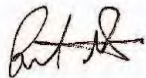


ROSEVILLE
REQUEST FOR COUNCIL ACTION

Date: October 21, 2013
Item No.: 9.a

Department Approval



City Manager Approval



Item Description: Consider an Ordinance amending Title Five, Chapter 501 of the Roseville City Code specific to Animal Control

BACKGROUND

In an effort to adhere to current statewide rabies vaccination guidelines, proposed is a revision and amendment to Roseville City Code Title Five, Section 501.06 D1 as reflected in the Attachment to this RCA. The proposed amendment revises previous rabies vaccination guidelines from a two-year vaccination requirement to a rabies vaccination protocol established by a licensed veterinary doctor.

Additional amendments include adding language referring to authorized city designees including police reserve officers as enforcers of Animal Control regulations and a language revision of Section 501.16 regarding proper enclosures for dangerous and/or potentially dangerous animals.

The proposed revisions and amendments have been reviewed and approved by the City Attorney.

POLICY OBJECTIVE

Approve the revisions to Title Five, Chapter 501 of the Roseville City Code as stated in the attachment.

FINANCIAL IMPACTS

There is no cost to the City.

STAFF RECOMMENDATION

Staff recommends approval of the revisions to Roseville City Code Title Five, Chapter 501.

REQUESTED COUNCIL ACTION

Adoption of the ordinance amendment as proposed in the attachment (Title Five, Chapter 501 Roseville City Code) to this RCA.

Prepared by: Kirk Lindahl, Lead Community Service Officer
Attachments: A: Draft Ordinance Amending Title Five, Chapter 501
B: Ordinance Summary

City of Roseville
ORDINANCE NO. _____

AN ORDINANCE AMENDING SELECTED TEXT OF TITLE FIVE, CHAPTER 501
ANIMAL CONTROL OF THE ROSEVILLE CITY CODE

THE CITY OF ROSEVILLE ORDAINS:

SECTION 1. Purpose: The Roseville City Code is hereby amended to update rabies vaccination language as it pertains to two-year animal license requirements, as well as language pertaining to authorized enforcers and proper enclosures.

SECTION 2. Chapter 501 Animal Control of the Roseville City Code is hereby amended as follows:

SECTION:

- 501.01: Definitions
- 501.02: Confinement of Animals
- 501.03: Certain Animals Declared Nuisance
- 501.04: Complaints
- 501.05: Animals Forbidden Motels - Repealed
- 501.06: License Required
- 501.07: Issuance of Tags
- 501.08: Affixing Tags
- 501.09: Records
- 501.10: Impounding
- 501.11: Redemption
- 501.12: Permissible Return of Unrestrained Animal
- 501.13: Disposition of Unclaimed Dogs or Cats
- 501.14: Impoundment Establishment
- 501.15: Muzzling
- 501.16: Dangerous Animals
- 501.17: Attack by an Animal
- 501.18: Summary Destruction of Certain Animals
- 501.19: Kennels
- 501.20: Special Multiple Dog Licenses - Repealed
- 501.21: Riding Horses
- 501.22: Cleanup
- 501.23: Wild Animals
- 501.24: Owner Obligation for Proper Care
- 501.25: Enforcement

501.01: DEFINITIONS:

Except where the term is expressly defined by other provisions or sections within this Chapter, the following words and terms shall have the meanings ascribed to them in this Section:

AT LARGE: Off the premises of the owner and not under the control of the owner, a member of the owner's immediate family or a person designated by the owner, and in the case of a dog, by a leash, cord or chain not more than six feet in length. The person in charge must be of sufficient age to adequately control the dog. A dog under control solely by means of command or signal shall be considered under control only if in the presence of the owner or some other person of suitable age and discretion and on the owner's premises or the premises of another who has given consent to the owner.

ELECTRONICALLY TAGGED ANIMAL: A pet that has been implanted with a microchip or other electronic device that uniquely identifies the animal and its owner when the device is scanned by the City's equipment. (Ord.1355, 11-19-2007)

OWNER: Any person keeping a dog or other animal. (Ord. 1078, 6-25-1990)

SERVICE ANIMALS: A service animal is an animal specially trained to assist a person with disabilities. A service animal is required to be licensed in accordance with this Chapter. (Ord. 1168, 8-12-1996) (Ord. 1355, 11-19-2007)

STERILIZED ANIMAL: An animal that has been spayed or neutered. (Ord. 1355, 11-19-2007)

501.02: CONFINEMENT OF ANIMALS:

No animal shall be allowed by its owner to run at large and every animal in heat shall be confined during such entire period and until such animal shall not attract other animals due to being in heat. (Ord. 1078, 6-25-1990)

501.03: CERTAIN ANIMALS DECLARED NUISANCE:

Any animal which shall, by any noise, disturb the peace and quiet of any other person, any animal which habitually barks or cries for extended or unreasonable periods of time, or any animal which damages plantings or structures or deposits fecal matter on public or private property of others is hereby declared to be a nuisance. The keeping of any such animal also constitutes an administrative offense under Section 102.02.C., for which an administrative penalty may be issued. (Ord. 1078, 6-25-1990) (Ord. 1355, 11-19-2007)

501.04: COMPLAINTS:

- A. Any person aggrieved by an animal nuisance may make a written complaint to the Police Department, or such other persons designated by the City Manager, stating the acts complained of, the name and address of the owner of the animal and the name and address of the person making the complaint. The Police Department shall then promptly notify the person owning or keeping the animal and shall order the nuisance abated within five days. If such animal nuisance is not abated within that time, a charge may be made against the owner or keeper of the animal and any person found to have violated the provisions of this Section shall be guilty of a misdemeanor.
- B. If a police officer, ~~or~~ community service officer or reserve officer deems it necessary, the officer may take the animal immediately to the impound to stop the nuisance. (Ord. 1078, 6-25-1990)

501.05: ANIMALS FORBIDDEN MOTELS: Repealed (Ord. 1355, 11-19-2007)

501.06: LICENSE REQUIRED:

- A. A license shall be obtained by the owner of any dog or cat kept or maintained within the corporate limits of the City that is three months of age or older. The license must be obtained within 30 days of acquiring the animal, or within 30 days of becoming a resident of the City. This requirement shall not apply to pets whose owners are temporary visitors within the City for 30 days or less.
- B. Licenses may be obtained from the City or from any entity designated by the City to issue pet licenses and remit license fees as established in the City Fee Schedule in Section 314.05.
- C. The license application shall be made on forms provided by the City, and shall require, at a minimum, the owner's address and phone number, and proof of current rabies vaccination for the pet.
- D. Types of Licenses; Fees:
1. Two-Year License. The two-year pet license shall be the minimum requirement of this Chapter. A two-year license shall be issued upon completion of the required application and payment of the required fee as established by the City Fee Schedule in Section 314.05 for a period of time not to exceed ~~the expiration date of a two years rabies vaccination that is current at the time of issuance of the license.~~ As a condition of validity of an issued two-year license, the owner will maintain certification by a licensed veterinarian of the animal's current rabies vaccination. Two-year licenses must be renewed by the holder within 30 days of the expiration of the ~~two year rabies vaccine, which~~ license. Renewal will be granted upon proof of current rabies vaccination and payment of the required fee as established by the City Fee Schedule in Section 314.05. Fees for two-year licenses shall be as established by the City Fee Schedule in Section 314.05, and at a minimum shall include differential fees based on the status of the animal as being non-sterilized, non-sterilized and electronically tagged, sterilized, or sterilized and electronically tagged, with generally higher fees for animals that are non-sterilized and not electronically tagged so as to provide incentive for sterilizing and electronically tagging animals.
 2. Lifetime License. Lifetime pet licenses shall be issued by the City for sterilized animals as an alternative to two-year licenses. A lifetime license shall be issued upon completion of the required application, payment of the required fee as established by the City Fee Schedule in Section 314.05, and in the case of electronically tagged animals, registration with the City of the unique identifying information related to the electronic device and demonstration that the implanted device can be read by the City's equipment. As a condition to continued validity of an issued lifetime license, the owner will maintain ~~submit to the City every two years~~ proof of the animal's current rabies vaccination. Fees for lifetime licenses shall be as established by the City Fee Schedule in Section 314.05 and at a minimum shall include differential fees based on the status of the animal as being sterilized, or sterilized and electronically tagged, with generally higher fees for animals that are not electronically tagged so as to provide incentive for the electronic tagging of animals. Lifetime licenses may be revoked by the City without refund of fees paid if the animal's rabies vaccinations are not kept current. When a lifetime license has been revoked, a new lifetime license may be obtained through the procedures and with payment of the fees as established by the City Fee Schedule in Section 314.05.

131 3. Special Two-Year Multiple Dog License. Special two-year multiple dog licenses may be
132 issued by the City for three or four sterilized dogs to be kept at a licensed premises upon
133 completion of the required application and payment of the required fee, subject to the
134 following conditions:

135 a. Written approval from the occupants of at least 75% of the residential properties
136 abutting the licensed premises;

137 b. Maintenance of a yard on the premises that is fenced in such a manner as to restrain
138 dogs on the premises from leaving the yard, and

139 c. That a nuisance is not created on the premises by the excessive barking of the dogs or
140 the existence of unsanitary conditions.

141 Special two-year multiple dog licenses must be renewed by the holder within 30 days of the
142 expiration of the license, which renewal may be granted upon proof of current rabies
143 vaccination and payment of the required fee. The Chief of Police may deny requests for
144 renewal based upon complaints received during the preceding year. Denial of renewal may
145 be appealed by written request for a hearing before the City Council, which must be
146 submitted within ten days of the denial.

147 Fees for special two-year multiple dog licenses shall be as established by the City Fee
148 Schedule in Section 314.05.

149 Special multiple dog licenses will not be granted for non-sterilized dogs, and will not be
150 issued on a lifetime basis.

151 A. Fee Adjustments. When a license is issued for an non-sterilized pet that is less than six
152 months old at the time of issuance, and the pet is subsequently sterilized within three months
153 of the issuance of the license, upon proof of the sterilization the City will refund the owner
154 the difference between the fee paid for the license and the required fee for a sterilized animal.
155 Upon the written recommendation of a licensed veterinarian that due to age or health reasons
156 the animal should not be sterilized, the City may in that case charge the license fee for a
157 sterilized animal rather than that for a non-sterilized animal.

158 B. Maintenance of current address. All license holders shall notify the City within ten days of
159 any address change within the corporate limits of the City and any change of ownership of a
160 licensed animal.

161 (Ord. 1355, 11-19-2007)

162 **501.07: ISSUANCE OF TAGS:**

163 Upon the payment of the license fee and presentation of a rabies vaccination certificate, the City
164 shall issue a license tag to the animal owner. Duplicate tags will be issued upon payment of a
165 replacement fee as provided in Section 301.03. Animal tags shall not be transferred from one
166 animal to another. (Ord. 1078, 6-25-1990) (Ord. 1355, 11-19-2007)

167 **501.08: AFFIXING TAGS:**

168 Every owner of any animal required to be licensed is required to provide the animal with a collar
169 to which the license and vaccination tags must be affixed, and the collar, with tags attached, must
170 be worn by such animal at all times. (Ord. 1078, 6-25-1990)

171 **501.09: RECORDS:**

The City shall keep a record of all animal licenses issued with the name, address and telephone number of the person to whom the license is issued and name, age, description of the animal and dates of rabies vaccination. (Ord. 1078, 6-25-1990)

501.10: IMPOUNDING:

Any dog or cat found running at large or without valid tags displayed, off the owner's premises, may be seized and may be impounded. All animals found to be a nuisance under Section 501.03 may be impounded. Any police officer and/or other authorized city designee may impound any dog or other animal found unlicensed or any animal found running at large and shall give notice of the impounding to the owner of such dog or other animals, if known. In case the owner is unknown, the officer shall post notice at the City Hall Office that if the dog or other animal is not claimed within the time specified in this subdivision, it will be sold or otherwise disposed of. All animals impounded shall be kept with humane treatment and sufficient food and water for their comfort for at least five regular business days as defined by Minnesota Statutes Section 35.71, Subd. 3, unless the animal is a dangerous animal as defined under Minnesota Statutes Sections 347.50 to 347.54, in which case it shall be kept for seven days, and except if the animal is a cruelly-treated animal under Minnesota Statutes Section to 343.235, in which case it shall be kept for ten days, unless sooner reclaimed by the owner or returned to the owner. (Ord. 1078, 6-25-1990) (Ord.1355, 11-19-2007)

501.11: REDEMPTION:

Any dog or cat may be redeemed from the pound by the owner upon the payment to the pound master of an impound and daily care fee. Proof of rabies vaccination and current animal license must be presented by the owner. (Ord. 1078, 6-25-1990; amd. 1995 Code)

501.12: PERMISSIBLE RETURN OF UNRESTRAINED ANIMAL:

Notwithstanding the provisions of Section 501.10, if a licensed animal is found at large and its owner can be identified and located, such animal need not be impounded, but may, instead, be taken to the owner. In such case, however, proceedings may be taken against the owner for violation of this Chapter, including but not limited to the issuance of an administrative penalty in the amount determined in accordance with Section 102.02C. (Ord. 1078, 6-25-1990) (Ord. 1355, 11-19-2007)

501.13: DISPOSITION OF UNCLAIMED DOGS OR CATS:

Any dog or cat which is not claimed within the period prescribed in Section 501.10 after impounding may be sold, for not less than the amount provided in Section 501.11, to anyone desiring to purchase the dog or cat, unless said dog or cat is requested by a licensed education scientific institution under Minnesota Statute section 35.71. All such funds shall be paid to the City and placed in the General Fund. Any dog or cat which is not claimed by the owner or sold shall be humanely destroyed. (Ord. 1078, 6-25-1990) (Ord. 1355, 11-19-2007)

501.14: IMPOUNDMENT ESTABLISHMENT:

The City Council, by resolution, shall designate one or more establishments that will receive custody of animals seized pursuant to this Chapter, which establishment(s) shall comply with all state law and regulations pertaining to establishments having custody of seized animals,

including but not limited to Minnesota Statutes Section 35.71. Every impoundment establishment that receives seized animals from the City shall file a monthly report with the City Council relating to the operation of such establishment and shall be maintained in a clean and orderly manner and shall be subject to periodic inspection by the applicable regulatory authorities. (Ord. 1078, 6-25-1990; amd. 1995 Code) (Ord.1355, 11-19-2007)

501.15: MUZZLING:

Whenever the prevalence of rabies renders such action necessary to protect the public health and safety, the Mayor shall issue a proclamation ordering every person owning or keeping a dog to confine it securely on their premises unless it is muzzled so that it cannot bite. No person shall violate such proclamation and any dog running at large during the time fixed in the proclamation may be destroyed by the police or designee without notice to the owner. (Ord. 1078, 6-25-1990)

501.16: DANGEROUS ANIMALS:

A. Definitions

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.

DANGEROUS ANIMAL means any animal 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 animal is potentially dangerous, the animal aggressively bites, attacks, or endangers the safety of humans or domestic animals.

POTENTIALLY DANGEROUS ANIMAL means any animal that:

1. when unprovoked, bites a human or domestic animal on public or private property;
2. on more than one occasion when unprovoked, chases or approaches a person, including a person on a bicycle, or other wheeled conveyance (such as a skateboard, scooter or the like) upon the streets, sidewalks, or any public or private property, other than the animal Owner's property, in an apparent attitude of attack; or
3. has a known propensity, tendency, or disposition to attack unprovoked, based upon report, complaint and/or call for service causing injury or otherwise threatening the safety of humans or domestic animals.

GREAT BODILY HARM has the meaning given it under Minn. Stat. § 609.02, subd. 8.

HEARING OFFICER means an impartial employee appointed by the City, or an impartial person retained by the City, to conduct a hearing under this Ordinance. (Ord. 1391, 3-29-2010)

OWNER means any person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having care, custody, or control of an animal.

PROPER ENCLOSURE means securely confined indoors or in a securely locked pen or kennel suitable to prevent the animal from escaping and to provide protection for the animal from the elements, to include adequate food and water. A proper enclosure does not include a porch, patio, or any part of a house, garage, or other structure that would allow the animal 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 barriers which prevent the animal from exiting. Such

enclosure shall not allow the egress of the animal in any manner without human assistance.

A pen or kennel for a dog shall meet the following minimum specifications:

1. Have a minimum overall floor size of 32 square feet.

~~Sidewalks~~ Sidewalls shall have a minimum height of five feet and be constructed of 11-gauge or heavier wire. Openings in the wire shall not exceed two inches, support posts shall be one and one-quarter-inch or larger steel pipe buried in the ground 18 inches or more. When a concrete floor is not provided, the sidewalls shall be buried a minimum of eighteen inches in the ground.

2. A cover over the entire pen or kennel shall be provided. The cover shall be constructed of the same gauge wire or heavier as the sidewalls and shall also have no openings in the wire greater than two inches.

3. An entrance/exit gate shall be provided and be constructed of the same material as the sidewalls and shall also have no openings in the wire greater than two inches. The gate shall be equipped with a device capable of being locked and shall be locked at all times when the animal is in the pen or kennel.

SUBSTANTIAL BODILY HARM has the meaning given it under Minn. Stat.

§ 609.02, subd. 7a.

B. Dangerous Animal Registration

1. No person may own a dangerous animal in the City unless the animal is registered as provided in this Section.

2. The City will, upon application by the Owner, issue a certificate of registration to the Owner of a dangerous animal if the Owner presents evidence that:

a. a proper enclosure exists for the dangerous animal;

b. a warning sign provided by the City, to inform children that there is a dangerous dog on the property, has been placed on the animal Owner's property. The warning symbol must be the uniform symbol provided by the commissioner of public safety. The City may charge the registrant a reasonable fee to cover its administrative costs and the cost of the warning symbol. (Ord. 1391, 3-29-2010)

c. the Owner has procured a surety bond issued by a surety company authorized to do business in Minnesota, in a form acceptable to the City in at least the sum of \$300,000 payable to any person injured by the animal or, alternatively, the Owner has in place a policy of insurance providing the same protection (Ord. 1391, 3-29-2010)

d. the Owner of a dangerous animal must have had an identification microchip implanted in the dangerous animal, and the City has been provided with 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.

3. Dangerous animal designation review. Beginning six months after an animal is declared dangerous; an Owner may request annually that the animal control authority review the designation. The Owner must provide evidence that the animal's behavior has changed due to the animal'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 animal's behavior has changed, the authority may rescind the dangerous animal designation.

4. Exemption. Animals may not be declared dangerous if the threat, injury, or damage was

302 sustained by a person:

- 303 a. who was committing, at the time, a willful trespass or other tort upon the premises
- 304 occupied by the Owner of the animal;
- 305 b. who was provoking, tormenting, abusing, or assaulting the animal or who can be
- 306 shown to have repeatedly, in the past, provoked, tormented, abused, or assaulted the
- 307 animal; or
- 308 c. who was committing or attempting to commit a crime.

309 5. Tag. The dangerous animal registered under this section must have a tag containing the
310 uniform dangerous dog symbol, identifying the animal as dangerous, which is affixed to the
311 animal's collar at all times. (Ord. 1391, 3-29-2010)

312 C. Regulation of Potentially Dangerous Animals

313 1. An Owner of an animal that has been determined to be potentially dangerous may be
314 required to comply with any or all of the following:

- 315 a. The Owner may be required to complete animal obedience classes.
- 316 b. The Owner shall keep the animal, while on the Owner's property, in a proper
- 317 enclosure. If the potentially dangerous animal is outside the proper enclosure, the animal
- 318 must be muzzled and restrained by a substantial chain or leash, which may not exceed six
- 319 feet in length. The chain or leash must be under the control of an individual 18 years of
- 320 age or older.
- 321 c. The Owner shall be required to provide proof of current vaccinations.
- 322 d. The Owner of a potentially dangerous animal must have had an identification
- 323 microchip implanted in the potentially dangerous animal, and the City has been provided
- 324 with the name of the microchip manufacturer and identification number of the microchip
- 325 must be provided to the animal control authority. If the microchip is not implanted by the
- 326 Owner, it may be implanted by the animal control authority. In either case, all costs
- 327 related to purchase and implantation of the microchip must be borne by the dog's Owner.
- 328 2. Potentially Dangerous animal designation review. Beginning six months after an animal
- 329 is declared potentially dangerous, an Owner may request annually that the animal control
- 330 authority review the designation. The Owner must provide evidence that the animal's
- 331 behavior has changed due to the animal's age, neutering, environment, completion of
- 332 obedience training that includes modification of aggressive behavior, or other factors. If the
- 333 animal control authority finds sufficient evidence that the animal's behavior has changed,
- 334 the authority may rescind the potentially dangerous animal designation. (Ord. 1420, 11-14-
- 335 2011)

336 D. Regulation of Dangerous Animals

- 337 1. An Owner of a dangerous animal shall keep the animal, while on the Owner's property,
- 338 in a proper enclosure. If the dangerous animal is outside the proper enclosure, the animal
- 339 must be muzzled and restrained by a substantial chain or leash, which may not exceed six
- 340 feet in length. The chain or leash must be under the control of an individual 18 years of age
- 341 or older.
- 342 2. An Owner of a dangerous animal must renew the registration of the animal annually until
- 343 it is deceased. Renewal of registration must include proof of up-to-date rabies vaccinations.
- 344 3. An Owner of a dangerous animal must notify the City in writing of the animal's death or
- 345 its transfer to a new location within 30 days of death or transfer, and must execute an
- 346 affidavit of death or transfer as requested by the City. (Ord. 1391, 3-29-2010)
- 347 4. An Owner of a dangerous animal must have the animal sterilized at the Owner's expense.

The Owner must provide proof of sterilization of the animal to the City. If the Owner does not have the animal sterilized within 30 days of the dangerous animal determination, the animal control authority shall seize the animal and have the animal sterilized at the Owner's expense. (Ord. 1391, 3-29-2010)

5. The Owner of a dangerous animal who rents property from another, must notify the property Owner, prior to signing the lease agreement and at the time of any lease renewal that the person owns a dangerous animal that will also reside at the property.

6. A person that transfers a dangerous animal must notify the new Owner that the animal has been identified as dangerous, and must also notify the City in writing, providing the new Owner's name, address and telephone number. (Ord. 1391, 3-29-2010)

7. The City shall seize a dangerous animal if, after 14 days after the Owner has notice that the animal is dangerous, the animal is not validly registered as a dangerous animal or the Owner has not secured the required liability insurance or surety coverage. The City may seize a dangerous animal if any other of the requirements contained in this subdivision have not been met. A seized animal may be reclaimed upon payment of impounding and confinement costs and proof that the requirements of this Ordinance have been met. An animal not reclaimed within seven days will be destroyed, and the Owner will be liable for all costs incurred in confining and disposing of the animal. A person claiming an interest in a seized animal may prevent disposition of the animal by posting security in an amount sufficient to provide for the animal's actual cost of care and keeping. The security must be posted within 7 days of the seizure inclusive of the date of the seizure. (Ord. 1391, 3-29-2010)

8. Beginning six months after an animal is declared a dangerous animal; an Owner may request annually that the City review the designation. The Owner must provide evidence that the animal's behavior has changed due to the animal's age, neutering, environment, completion of obedience training that includes modification of aggressive behavior, or other factors. If the City finds sufficient evidence that the animal's behavior has changed, the City may rescind the dangerous animal designation.

9. Notwithstanding anything in this Ordinance to the contrary, the City may seize and destroy an animal that has:

- a. inflicted substantial or great bodily harm on a human on public or private property without provocation;
- b. inflicted multiple bites on a human on public or private property without provocation;
- c. bit multiple human victims on public or private property in the same attack without provocation; or
- d. bit a human on public or private property without provocation in an attack where more than one animal participated in the attack.

Destruction of the animal may occur after the animal Owner has been notified of the intended destruction and, at least 7 days to request a hearing challenging the decision to destroy the animal.– If a hearing is requested, the hearing shall be before a hearing officer. (Ord. 1391, 3-29-2010)

10. Law enforcement; exemption. Nothing contained in this Ordinance shall apply to dogs used for law enforcement purposes by a law enforcement agency.

Source: Ordinance No. 307, Third Series, Effective Date: 3-15-2002

E. Determination of Status

1. Whether an animal is “dangerous” or “potentially dangerous” as that term is used herein shall be determined by the Chief of Police or his or her designee in consultation with the City Attorney. The Owner and persons that have suffered injury or damage due to the animal shall be given written notice of the determination.
(Ord. 1334, 04-10-2006)

F. Notice of Dangerous Animal Determination

1. The Owner of the animal and persons that have suffered injury or damage from the animal shall be given written notice of the determination of the animal as dangerous. The notice shall provide:

- a. a description of the animal; the authority for and purpose of the dangerous animal declaration, and seizure, if applicable; the time, place, and circumstances under which the animal was declared dangerous; and the telephone number and contact person where the animal is kept;
- b. that the Owner of the animal may request a hearing concerning the dangerous animal declaration; failure to do so within 14 days of the date of the notice will terminate the owner's right to a hearing;
- c. that if an appeal request is made within 14 days of the notice, the Owner must immediately comply with the requirements of paragraphs D (1) and (3) of this subdivision, and until such time as the hearing officer issues an opinion;
- d. that if the hearing officer affirms the dangerous animal declaration, the Owner will have 14 days from the date of the determination to comply with all other requirements of this subdivision;
- e. that all actual costs of the care, keeping, and disposition of the animal are the responsibility of the person claiming an interest in the animal, except to the extent that a court or hearing officer finds that the seizure or impoundment was not substantially justified by law; and
- f. a form for notifying the City of an appeal and requesting a hearing under this subdivision;. (Ord. 1391, 3-29-2010)

G. Appeal of Dangerous or Potentially Dangerous Animal Determination

1. The Owner of an animal determined to be dangerous or potentially dangerous may appeal the dangerous animal determination.

2. The written notice of appeal must be received by the City within 14 days from the date of the dangerous or potentially dangerous animal determination.

3. The hearing on the appeal of a dangerous or potentially dangerous animal determination shall be before a hearing officer. The hearing officer shall be the Animal Humane Society Director of Humane Investigations, or their designee.

4. The hearing shall take place within 14 days of the receipt of the notice of appeal.

5. In the event that the dangerous or potentially dangerous animal determination is upheld by the hearing officer, actual expenses of the hearing, up to a maximum of \$1,000, will be the responsibility of the animal's owner.

6. The hearing officer shall issue a decision on the matter within ten days after the hearing. The decision must be delivered to the animal's owner by hand delivery or registered mail as soon as practical and a copy must be provided to the City. (Ord. 1391, 3-29-2010)

(Ord. 1420, 11-14-2011)

501.17: ATTACK BY AN ANIMAL:

It shall be unlawful for an owner to fail to restrain an animal from inflicting or attempting to inflict bodily injury to any person or other animal whether or not the owner is present. (Ord. 1078, 6-25-1990)

501.18: SUMMARY DESTRUCTION OF CERTAIN ANIMALS:

Whenever an officer has reasonable cause to believe that a particular animal presents a clear and immediate danger to residents of the City because it is infected with rabies or because of a clearly demonstrated vicious nature, the officer, after making reasonable attempts to impound such animal, may summarily destroy said animal. (Ord. 1078, 6-25-1990)

501.19: KENNELS:

Except as provided in Section 501.06, no person shall maintain a kennel (more than two dogs over three months of age), as defined in Chapter 1002 of this Code, without first securing a license pursuant to Chapter 301 of this Code. This fee shall be in addition to the license fee prescribed in preceding sections for each dog kept in such a kennel. Kennel restriction shall not apply to veterinary hospitals licensed under Chapter 310 of this Code. (Ord. 1078, 6-25-1990) (Ord.1355, 11-19-2007)

501.20: SPECIAL MULTIPLE DOG LICENSES: Repealed (Ord. 1355, 11-19-2007)

501.21: RIDING HORSES:

- A. Definition: As used in this Section, "riding horse" means any horse which is used primarily for riding. (Ord. 349, 12-1-1961)
- B. License Required: No person shall keep any riding horse within the City for over 30 days unless a license for such animal has been first secured.
- C. Condition of License: A license shall be granted to any applicant for a riding horse on the following conditions:
 - 1. Said riding horse shall be used in such a manner so as not to annoy or disturb residents of the City.
 - 2. Said riding horse will be kept in an inconspicuous place and not allowed to run at large.
- D. Application for License: The application for a license shall be made to the City Manager and granted by the City Council for the license of each particular horse. The license shall be suspended or revoked by the City Council upon any breach of the conditions of license set forth in this Section. (Ord. 349, 12-1-1961)
- E. Minimum Area and Fencing: No license shall be issued for any riding horse unless the horse shall be kept in an adequately fenced pasture of a minimum size of three acres, but no more than three horses can be kept in such three acre pasture at any one time. For each horse in excess of three, an additional one acre of fenced pasture shall be provided. (Ord. 734, 9-9-1974)
- F. License Fee: The license fee for each riding horse is as established by the City Fee Schedule in Section 314.05. (Ord. 1379A, 11-17-2008)
- G. Term of License: The license granted by the City Council under this Section shall be for the life of each horse and need not be renewed annually.
- H. Issuing and Affixing Tags: Upon the granting of a license by the City Council, the City Manager shall issue to the licensee a tag indicating that a license has been issued and said tag shall be affixed to the riding horse so licensed. (Ord. 349, 12-1-1961)

501.22: CLEANUP:

The owner or attendant of any animal must carry clean-up utensils when taking the animal off personal property and must clean up all feces of the animal off personal property and dispose of such feces in a sanitary manner. (Ord. 1078, 6-25-1990)

501.23: WILD ANIMALS:

- A. Purpose: It shall be unlawful to keep any wild animal within the City limits, except as permitted pursuant to the provisions of this Section.
- B. Definition: As used in this Section, the following term shall have the meaning ascribed to it in this subsection:
- WILD ANIMAL: Any animal, mammal, amphibian, or reptile which is of a species which is wild by nature or of a species which, due to size, vicious nature or other characteristic is inherently dangerous to human beings. Examples of wild animals, without limitation, are:
1. Any large cat of the family Felidae, such as lions, tigers, jaguars, leopards, cougars and ocelots, except domesticated house cats.
 2. Any member of the family Canidae, such as wolves, hybrid wolves, coyotes, dingoes, and jackals, except domesticated dogs.
 3. Any crossbreed such as crossbreeds between dogs and coyotes, or dogs and wolves, but does not include crossbred domesticated animals.
 4. Any poisonous snake such as a rattlesnake, coral snake, water moccasin, puff adder or cobra.
 5. Any skunk, raccoon, fox or protected animal.
 6. Any bear, ape, monkey in excess of five pounds, or badger.
 7. Any other animal, bird or reptile which is commonly considered wild and not domesticated.
- C. Exceptions:
1. Any person desiring to keep an animal prohibited by this Section may apply for a permit from the City. Such permit may be issued for a period not to exceed 30 days and shall specify conditions under which such animals shall be kept; provided, however, that no such permit shall be issued unless such prohibited animal is being kept by a person keeping such animal for a public zoo as a volunteer or docent. A public zoo or other institution engaged in a permanent display of animals and any bona fide research institution or veterinary hospital may be issued a permanent permit provided applicable zoning requirements are met.
 2. Nonpoisonous snakes, domesticated birds, hamsters, mice, rabbits, lizards, spiders and other similar small animals capable of being kept in cages. Rats, if purchased from a bona fide pet store are an exception to this Section.
 3. Medically prescribed companion animals.
 4. Wildlife rehabilitators may only possess animals with a Minnesota Department of Natural Resources permit. Such animals will be kept in a manner as to not create unsanitary conditions or unreasonable noise.
 5. Birds and birds of prey if kept pursuant to a valid U.S. Fish and Wildlife Services permit.
- D. Impounding of Wild Animals: Any wild animal kept in violation of this Section may be impounded by the City. The animal may be destroyed or sold five days following notice to the owner of such animal of its impoundment and the provisions of this Section. Any person reclaiming any such animal shall pay the costs of impounding and boarding at the time of its release.

E. Existing Wild Animals: Anyone keeping or maintaining any wild animal at the time this Section is adopted has thirty (30) days in which to comply with the provisions of this Section. (Ord. 1141, 6-13-1994)

501.24: OWNER OBLIGATION FOR PROPER CARE:

No owner shall fail to provide any animal with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering and with humane care and treatment. No person shall beat, treat cruelly, torment or otherwise abuse any animal or cause or permit any animal fight. No owner shall abandon any animal. (Ord. 1078, 6-25-1990; amd. 1995 Code) (Ord.1355, 11-19-2007)

501.25: ENFORCEMENT:

Any community service officer, reserve officer or police officer may enter upon private land where there is reasonable cause to believe this Chapter is being violated. (Ord. 1078, 6-25-1990) (Ord.1355, 11-19-2007)

SECTION 3. Effective Date. This ordinance amendment to the Roseville City Code shall take effect upon passage and publication.

Passed by the City Council of the City of Roseville this 21st day of October 2013.

Ordinance amending Title Five Chapter 501 Animal Control updating rabies vaccination language as it pertains to two-year animal license requirements, as well as language pertaining to authorized enforcers and proper enclosures.

(SEAL)

CITY OF ROSEVILLE

BY: _____
Daniel J. Roe, Mayor

ATTEST:

Patrick J. Trudgeon, Interim City Manager

City of Roseville
ORDINANCE NO. _____

AN ORDINANCE AMENDING SELECTED TEXT OF TITLE FIVE, CHAPTER 501
ANIMAL CONTROL OF THE ROSEVILLE CITY CODE

The following is the official summary of Ordinance No. ____ approved by the City Council of Roseville on October 21, 2013:

The Roseville City Code, Title Five, Chapter 501 Animal Control, has been amended to include revisions of previous rabies vaccination guidelines from a two-year vaccination requirement to a rabies vaccination protocol established by a licensed veterinary doctor. Additional amendments include the authorization of police reserve officers as city designated enforcers of Animal Control regulations and a language revision of Section 501.16 regarding proper enclosures for dangerous and/or potentially dangerous animals.

A printed copy of the ordinance is available for inspection by any person during regular office hours in the office of the City Manager at the Roseville City Hall, 2660 Civic Center Drive, Roseville, Minnesota 55113. A copy of the ordinance and summary shall also be posted at the Reference Desk of the Roseville Branch of the Ramsey County Library, 2180 Hamline Avenue North, and on the Internet web page of the City of Roseville (www.ci.roseville.mn.us).

Attest: _____
Patrick Trudgeon, Interim City Manager