were resolved (now 1.5 years old), Kaiser (the dog) was enrolled and attended Dog Obedience Classes at a local training facility in Rochester, MN described as the following:

Leashes & Leads 6214 14th Street NW Byron, MN 55920 P: 507-282-2710	Description of Class: Basic Dog Obedience Class Basic Obedience classes are designed to build a close relationship between you and your dog. We address dog "issues". Prepare to have fun, work hard, and learn a lot about your dog, his behavior, and even yourself.

At this time, I installed an underground fence at my home that I was able to completely train Kaiser in less than three weeks (still 1.5 years old). As you may know, an underground fence warns the dog if they are too close to the perimeter prior to issuing a shock to the collar that is around their neck. For the next year, I remained in the same home and never had the dog leave the property regardless of it being located on a corner lot in a very busy part of town with many pedestrians walking by on a daily basis.

Being that the dog responded so well to the underground fence training at my home in Rochester, I purchased a water proof electronic hunting shock collar for use while at my parent's cabin, located in Aitkin County. I have used the same collar for 3 years now at this property with the same principles used with the underground fence at my previous home (warn when getting close to the property line, buzz when crossed). Because the property is not a typical city lot that has clear boundaries, it is more difficult. However, the dog has responded extremely well again with the boundary training with the shock collar to the point whereas I have actually never seen him leave the property grounds in the past 2.5 years.

In response to the incident described to me by the neighbor and officer from Aitkin County Sheriffs Dept.: At the time of the incident, my family and I were swimming in the water and out of sight of the

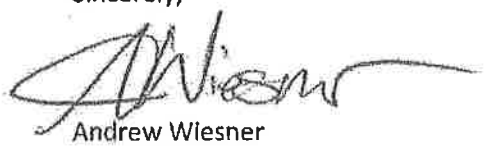
dog, as is the norm at the "cabin". I heard our dog bark, and I immediately called out his name as I usually keep tabs on him. When I walked up the shoreline to a spot where the dog was visible, he was walking towards me on our property. I cannot truthfully say that he was not on the neighbor's property, as I didn't see it firsthand (because he was not in my view). Once the dog was in my sight, I heard the neighbor murmur something under his breath, which I figured he was mad that the dog barked at him from the property line.

Furthermore, in a conversation held via phone on July 16, 2012 with Keith Hill (the neighbor), it was indicated that the dog may have been provoked by children on his property. Keith also indicated that he has a long history with dogs and working at kennels, but never issued any commands to the dog or even used his name. He then proceeded to tell us that he was about to go get the firearm that was in his son's vehicle (who is a state high patrolman) and shoot my dog. He also neglected to tell the sheriff's department that his dog (Cooper) frequently visits our property to play/wrestle with my dog or that he knows the dog by name and has known him for 3 years. Keith, himself, has watched the two dogs play while standing three feet away from them on our property, never once indicating that he felt uneasy about my dog. Never have the two dogs "wrestled" on Keith's property, because my dog does not wander across the property line. Keith also indicated that there may have been another incident that was not very worrisome with his brother (I believe the dog barked at him). This was never brought to my attention, I assume because his brother knew the dog is not a threat. When the officer from the Sheriff's Dept. contacted me, he indicated that there were now three separate incidents. It is my feeling that this was fabricated because the officer indicated to me that <u>three incidents</u> automatically deems the pet a "potentially dangerous dog", not one incident, and not one plus a dog that barked.

Kaiser is now four years old and has been visiting the property in Aitkin County for three years. He has never made contact with any animal or human, but may bark from time to time as all dogs do. My wife and I have two children and another on the way, and at no time have we ever worried that the dog was going to attack our children, or any of our 7 nieces and nephews (all under the age of 9). I find it completely irrational that a person can call the Sheriff's Dept. and say that they have three incidents about a dog and it's automatically deemed potentially dangerous.

Please send me the information as to where to appear to appeal this "potentially dangerous" dog status at the property address listed below.

Sincerely,



Andrew Wiesner
4445 Savannah Dr. NW
Rochester, MN 55901
(507) 358-3777

Enc: Vets Written Statement as Proof of Microchip.

PLAINVIEW VETERINARY CLINIC
685 N WABASHA
PLAINVIEW MN 55964
507-534-3181

8-10-12

Today, Andrew Wiesner's dog "Kaiser", a fawn colored boxer was scanned for a microchip. An Avid microchip was found; 106806076. If there are any questions or concerns please feel free to contact the Plainview Veterinary Clinic.

Wayne Douglas, DVM

ICR# 12-2786

AITKIN COUNTY SHERIFF'S OFFICE
ANIMAL CARE AND CONTROL PROGRAM

NOTICE OF DETERMINATION

OF

POTENTIALLY DANGEROUS DOG

TO: Name: Andrew Wiegner

Address: 4445 Savannah Dr. NW, Rochester, MN 55901

Phone#: 507-358-3777

Your dog, a ~~Bull Dog~~ / Boxer "Kiezer", has been determined to be
(description)
a potentially dangerous dog within the meaning of Minnesota Statutes 347.50 Subd 3.

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.

7-26-12 _____
Date

_____
Deputy

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

Cert mail _____
Date

_____
Owner or Caretaker

[ ] Check if owner refused to sign

White Copy: Deputy

Yellow Copy: Owner

Revised 7-2009

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

Incident Detail Report

Printed On: Thu, Aug 30, 2012

Case Number: **2012002786** ***NCIC:*** **MN0010000** *Status:* CAD Import *Status By:*
Juvenile: No *Protected:* No *Case Hold:* No *Additional Reports:* Yes *Status Date Time:* 07/16/2012 15:32

Call For Service

Date Reported: 7/16/2012 Monday 15:15 *Date Committed Start:* 7/16/2012 15:15 *Date Committed End:*
Received By: 311 *How Received:* CAD
Description: Animal Complaint *CAD Seq Nbr:* ACSO:2012:3588
Event Type: *CAD Agency:* Aitkin County
Case Status: *Case Disposition:*

Scene

Location:
Business Name:
Low House Nbr: 43610 *High House Nbr:* *Community Code:*
Street: 244TH LN
Unit Nbr/Type: *Intersection Street:*
City/State/Zip: AITKIN, MN 56431 *Address:*
LGN: 1721 *GEO Code:* *Weather Conditions:*
Place Committed: 43610 244TH LN (/435TH AVE)

Officer Information

Officer	Dt/Tm Dispatched	Dt/Tm Assigned	Dt/Tm Arrived	Dt/Tm Cleared	Role
210	7/16/2012 15:15			7/16/2012 15:27	Primary

Offense Detail

ISN: 01 *Offense Code:* 7818 *Literal:* potentially dang dog/dang dog
Statute: *Status:* Exceptionally cleared *Status Date:* 07/16/2012 *Criminal Activity:*
Counts: *Larceny Type:* *Campus Code:* *Offense Level:*
CAD Offense Code: *CAD Literal:* Animal Complaint
CAD Disposition: Cleared
Remark:
Disposition:

Associations

Name: Hill, Keith Douglas — Driver License: X374224667314
Role: Reported By — Resident:
Phone: (612)309-1160 — DOB: 11/4/1957 — Age (Range): 54 — Organization Type:
Address: 2445 Dunlap st n, roseville, MN 55113 — LGN:
Sex: Male — Race: — Disability:
Eye Color: — Hair Color: — Height: 6'00" — Weight: 220 lbs.

Name: Hill, Mark Leonard — Driver License:
Role: Mentioned In Report — Resident:
Phone: (651)731-1742 — DOB: 6/15/1956 — Age (Range): 56 — Organization Type:
Address: 487 S Lakewood Dr, Maplewood, MN 55119 — LGN:
Sex: Male — Race: — Disability:
Eye Color: Unknown — Hair Color: Unknown — Height: — Weight:

Name: Hill, Michael Leonard — Driver License:
Role: Mentioned In Report — Resident:
Phone: (612)803-4784 — DOB: 7/22/1982 — Age (Range): 29 — Organization Type:
Address: 12971 Fieldstone Rd, Milaca, MN 56353 — LGN:
Sex: Male — Race: — Disability:
Eye Color: — Hair Color: — Height: — Weight:

Name: Hill, Samantha Mary — Driver License:
Role: Mentioned In Report — Resident:
Phone: — DOB: 9/27/1986 — Age (Range): 25 — Organization Type:
Address: 487 S Lakewood Dr, Maplewood, MN 55119 — LGN:
Sex: Female — Race: — Disability:
Eye Color: — Hair Color: — Height: — Weight:

Name: Wiesner, Andrew Robert — Driver License:
Role: Owner — Resident:
Phone: (507)358-3777 — DOB: 9/27/1983 — Age (Range): 28 — Organization Type:
Address: 4445 Savannah Dr NW, Rochester, MN 55901 — LGN:
Sex: Male — Race: — Disability:
Eye Color: — Hair Color: — Height: — Weight:

Name: Wiesner, Lisa Stewart — Driver License:
Role: Mentioned In Report — Resident:
Phone: (507)288-1236 — DOB: 12/19/1960 — Age (Range): 51 — Organization Type:
Address: 2924 16th ave NW, Rochester, MN 55901 — LGN:
Sex: Female — Race: — Disability:
Eye Color: — Hair Color: — Height: — Weight:

Name: Wiesner, Robert David — Driver License:
Role: Mentioned In Report — Resident:
Phone: (507)288-1236 — DOB: 2/21/1956 — Age (Range): 56 — Organization Type:
Address: 2924 16th ave nw, Rochester, MN 55901 — LGN:
Sex: Male — Race: — Disability:
Eye Color: — Hair Color: — Height: — Weight:

Media

Date	Identification	Narrative
7/17/2012	12-2786	email
7/27/2012	12-2786	Notice of Determination of Pot Dang Dog
8/3/2012	12-2786	cert mail receipt

Narrative

R: lgn 1721
R: Keith reports neighbors boxer dog was aggressive towards him this week end while at residence on n side of Big Pine Lk
R: Neighbors last name is Wiesner.

Aitkin County Sheriff's Office

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

2012002786 002 NTE 210 rpt

Supplemental Reports **Printed On: Thu, Aug 30, 2012**

Description: 210 rpt *Sequence:* 002 *Report Date:* 07/16/2012

Case Number: 2012002786 *N C I C:* MN0010000 *Off Cd:* 7818 *Report Type:* Notes

Officer: 210 *Approval Process:* *Secured:* No

CSI Status: *Status By:* *Status Dt/Tm:* 07/16/2012 18:12

Notes

AITKIN COUNTY SHERIFF'S DEPARTMENT
INVESTIGATIVE REPORT

INV. REPORT BY: Deputy Novotny 210 CASE: 12-2786

NATURE OF CASE: Potentially dangerous dog

LOCATION: 43610 244th Ln, Aitkin, MN 56431

SUMMARY:

Keith Hill reported his neighbor's dog charged him.

PERSONS MENTIONED:

REPORTED BY: Name/DOB: Keith Douglas Hill/11-4-57
Address: 2445 Dunlap St. N, Roseville, MN 55113
Telephone (H/W): 612-309-1160

OWNER: Name/DOB: Andrew Robert Wiesner/9-27-83
Address: 4445 Savannah Dr. NW, Rochester, MN 55901
Telephone: (H/W): 507-358-3777

MENTIONED: Name/DOB: Mark Leonard Hill/6-15-56
Address: 487 S. Lakewood Dr., Maplewood, MN 55119
Telephone (H/W): 651-731-1742

MENTIONED: Name/DOB: Samantha Mary Hill/9-27-86
Address: 487 S. Lakewood Dr., Maplewood, MN 55119
Telephone (H/W):

Notes

MENTIONED: Name/DOB: Michael Leonard Hill/7-22-82
Address: 12971 Fieldstone Rd. Milaca, MN 56353
Telephone: 612-803-4784

MENTIONED: Name/DOB: Robert David Wiesner/2-21-56
Address: 2924 16th Ave NW, Rochester, MN 55901
Telephone: 507-288-1236

MENTIONED: Name/DOB: Lisa Stewart Wiesner/12-19-60
Address: 2924 16th Ave NW, Rochester, MN 55901
Telephone: 507-288-1236

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

DATE AND TIME OCCURRED: Weekend of July 13-15, 2012

DETAILS:

On 7-16-12 Keith Hill called and stated he was charged by his neighbor's dog on July 15, 2012. Keith stated that he was well onto his own property when the dog to the north of him came charging after him. The dog is a brown colored Bull Dog or Boxer named "Kiezer". The dog stopped within 2.5-3 feet of him and was growling and baring his teeth at Keith. The dog had his hackles up and was acting aggressively. Keith called the owners of the dog and was trying to work it out between them and he didn't feel that it was going to change. Keith stated that Michael Hill witnessed this incident. See statement for more details.

I took a statement from Mark Hill and he told me about how the dog charged him on July 14, 2012. He stated that the dog charged him while he was coming out of their shed. He stated that the dog was acting aggressively. The shed is approximately 15 feet onto the Hill property. Mark stated the dog is a brown Boxer named "Kiezer". See statement for more details.

Samantha Hill was charged by the same dog the same weekend. She will be providing a written statement. I have made and attempt at contacting Michael Hill and getting a statement from him. If I make contact with him, the statement will be included in this case file.

The property where the dog is at is 43600 244th Ln. The owners are Robert and Lisa Wiesner. I spoke to Lisa Wiesner on the phone and she stated that the dog owner was Andrew Wiesner. Lisa also stated that she was not outside at the time of the incident. She stated that the dog is not hers or Robert's responsibility.

I spoke to Andrew on the phone and he stated that the dog was his and it was only up at the cabin because he brought his family up there for the weekend. It was already has a microchip implanted. Andrew stated that he did not witness the incident where the dog charged Keith.

End of report

Notes

Deputy Novotny 210
ACSO
7-16-12

Aitkin County Sheriff's Office

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

2012002786 005 NTE Statement: Hill, Mike

Supplemental Reports **Printed On: Thu, Aug 30, 2012**

Description: Statement: Hill, Mike *Sequence:* 005 *Report Date:* 07/24/2012
Case Number: 2012002786 *NCIC:* MN0010000 *Off Cd:* 7818 *Report Type:* Notes
Officer: 980 *Approval Process:* *Secured:* No
CSI Status: *Status By:* *Status Dt/Tm:* 07/24/2012 10:34

Notes

AITKIN COUNTY SHERIFF'S OFFICE
VOLUNTARY STATEMENT

THIS STATEMENT GIVEN VOLUNTARILY BY: MIKE HILL
STATEMENT IS IN REFERENCE TO ICR #: 12-2786
DEPUTY TAKING STATEMENT: DEPUTY JOHN NOVOTNY
DATE OF STATEMENT: MIKE 17, 2012

Q THIS IS A TAPED STATEMENT OF UH, MICHAEL HILL. UM, THE UH DATE IS THE 17 TH OF JULY AND THE TIME IS 1422 HOURS. AND THIS IS IN REFERENCE TO THE UH, HILL AND WEISER, WIESER UH, POTENTIALLY DANGEROUS DOG CALL. MIKE, CAN YOU JUST RUN ME THROUGH WHAT HAPPENED ON SUNDAY AND UH, JUST WHAT YOU SAW WITH THE DOG AND YOUR DAD?

A YEAP, ABSOLUTELY. I WAS UH, INSIDE THE CABIN. THE CABIN THERE'S LOTS OF WINDOWS FACING THE LAKE AND I HEARD THE DOG, I'M INSIDE AND MY DAD'S OUTSIDE. I HEARD THE DOG BARKING UM, AGGRESSIVELY. I LOOKED OUT THE WINDOW. AND MY DAD IS ON OUR PROPERTY ON OUR DECK STEPS LEADING DOWN TO THE LAKE. OR ON ONE OF THE PLATFORMS THERE AND THE DOG IS RIGHT AT HIM WITHIN I'D SAY A COUPLE FEET. UM, VERY, RIGHT YOU KNOW BARKIN', JUST I MEAN IT LOOKED LIKE IT WAS GONNA ATTACK. AT THAT POINT I MEAN I THOUGHT, YOU KNOW MY DAD IS LIKELY OR VERY POSSIBLY GONNA GET BIT OR ATTACKED AND I'M THEN TOOK MY EYES OFF OF THAT AND BEGAN LOOKING FOR A WEAPON OF SOME SORT TO COME TO HIS AID. AND THEN COULDN'T FIND ANYTHING AND THEN BY THE TIME I WENT, I KNOW I LOOKED BACK UP AND AT THAT POINT MY DAD WAVED HIS HAND AND SAID SOMETHIN' TO IT AND I DON'T KNOW IF I THEN LOOKED DOWN AGAIN OR NOT BUT THEN I KNOW THE DOG LEFT AFTER A LITTLE BIT

Notes

WITHOUT INCIDENT. I'D SAY I MEAN IT WAS PROBABLY I DON'T KNOW IF IT WAS 5 TO 10 SECONDS, IT'S TOUGH TO SAY HOW LONG IT WENT ON. BUT IT WASN'T JUST A QUICK BARK OR A SHORT LITTLE CHARGE. I MEAN IT WAS, SHE WAS RIGHT AT MY DAD UH, BARKING GROWLING AGGRESSIVELY. LOOKED LIKE A VERY INTIMIDATING DOG AND ...

Q WHAT KIND OF DOG WAS IT, DO YOU REMEMBER?

A BELIEVE IT'S A BOXER. BROWN COLORED. LOOKED LIKE A BOXER WHICH RESEMBLES A PIT BULL I MEAN THEY DEFINITELY LOOK UH, LOOK INTIMIDATING AND UH, YEAH IT WAS TO THE POINT IF IT WERE ME IF I WERE ON THAT END AND I HAD A WEAPON I MEAN I WOULDN'TA HESITATED. I WOULDA BEEN IN FEAR OF UH, DEFINITELY GETTING INJURED SEVERELY AND I WOULD'VE UH, NO DOUBT TAKEN ACTION AND THAT'S THE REASON I WAS LOOKIN' FOR A WEAPON AT THAT POINT, ANYTHING TO TO COME OUT TO HIS AID 'CAUSE IT HAD STRONG POTENTIAL TO UH, TO, FOR MY DAD TO BE BIT.

Q O.K. UM, THAT'S PRETTY COMPLETE. ANYTHING ELSE YOU WANNA PUT IN THIS MIKE?

A THE ONLY THING I'D ADD IS THAT UH, AND THIS IS HEARSAY I KNOW BUT MY UNCLE HAD SAID PRIOR TO THIS INCIDENT I WAS AWARE OF THE THE DOG THAT UH, IT HAD CHARGED HIM AT ONE POINT, I THINK HE SAID BACK BY THE SHED.

Q YEAP, I ACTUALLY GOT A STATEMENT FROM HIM AND AND THEN I GOT A STATEMENT FROM YOUR COUSIN SAM. SAMANTHA.

A O.K.

Q SO WE'RE ALL COVERED ON THAT. SO. ANYTHING...

A O.K.

Q MORE ON THIS INCIDENT?

A NO, THAT WILL DO IT.

Q ALL RIGHT. WE'LL TERMINATE THE STATEMENT AT 1425.

WITNESS PERSON MAKING STATEMENT DATE

Notes

WITNESS I HAVE RECEIVED COPY DATE

I HEREBY CERTIFY THIS IS AN ACCURATE REPRODUCTION OF ALL QUESTIONS ASKED AND ANSWERED AS BEST I COULD TRANSCRIBE OF THE TAPED STATEMENT TAKEN ON JULY 17, 2012, BY DEPUTY JOHN NOVOTNY OF MIKE HILL.

Aitkin County Sheriff's Office

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

2012002786 004 NTE Statement: Hill, Mark

Supplemental Reports **Printed On: Thu, Aug 30, 2012**

Description: Statement: Hill, Mark *Sequence:* 004 *Report Date:* 07/24/2012

Case Number: 2012002786 *N C I C:* MN0010000 *Off Cd:* 7818 *Report Type:* Notes

Officer: 980 *Approval Process:* *Secured:* No

CSI Status: *Status By:* *Status Dt/Tm:* 07/24/2012 10:21

Notes

AITKIN COUNTY SHERIFF'S OFFICE
VOLUNTARY STATEMENT

THIS STATEMENT GIVEN VOLUNTARILY BY: MARK HILL
STATEMENT IS IN REFERENCE TO ICR #: 12-2786
DEPUTY TAKING STATEMENT: DEPUTY JOHN NOVOTNY
DATE OF STATEMENT: JULY 16, 2012

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Q THIS IS A TAPED STATEMENT OF MARK HILL. THE UH, ICR IS 12-2786. THE DATE IS THE 16TH OF JULY. AND THE TIME IS UH, 1544. MARK, CAN YOU RUN ME THROUGH WHAT HAPPENED BETWEEN UH, YOU AND THIS, THIS DOG NEXT DOOR?

A YES, I WAS UM, I HAD A SMOKER OUTSIDE OUR SHED DOOR. AND I WAS PUTTING IT IN THE SHED. AND SO I HAD OPENED THE SCREEN DOOR AND BLOCKED THE SCREEN DOOR OPEN SO I COULD CARRY THE SMOKER IN THE SHED. WHICH IS THEN WHAT I DID. I BROUGHT IT IN THE SHED. AND THEN WHEN I TURNED TO STEP OUT OF THE SHED TO RELEASE THE DOOR TO CLOSE, THE DOG WAS RIGHT THERE AND LUNGED AT ME AND I WAS STILL JUST IN THE DOORWAY ITSELF. AND IT CHARGED ME UP TO ABOUT 3 FEET WITH THE TEETH GROWLING, THE LEGS SPREAD APART 'N I ACTUALLY THOUGHT IT WAS GONNA CONTINUE CHARGING. I HAD CHECKED BACK IN THE SHED AND I WAS REACHING FOR A SHOVEL WHICH WAS RIGHT THERE BUT BY THEN THE DOG HAD JUST TURNED AND WALKED AWAY.

Q K. WHICH, WHAT DOG IS THIS?

A THIS DOG IS CALLED KEYSER. THE NEIGHBOR'S DOG.

Notes

Q WHAT KIND OF DOG IS IT DO YOU KNOW?

A IT IS IT'S, I'M NOT SURE IF IT'S A FULLBRED BUT IT LOOKS LIKE A A BOXER.

Q O.K. AND UH, UM, IS IT THE WIESNER'S DOG?

A YES IT IS.

Q WHAT COLOR IS THE DOG?

A BROWN.

Q O.K.

A IT IS I BELIEVE THE SON OF MR. WIESNER.

Q O.K. AND THIS, THIS ALL HAPPENED ON SATURDAY?

A YES.

Q SO LIKE THE 14TH?

A YES.

Q O.K. AND YOU WEREN'T AROUND ON THE 15TH YESTERDAY WHEN WHEN THE DOG CHARGED…

A NO I HAD GONE HOME ALREADY. AT THAT TIME.

Q O.K. ALL RIGHT.

A BUT…

Q HAS THE DOG CHARGED YOU BEFORE?

A NO. NEVER.

Q O.K.

A BUT IT DID THE DAY BEFORE THAT CHARGED MY DAUGHTER.

Q O.K. HOW OLD IS SHE?

A SHE'S 24.

Notes

Q O.K. AND WHERE, WHAT WAS THE CIRCUMSTANCES WITH THAT?

A SHE, WHAT SHE TOLD ME WAS SHE WAS GOING INTO THE CABIN AND OUR BACK DOOR OF OUR CABIN, AND SHE WAS I'M NOT SURE IF SHE WAS ON, WE HAVE A LITTLE PLATFORM THERE AND I'M NOT SURE IF SHE WAS ON THE PLATFORM OR JUST ABOUT TO STEP ON THE PLATFORM, AND THE DOG CAME FROM THE, THEIR SIDE OF THE OF THEIR PROPERTY, YOU KNOW FROM THAT SIDE OF THE CABIN AND CHARGED HER. AND MY DAUGHTER JUST FROZE. NOT KNOWING WHAT TO DO.

Q O.K.

A AND THEN THE DOG TURNED AND WALKED OFF.

Q WHAT'S YOUR DAUGHTER'S NAME?

A SAMANTHA.

Q IS IT HILL ALSO?

A YES IT IS.

Q K. WHAT'S HER MIDDLE NAME?

A MARY.

Q ALL RIGHT. UM, DO YOU HAVE HER PHONE NUMBER RIGHT OFF HAND?

A SHE ACTUALLY LIVES WITH US.

Q O.K.

A BUT SHE IS HEARING IMPAIRED.

Q OH O.K.

A SO IF YOU HAVE A EMAIL ADDRESS SHE COULD ACTUALLY TYPE UP A STATEMENT.

Q THEY, THAT'D BE AWESOME.

A AND…

Q YOU GOT…

Notes

A DO IT THAT...

Q SO I'LL GIVE YOU THAT AS SOON AS WE, IS THERE ANYTHING MORE THAT WE SHOULD GET IN THE TAPE? IF I LEAVE THE TAPE RUNNIN' THE TRANSCSCRIPTIONISTS GOTTA TYPE ALL THIS AND IT JUST GETS A LITTLE LONG WINDED. IS UH, ANYTHING MORE THAT, UH, YOU GOT UH, ANY MORE INFORMATION ON THE DOG BEING AGGRESSIVE TOWARDS YOU OR ANYTHING?

A NO, NOT REALLY, NO. THE DOG HAS COME ON OUR PROPERTY TIMES BEFORE BUT NEVER SHOWED AGGRESSION LIKE THIS.

Q O.K.

A BUT THAT'S WHY IT'S JUST KINDA SURPRISING THAT IN A MATTER OF 4 DAYS IT'S SHOWN AGGRESSION LIKE THIS THREE DIFFERENT TIMES.

Q O.K. WELL LET'S TERMINATE THIS STATEMENT AT UH, 1547 HOURS.

WITNESS PERSON MAKING STATEMENT DATE

WITNESS I HAVE RECEIVED COPY DATE

I HEREBY CERTIFY THIS IS AN ACCURATE REPRODUCTION OF ALL QUESTIONS ASKED AND ANSWERED AS BEST I COULD TRANSCRIBE OF THE TAPED STATEMENT TAKEN ON JULY 16, 2012, BY DEPUTY JOHN NOVOTNY OF MARK HILL.

Aitkin County Sheriff's Office

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

2012002786 003 NTE Statement: Hill, Keith Douglas

Supplemental Reports **Printed On: Thu, Aug 30, 2012**

Description: Statement: Hill, Keith Douglas *Sequence:* 003 *Report Date:* 07/24/2012
Case Number: 2012002786 *N C I C:* MN0010000 *Off Cd:* 7818 *Report Type:* Notes
Officer: 980 *Approval Process:* *Secured:* No
CSI Status: *Status By:* *Status Dt/Tm:* 07/24/2012 07:48

Notes

AITKIN COUNTY SHERIFF'S OFFICE
VOLUNTARY STATEMENT

THIS STATEMENT GIVEN VOLUNTARILY BY: KEITH DOUGLAS HILL
STATEMENT IS IN REFERENCE TO ICR #: 12-2786
DEPUTY TAKING STATEMENT: DEPUTY JOHN NOVOTNY
DATE OF STATEMENT: JULY 16, 2012

--

Q THIS IS A TAPED STATEMENT FROM A KEITH DOUGLAS HILL. THE DATE IS THE 16 TH OF JULY AND THE TIME IS UH, 1530 HOURS. UH, THIS IS IN REFERENCE TO A UH, POTENTIALLY DANGEROUS DOG CALL. UM, KEITH CAN YOU KINDA RUN ME THROUGH THE STORY THAT UH, THAT YOU HAD TOLD ME EARLIER?

A SURE. THE DOG IN QUESTION IS OWNED BY THE WIESNER FAMILY. I BELIEVE THE OWNER IS ACTUALLY ANDY WIESNER. AND THEIR UH, THEIR LAKE CABIN IS TO THE NORTHWEST OF OUR PROPERTY. AND UH, WE'RE ON 43610 244TH LANE IN HAZELTON TOWNSHIP. AND UH, THIS HAPPENED YESTERDAY, THE 15TH. AND UH, I'D SAY IT'S PROBABLY AROUND 2:30 OR 3 O'CLOCK IN THE AFTERNOON. AND THEIR DOG WHICH IS A BOXER UH, I BELIEVE THE NAME IS KEYSER UH, WAS OVER ON OUR PROPERTY AND WALKING DOWN TOWARD OUR DOCK. AND I HAD TO GRANDCHILDREN IN THE WATER AND MY DOG. UH, AND THE UH, THE DOG WAS ESSENTIALLY APPARENTLY JUST DOWN THERE TO SEE WHAT WAS GOIN' ON AND I JUST UH, GOT UP FROM THE DECK. I WAS UP ON THE DECK AND WALKED DOWN TOWARD THE THE DOCK. AND I DIDN'T EVEN MAKE IT HALFWAY DOWN AND THE DOG TURNED, SAW ME AND ESSENTIALLY STARTED TO UM, RETURN HOME. SO AS IT WAS HEADING UP THE HILL AND REACHING THE PROPERTY LINE I TURNED TO TAKE A FEW STEPS BACK UP SO ESSENTIALLY I WAS BACK ON, ON THE FLAT GROUND UP ON TOP AGAIN.

Notes

ESSENTIALLY STILL ON THE UH, STEPS FROM THE MIDDLE OF OUR DECK ABOUT 25 OR 30 FEET FROM THE PROPERTY LINE WHICH IS WHERE THE DOG WAS. AS THE DOG REACHED THE PROPERTY LINE IT TURNED AND UH, WITH NO WARNING JUST UH, ATTACKED. YOU KNOW, CHARGED. AND GROWLING…

Q IT DIDN'T ACTUALLY ATTACK THOUGH RIGHT? I MEAN DID IT BITE YA?

A WELL IT, NO IT DID NOT BITE ME BUT IT WAS, IT WAS DEFINITELY A CHARGE.

Q O.K.

A AND UM, LIKE I MENTIONED I I'M CONVINCED THAT THE ONLY REASON IT DID STOP WAS BECAUSE I STOOD MY GROUND. I WAS AT THE TIME 100 PERCENT CONVINCED THAT I WAS GONNA BE BITTEN. AND UH, HAD ONE ARM UP TO DEFEND AND ONE ARM UP TO SWING. AND IT STOPPED ABOUT 30, 32 INCHES FROM ME.

Q SO YOU WERE STILL ON THE DECK YOU SAID?

A I WAS ACTUALLY OFF THE DECK ON THE UH, ESSENTIALLY ABOUT 3 FEET IN FRONT OF THE DECK JUST BEFORE THE STEPS LEADING DOWN TO THE DOCK.

Q O.K. AND WHERE, WHEN I GO OUT THERE WHERE'S THE PROPERTY LINE GONNA BE?

A TO THE NORTHWEST ABOUT 25 FEET SO WHAT YOU'LL SEE ON OUR PROPERTY IS A DECK IN THE FRONT OF THE CABIN. 'BOUT 30 INCHES OFF THE GROUND. AND THEN YOU'LL SEE A FEW STEPS DOWN. UH, FROM THE, FROM THAT, AND THAT'S ESSENTIALLY IN THE CENTER OF THE DECK. FROM THAT POINT UH, THE STEPS THEN ACTUALLY KIND OF A WALKWAY PATIO BLOCKS FOR ABOUT 6 FEET AND THEN 3 OR 4 STEPS DOWN TO A SMALLER KIND OF A SUNBATHING DECK IF YOU WILL. AND THEN MAYBE 6 STEPS DOWN TO OUR DOCK. SO RELATIVELY STRAIGHT OUT IN FRONT OF THE CABIN IS THIS LITTLE SUNBATHING DECK AND THEN AND I WAS WALKING DOWN…

Q WHERE'S THE PROP, WHERE'S THE PROPERTY LINE FROM THAT THAT DECK OR THAT UH, THAT WALKING PATH THAT YOU JUST DESCRIBED?

A ABOUT 25 OR FEET OR SO I WOULD GUESS TO THE UH, NORTHWEST OF IT.

Q TOWARD, TOWARD YOUR NEIGHBOR'S HOUSE?

A CORRECT.

Q O.K. AND YOU WERE STILL ON THAT PATH? WHEN THE DOG…

Notes

A YES I WAS STILL ON, STILL ON THAT PATH. THE DOG HAD REACHED THE PROPERTY LINE AND THEN TURNED AND THEN CHARGED.

Q O.K. AND IT CAME WITHIN YOU SAID APPROXIMATELY…

A 'BOUT 30…

Q WE'LL CALL IT 3 FEET?

A SURE.

Q 2 ½, 3 FEET?

A YEAP.

Q FROM THE DECK.

A FROM ME.

Q FROM FROM THE WALKING PATH.

A CORRECT. WHICH IS WHERE I WAS STANDING RIGHT.

Q O.K.

A SO I, I DID NOT STEP BACK, I DID NOT STEP AWAY, BUT I DID NOT STEP TOWARD THE DOG EITHER. I JUST STOOD MY GROUND. I'VE DEALT WITH DOGS BEFORE AND WITH SOME BREEDS THAT'S THE BEST WAY TO HANDLE IT AND RIGHT WRONG OR OTHERWISE THAT'S WHAT I DID. MADE NO, THERE WAS NO UM, I MADE NO COMMENTS, YELL SCREAM ANYTHING. AGAIN FIGURING IT'D ONLY MAKE MATTERS WORSE SO ALL I DID WAS RAISE MY HAND AND MY ARM TO DEFEND MYSELF AND IT STOPPED UH, JUST A FEW FEET SHORT. SO.

Q AND WHAT WAS IT DOIN' WHEN WHEN IT STOPPED THERE OR DURING THE CHARGE? WAS IT GROWLIN' OR BEARIN' ITS TEETH OR?

A YEAH AFTER, WHEN IT STOPPED IT STILL HAD IT'S LEGS SPREAD READY TO GO AND UH, WAS BEARING IT'S TEETH AND GROWLING AND UH, UM, THEN I STARTED YELLING AT IT. AND THEN THEY CALLED IT BACK AND THEN IT WENT BACK IN THEIR YARD.

Q K. AND WERE THE HACKLES UP OR ANYTHING?

A OH YEAH. OH YEAH. THIS WAS THIS WAS UH, IT'S GOT A STUBBY TAIL BUT UH,

Notes

THERE WAS NO WAG IN THAT TAIL AND THE EARS WERE BACK. PINNED BACK IT WAS IT WAS UH, THERE WAS NO MESSIN' AROUND THERE.

Q O.K. ALL RIGHT.

A SO MY MY, GO AHEAD.

Q NO, GO AHEAD.

A WELL, MY SON WITNESSED IT TOO. HE WAS UP ON THE DECK AND UM, UH, HE'S UM, I'D LIKE TO THINK HE'S A CREDIBLE WITNESS. HE'S A STATE TROOPER IN UH, KANABEC COUNTY. MICHAEL HILL IS HIS NAME.

Q O.K. ALL RIGHT. ANYTHING ELSE THAT YOU WANNA GET IN ON THIS STATEMENT?

A UH, THAT MY BROTHER HAD SOME UH UH, HE RELATED TO ME AN INCIDENT THAT HAPPENED A COUPLE DAYS PRIOR.

Q I'LL HAVE TO TALK TO YOUR BROTHER ABOUT THAT.

A SURE.

Q 'CAUSE IT'D BE ALL HEARSAY.

A YEAH EXACTLY.

Q ANYTHING MORE ABOUT THIS INCIDENT?

A I TALKED TO I DID TALK TO BOTH UH, BOB AND ANDY WIESNER TODAY AND UH, TOLD 'EM MY SIDE OF THE STORY AND THEY UH, THEIR RESPONSE WAS THAT UH, HIS WIFE LISA CLAIMED THAT THE DOG, SHE APPARENTLY CLAIMS TO HAVE SEEN IT AND THAT THE DOG NEVER LEFT THEIR PROPERTY. UM, AND THAT THE THEIR SOLUTION WAS THEY HAD THEIR ELECTRONIC COLOR ON IT AND IT WOULDN'T BE A PROBLEM AGAIN. WHEN I INSISTED THAT WAS NOT THE CASE. SHE SAID I WOULD NEED TO TAKE IT UP WITH UH, ANDY WHO THEN I TALKED TO TODAY WHICH HE SEEMED TO BE REASONABLE BUT HIS UH, HIS DAD ESSENTIALLY DID MOST OF THE TALKING AND SAID THAT UH...

Q BUT THE DOG'S STAYIN' THERE THE WHOLE TIME RIGHT? OR OR DOES THE DOG LIVE SOMEWHERE ELSE? WHERE WHERE DOES THIS DOG LIVE?

A THE DOG COMES COMES AND GOES WITH THEM SO THE DOG LIVES IN ROCHESTER AND COMES WITH THEM WHEN THEY, WHEN THEY'RE UP AT THE LAKE.

Notes

Q OH O.K. SO IT'S JUST A WEEKEND THING?

A RIGHT. EXACTLY.

Q O.K. SO THEY'RE NOT UP THERE RIGHT NOW YOU DON'T THINK OR?

A CORRECT. I I TRACKED THEM DOWN BOB AND ANDY UH, WIESNER BOTH WORK AT A COMPANY CALLED PERIMARK PROPERTY SERVICES IN ROCHESTER.

Q O.K.

A AND I SPOKE WITH BOTH OF THEM. AND UH, LIKE I SAID IT DIDN'T GO QUITE AS I HAD HOPED.

Q O.K. ALL RIGHT. ANYTHING MORE?

A NO. THAT'S IT.

Q ALL RIGHT. WE'LL TERMINATE THIS STATEMENT AT 1536.

WITNESS PERSON MAKING STATEMENT DATE

WITNESS I HAVE RECEIVED COPY DATE

I HEREBY CERTIFY THIS IS AN ACCURATE REPRODUCTION OF ALL QUESTIONS ASKED AND ANSWERED AS BEST I COULD TRANSCRIBE OF THE TAPED STATEMENT TAKEN ON JULY 16, 2012, BY DEPUTY JOHN NOVOTNY OF KEITH DOUGLAS HILL.

From: Sam Hill
To: John Novotny
Date: Monday, July 16, 2012 6:41:17 PM
Subject: Re: ICR 12-2786

It was mid-morning early afternoon on Friday when the dog charged me. I was out in the back of our property. I was walking from the bunkhouse to the back door when I noticed their dog standing there. I thought it was friendly at first because it was standing there staring at me so I called it to come and it snapped at me, ran towards me and started growling and barking. I stood perfectly still afraid that it would bite me and I called for my dad to come back and scare away. In no way did I provoke the dog to charge at me. It is a boxer I believe and the name is Kaiser (I think that is hov it is spelled). I would say that it was about a foot or so away from me I thought it was going to bite me.

From: John Novotny <john.novotny@email.co.aitkin.mn.us>
To: sam_hill@ymail.com
Sent: Monday, July 16, 2012 4:27 PM
Subject: ICR 12-2786

Can you send me an email describing the time this weekend, when the neighbor's dog charged you. Please make sure y stated which dog it was and what it was doing when it charged you. Also where you were on the property.

john novotny

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