

ORDINANCE
By Wonsley, Chavez, Whiting, and Chowdhury

Amending Title 4, Chapter 66 of the Minneapolis Code of Ordinances relating to Animal Care and Control: Dangerous and Potentially Dangerous Animals.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 66.80 of the above-entitled ordinance be amended to read as follows:

66.80. Restriction on future ownership. (a) This section shall apply to any person who:

(1) Has owned or owns or had custody of an animal declared potentially dangerous or dangerous or ordered destroyed and is found to be in violation of any requirement of this chapter;

(2) Had owned a potentially dangerous or dangerous animal but never achieved compliance with the requirements of this chapter;

(3) Has owned or had custody of more than one (1) animal declared potentially dangerous or dangerous and/or ordered destroyed within two (2) years;

(4) Has owned or owns or had custody of an animal which has inflicted substantial bodily harm on a person and/or kills a domestic animal as a result of the intentional act or acts of that owner or custodian; or

(5) Has been convicted of any violation of Minn. Statute Section 609.226, Harm Caused by Dog, or any subsequent amendments thereto;

(6) Has been convicted of a violation of Minn. Statute Section 609.205, clause (4); or

(7) Has been convicted of a violation of Minn. Statute Section 343.21.

(b) Any person who meets any of the circumstances enumerated in subsection (a) may be subject to restrictions on ownership or custody of other animals of the same species for a period of five (5) years after the most recent declaration. For the purposes of this section, custody would include any animal in the dwelling in which the person subject to the ownership restriction resides. The animal found to be in violation shall be impounded pending any hearing that may be requested pursuant to this section. (For the purposes of this section, "custody" means the presence of any animal on the property of any dwelling or residence in which the restricted persons lives or resides, including, but not limited to, all surrounding grounds, outbuildings, and/or garages.)

(c) Any animal owner in violation of this subsection shall be notified in writing of the violation and may request a hearing in writing within five (5) business days of receipt of the notice. If a hearing is requested, MACC shall schedule a hearing within ten (10) business days, unless a later hearing date is mutually agreed upon. Appeals shall be heard by a hearing officer. An administrative fee of two hundred fifty dollars (\$250.00) shall be paid prior to the scheduling of the hearing. The hearing officer may set limits on the amount of evidence that may be submitted and the length of any testimony offered in accordance with chapter 2.

(d) The owner of the animal shall be notified, in writing, of the hearing results within ten (10) business days.

~~(e) Any person convicted of a violent felony, as defined in Minn. Statute Section 624.712, subdivision 5, who owns, possesses, or controls an animal weighing more than twenty (20) pounds, or an animal that MACC designates as posing a danger to the public's health, safety, or welfare if misused by a person convicted of a violent felony, must have a prohibited animal permit to own, keep, or maintain that animal. For the purposes of this section, own, keep, or maintain would include any animal in the dwelling in which the person subject to the ownership restriction lives. If there is cause to believe that an animal poses a danger to the public's health, safety, or welfare if misused by a person convicted of a violent felony, the animal may be impounded pending a determination made under this title and until a permit is obtained. If MACC designates an animal as posing a danger to the public's health, safety, or welfare if misused by a convicted felon, written notice of this designation shall be mailed to the owner or custodian of the animal. The owner or custodian must pay an application fee and apply for the prohibited animal permit within fifteen (15) calendar days after the mailing of the written notice of designation. MACC may deny a prohibited animal permit if it is determined that the animal poses a danger to the public's health, safety, or welfare, or may condition the issuance of the permit upon the permittee's written agreement to comply with conditions of ownership to be determined by MACC. These conditions of ownership may include, but are not limited to, those applicable to animals declared dangerous or potentially dangerous. A prohibited animal permit may subsequently be revoked by MACC if there is cause to believe that the convicted violent felon's continued ownership of the animal poses a danger to the animal's or public's health, safety, or welfare. Any person violating this subsection is subject to any criminal, administrative, or other sanction available under this Code. A person convicted of a violent felony under this article shall not include persons whose convictions were set aside, or persons whose sentences were completed ten (10) years or more in the past. "Misuse" by a convicted felon means use of an animal in a threatening or aggressive manner, or in the commission or furtherance of the commission of a crime.~~

~~(f)~~ (e) Any animal whose owner or keeper is in violation of this section shall be impounded, or impounded subject to destruction, at the owner's expense.

~~(g) An animal that poses a danger to the public health, safety, or welfare if misused by a convicted felon under this section means any of the following:~~

~~(1) An animal weighing more than twenty (20) pounds;~~

~~(2) An animal which has been designated a potentially dangerous or dangerous animal under this chapter;~~
~~or~~

~~(3) An animal designated by MACC as posing a danger to the public's health, safety, or welfare if misused by a convicted felon based upon the following factors:~~

~~a. The nature of any complaints regarding the animal.~~

~~b. The strength of the animal, including jaw strength.~~

~~c. The animal's tolerance for pain.~~

~~d. The animal's tendency to refuse to terminate an attack.~~

~~e. The animal's propensity to bite humans or other domestic animals.~~

~~f. The animal's potential for unpredictable behavior.~~

~~g. The animal's aggressiveness.~~

~~h. The likelihood that a bite by the animal will result in serious injury. This section shall not apply to any assistance animal, including guide animals, signal animals, and service animals, trained or in training to assist a qualified individual with a disability.~~