



Legislation Details (With Text)

File #: Ord 19-77 **Version:** 1

Type: Ordinance **Status:** Passed

In control: City Council

Final action: 1/22/2020

Title: Amending Chapter 200 of the Legislative Code updating and adding definitions, making owners of impounded animals responsible for veterinary, rabies, and microchipping fees required before release, and prohibiting the release of impounded animals without appropriate restraint.

Sponsors: Amy Brendmoen

Indexes: Ward - all

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
1/27/2020	1	Mayor's Office	Signed	
1/22/2020	1	City Council	Adopted	Pass
1/15/2020	1	City Council	Public Hearing Closed; Laid Over to Fourth Reading/Final Adoption	Pass
12/18/2019	1	City Council	Laid Over to Third Reading/Public Hearing	
12/11/2019	1	City Council	Laid Over to Second Reading	

Amending Chapter 200 of the Legislative Code updating and adding definitions, making owners of impounded animals responsible for veterinary, rabies, and microchipping fees required before release, and prohibiting the release of impounded animals without appropriate restraint.

THE COUNCIL OF THE CITY OF SAINT PAUL DOES ORDAIN:

SECTION 1

Section 200.01 of the Saint Paul Legislative Code is hereby amended to read as follows:

Sec. 200.01. - Definitions.

As used in this chapter, unless the context otherwise indicates:

Adoption means the transfer of ownership of an animal from Saint Paul Animal Control to an individual or individuals but does not include transfer to an approved rescue organization.

Altered dog means a dog which has been spayed or neutered or has been found incapable of withstanding spaying or neutered by a licensed veterinarian.

Animal shall mean means any individual member of any of the species of birds, fish, amphibians, reptiles, insects, arachnids, crustaceans or mammals except homo sapiens.

Animal control supervisor shall mean the animal control supervisor of the city or his/her designee. means the person designated by the director of the department of safety and inspections to make an initial determination

of whether an animal is potentially dangerous or dangerous based upon review of complaints or reports of aggressive behavior.

Approved rescue organization means an organization operated not for profit and designated as such by section 501(c)(3) of the Internal Revenue Code, whose primary stated purpose is animal adoption, animal rescue, animal sheltering, or the prevention of cruelty to animals, and includes any animal shelter, humane society, society for prevention of cruelty to animals, or animal fostering organization that has been approved as a transfer partner with the Saint Paul Animal Control Center.

~~Dangerous animal shall mean~~ means an animal which has:

- (1) Without provocation caused substantial bodily harm to any person on public or private property; or
- (2) Without provocation engaged in any attack on any person under circumstances which would indicate danger to personal safety; or
- (3) Exhibited unusually aggressive behavior, such as an attack on another animal causing serious injury or death; or
- (4) Bitten one (1) or more persons on two (2) or more occasions; or
- (5) Been found to be potentially dangerous and/or the owner has personal knowledge of the same, and the animal aggressively bites, attacks, or endangers the safety of humans or domestic animals; or
- (6) Fresh wounds, scarring, or is observed in a fight, or has other indications which to a reasonable person evidence that the animal has been or will be used, trained or encouraged to fight with another animal; or whose owner has in custody or possession any training apparatus, paraphernalia or drugs used to prepare such animal to be fought with another animal.

~~Dog shall mean~~ means any male or female of any breed of domesticated dog (canine lupus familiaris).

~~Environmental health officer shall mean the person designated by the director of the department of safety and inspections to make an initial determination of whether an animal is potentially dangerous or dangerous based upon review of complaints or reports of aggressive behavior.~~

~~Hearing officer shall mean~~ means the person designated by the director of the department of safety and inspections to hear appeals from such determinations.

~~Owner shall mean~~ means the license holder or any other person or persons, firm, association or corporation owning, keeping or harboring an animal. Any person keeping or harboring an animal for five (5) consecutive days ~~shall~~ will, for the purposes of this chapter, be deemed to be an owner thereof.

~~Potentially dangerous animal shall mean~~ means an animal which has:

- (1) When unprovoked, bitten a human or a domestic animal on public or private property; or
- (2) When unprovoked, chased or approached a person 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) A known history or propensity, tendency or disposition to attack while unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.

~~Proper enclosure shall mean~~ 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. 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 shall meet the following minimum specifications:

- (1) Have a minimum overall floor size of thirty-two (32) square feet.
- (2) Sidewalls shall have a minimum height of five (5) feet and be constructed of 11-gauge or heavier wire. Openings in the wire shall not exceed two (2) inches, support posts shall be one and one-quarter-inch or larger steel pipe buried in the ground eighteen (18) inches or more. When a concrete floor is not provided, the sidewalls shall be buried a minimum of eighteen (18) inches in the ground.
- (3) 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 (2) inches.
- (4) 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 (2) 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.

Rescue dog means a dog owned by an approved rescue organization that is waiting to be adopted or is waiting for health or behavioral improvements that would allow it to be adopted.

Running at large shall mean means any animal which is not either:

- (1) Effectively contained within a fenced area on private property; or
- (2) Effectively restrained, by chain or leash, to private property with the consent of the property owner; or
- (3) Effectively restrained by a chain or leash not exceeding six (6) feet in length.

Service dog shall mean means a dog which meets the standards set by the Americans with Disabilities Act. which has been specially trained, through a nationally recognized and certified program, to assist persons who are totally or partially blind or deaf or have physical disabilities.

Unprovoked shall mean means the condition in which the animal is not purposely excited, stimulated, agitated or disturbed. It shall be is a rebuttable presumption that any attack on a child fourteen (14) years of age or younger shall be considered to be is unprovoked unless the child is engaged in an act that could reasonably be anticipated to cause a dog to attack or bite.

SECTION 2

Section 200.02 of the Saint Paul Legislative Code is hereby amended to read as follows:

Sec. 200.02. - License required.

(a) No person shall ~~may~~ own, harbor, keep or maintain in the city any dog over three (3) months of age ~~for three (3) consecutive days or more without a license.~~ A license is required if the dog is owned, harbored, kept or maintained for three (3) consecutive days or more, except that no license shall be required for dogs ~~Dogs~~ whose owners are temporarily within the city, ~~and dogs brought into the city for the purpose of participating in any dog show are exempt from this requirement.~~ Rescue dogs are exempt for a period of not more than 6 months. The owner of a dog must notify the animal control officer if the actual residence where the dog is harbored, kept or maintained changes, and must obtain a replacement license which properly reflects the animal's location. Any properly identified service dog shall will be issued a dog license at no charge. No

license ~~shall~~ will be issued to any person under the age of eighteen (18). A minor who owns a dog in the city must have the dog license issued in the name of a parent or guardian on his/her behalf.

(b) New and renewal applications for licenses ~~shall will~~ require the owner, in addition to any other information required by the animal control supervisor, to supply the name, age, breed, sex, color and markings, proof as to whether the animal has been spayed or neutered and proof of up-to-date rabies vaccination shots, if any, of each dog sought to be licensed. Proof of rabies vaccination shots may be in the form of a certificate signed by the administering veterinarian, ~~or verbal confirmation by the veterinarian~~ veterinary facility that rabies shots have been given, ~~or by certification signed by the owner~~. In addition, the owner ~~shall be required~~ to provide information on whether the animal has been declared dangerous or potentially dangerous in any other municipality. If the owner has been convicted of a violation of section 200.10, relative to the dog sought to be licensed, the ~~application shall require owner must provide~~ proof of public liability insurance in the minimum amount of three hundred thousand dollars (\$300,000.00). Providing false licensing information to animal control is a petty misdemeanor.

(c) Licenses ~~shall will~~ be available for purchase at the city animal control facility and at the department of safety and inspections. Veterinarians, pet shops, animal facilities and pet grooming facilities who provide a service for dogs may also act as deputy license vendors. Procedures for the issuance of such licenses ~~shall will~~ be established by the department of safety and inspections. Such establishments shall be required to inform their clients that the city requires that all dogs be licensed.

(d) An individual who is prohibited from owning a dog pursuant to Minn. Stat. § 347.542, or who, within the last five (5) years, has had one (1) or more dogs removed from his/her care two (2) or more times for any of the following reasons ~~shall be~~ is disqualified from holding a license under this section:

- (1) Owning or maintaining a dog which has been declared dangerous because it has without provocation caused bodily injury or disfigurement to any person on public or private property;
- (2) Owning or maintaining a dog which has been declared dangerous because it has exhibited unusually aggressive behavior, such as an attack on another animal;
- (3) Owning or maintaining a dog which has been declared dangerous because it has bitten one (1) or more persons on two (2) or more occasions;
- (4) Owning or maintaining a dog which has been declared dangerous because it has been found to be potentially dangerous and/or the owner has personal knowledge of the same, and the animal aggressively bites, attacks, or endangers the safety of humans or domestic animals;
- (5) Owning or maintaining a dog which has fresh wounds, scarring, or is observed in a fight, or has other indications which to a reasonable person evidences that the animal has been or will be used, trained or encouraged to fight with another animal;
- (6) Violating Minn. Stat. § 343.21; or
- (7) Having a dog removed pursuant to Minn. Stat. §§ 343.12, 343.22, 343.29, or 343.31.

Denial of a license under this section ~~shall be~~ is appealable to the director of DSI or his/her designee.

SECTION 3

Section 200.03 of the Saint Paul Legislative Code is hereby amended to read as follows:

Sec. 200.03. - Fee.

~~(a) The annual license fees required for each dog whether it be male or female, spayed or unspayed shall be as are set forth in § 310.18. If the owner of the dog is sixty-two (62) years of age or older, the annual license fee payable for each dog shall be fifty (50) percent less than the standard fee. A lifetime dog license shall be available to those owners who have their dog(s) microchipped. Any owner with a lifetime dog license shall~~

~~vaccinate the dog against rabies according to the requirements in section 199.02 and must be prepared to provide proof of rabies vaccination as identified in section 199.03. Fees are reduced for altered dogs and service dogs. Owners who are sixty-two (62) years of age or older, and owners who receive public assistance or have an income less than double the federal poverty level are eligible for reduced fees.~~

(b) Owners of an altered dog who has been microchipped is eligible for a lifetime license. An owner with a lifetime dog license must comply with all requirements for rabies vaccination pursuant to Chapter 199.

(c) Owners who fail to renew a dog license by the renewal date will be charged a late fee as set forth in § 310.18.

SECTION 4

Section 200.04 of the Saint Paul Legislative Code is hereby amended to read as follows:

Sec. 200.04. - Dog tags; replacements; records, etc.

Upon payment of the license fee, DSI or an authorized agent shall issue to the owner a license certificate and a metallic tag for each dog so licensed. The tag shall have stamped thereon the year for which it was issued and the number corresponding with the number on the license certificate. Every owner of a dog required to be licensed shall be required to provide such dog with a collar to which the license tag must be affixed, and the collar with tag attached must be worn by such dog at all times. In the event a dog tag is lost or destroyed, a replacement shall be issued by the animal control supervisor upon presentation of the receipt for the license fee paid for the current year and the payment of a fee as specified in section 310.18 of the Legislative Code. Dog tags shall not be transferred from one (1) dog to another, ~~and no refunds shall be made on any dog license fee for any reason.~~ The animal control supervisor shall keep a record of all dog licenses issued, with the name and residence of the person to whom issued and the number designated upon the metal tag furnished therewith. Licenses are not transferable from one owner to another.

SECTION 5

Section 200.06 of the Saint Paul Legislative Code is hereby amended to read as follows:

Sec. 200.06. - Seizure, impoundment, release.

- (a) Any unlicensed dog and any dog running at large is hereby declared to be a public nuisance. The director of DSI or his/her designee is authorized to employ, in a situation that he/she deems to be an emergency such additional temporary animal control officers as necessary to capture and hold such dogs and to pay temporary animal control officers on a fee basis.
- (b) Any person may seize, impound or restrain any dog which he may find running at large in the city and hold such dog for the animal control supervisor or deliver such animal to the city animal control center.
- (c) Any animal that is found to be in circumstances which to a reasonable person indicate that the animal has been or will be used, trained or encouraged to fight with another animal, or any animal whose owner has in custody or possession any training apparatus, paraphernalia or drugs used to prepare such animal to be fought with another animal, is hereby declared to be a public nuisance and shall be immediately seized and taken to the city animal control center.
- (d) Any animal which meets the definition of a dangerous dog found in § 200.01 may be seized and held at

animal control pending a determination that the animal is dangerous or potentially dangerous. No animal ~~shall~~ will be released prior to the hearing ~~until the~~ without a proper rabies vaccination (when applicable), payment by such owner of the sums required by section 200.07, ~~owner has provided proof of current rabies vaccination and a current license if one is required.~~ The ~~environmental health officer~~ animal control supervisor may require, as a condition of releasing the animal prior to the hearing, that the owner post warning signs indicating that the dog is dangerous, and show proof of a liability insurance policy in the amount of three hundred thousand dollars (\$300,000.00) if the attack or bite involved serious injury requiring medical treatment for the victim or there is reason to believe that the animal will not be properly maintained during the appeal process.

- (e) Any animal which is found in circumstances which would lead a reasonable person to believe that its health is endangered shall be immediately seized by the animal control supervisor or any of his/her duly authorized assistants, or any peace officer, or any person duly authorized in writing by the animal control supervisor and taken to the city animal control center or to a veterinarian if necessary for immediate treatment.
- (f) It shall be the duty of the animal control supervisor or any of his/her duly authorized assistants, or any peace officer, or any person duly authorized in writing by the animal control supervisor, to capture, seize and deliver to the city's animal control center, or to any suitable place to be approved by the animal control supervisor, any animal found running at large within the city contrary to the provisions of this chapter and any dog found within the city unlicensed or not wearing the metal tag provided for in this chapter in violation of the provisions of this chapter. All animals conveyed to the animal control center shall be kept, with kind treatment and sufficient food and water for their comfort, at least five (5) days after the impounding thereof, unless sooner reclaimed by their owners as herein provided. Animals seized under this subdivision may be released from the animal control center upon payment by such owner of the sums required by section 200.07. Said payments shall be made to the animal control supervisor, in return for which the owner shall receive from the animal control supervisor a receipt showing that the fees have been paid, and if the animal reclaimed is a dog, a regular license and tag for such dog shall be issued upon presentation of such receipt to the license inspector. If the owner of the animal seized or impounded under the provisions of this chapter does not resume possession of said animal by compliance with the foregoing provisions within five (5) days after the seizure or impounding thereof, said owner shall forfeit all right of property in such animal.
- (g) No animal will be released without proper restraint (collar, leash, box, etc.). The animal control center may make the items available for sale at a reasonable cost for owners who are unable to provide restraint when they come to reclaim the animal.

SECTION 6

Section 200.07 of the Saint Paul Legislative Code is hereby amended to read as follows:

Sec. 200.07. - Fees for impounding and boarding.

- (a) Any animal captured and impounded under the provisions of this chapter ~~shall~~ will be released ~~only on~~ upon the payment of an impound fee, plus an additional board charge for each day or fraction of a day during which the animal is impounded, excluding the date of impoundment, and any veterinary costs incurred during the animal's impoundment, including rabies vaccination, when applicable, and microchipping, if required or requested. If the impounded animal is a dog and said dog is unlicensed, in addition to the impounding and boarding fee, the dog ~~shall~~ will not be released ~~without proper rabies vaccination (when applicable) and the payment of the prescribed license fee, as well as a fee an administrative penalty~~ of fifty-one dollars (\$51.00). The designated fees under this chapter shall be established by ordinance as provided in section 310.09(b) of the Legislative Code.
- (b) The owner of a dog which is found running at large a second time within a one-year period shall be subject to ~~a fee an administrative penalty~~ of fifty-one dollars (\$51.00). If the animal is found running at large a third time within one year the owner shall be subject to ~~a fee an administrative penalty~~ of one hundred two

- dollars (\$102.00). A fourth violation for running at large within one (1) year ~~shall~~ will result in a declaration that the animal is a nuisance, and subject to destruction by the animal control officer. These penalties are in addition to any fees or penalties under section (a).
- (c) When a dog is impounded for running at large, and has not been spayed or neutered, the owner shall be subject to ~~an administrative penalty a fee~~ a fee of one hundred two dollars (\$102.00). If the animal is found running at large a second time within one (1) year, and has not been spayed or neutered, the owner shall be subject to ~~an administrative penalty a fee~~ a fee of one hundred fifty-three dollars (\$153.00). If the animal is found running at large a third time and has not been spayed or neutered, the owner shall be subject to ~~an administrative penalty a fee~~ a fee of two hundred four dollars (\$204.00) These charges are in addition to the fees set forth in subdivisions (a) and (b).
- (d) The department of safety and inspections may waive the additional charges for dogs ~~found running at large which have not been altered if a determination is made that the animal suffers from a medical condition which would make altering dangerous to its physical well-being~~ which meet the definition of an altered dog. Additionally, any owner who has been charged a higher license fee for having an unaltered dog may be refunded the difference if, within forty-five (45) days of the dog being claimed the owner shows written proof from a veterinarian that the dog has been altered.
- (e) A designation that an animal is a nuisance and subject to destruction ~~shall~~ must be in writing and shall state the dates, times, places and facts of the current and prior incidents of running at large which form the basis for the determination, and that the owner(s) have fourteen (14) days to appeal the determination by requesting a hearing before the department of safety and inspections hearing officer.
- (1) If no appeal is filed, the orders issued will stand and the dog will become the property of the city, which may proceed with destruction or offer the animal to an animal protection organization for adoption. The decision of whether the dog should be made available for adoption shall be at the sole discretion of the city.
- (2) If an owner requests a hearing, one shall be held before the department of safety and inspections hearing officer not more than three (3) weeks after the request is made. Pending a hearing on the determination, the animal ~~may will~~ will be kept at the animal control center ~~unless the owner shows proof that the animal is licensed, if required; has met the requirement, if any, for rabies vaccinations; and agrees that the animal will not be permitted to be outside without being in a proper enclosure or being restrained on a leash.~~
- (3) The records of the department of safety and inspections, including those of animal control, shall be admissible for consideration by the hearing officer without further notice.
- (4) If the hearing officer finds that the owner of the animal has demonstrated an inability or unwillingness to control the animal in order to prevent the dog from repeatedly running at large, the destruction order shall be affirmed or the dog shall be offered to an animal protection organization for adoption as in paragraph (1), above.
- (f) The owner of an impounded animal shall be responsible for the costs of impoundment and boarding regardless of whether the animal is reclaimed, except that boarding fees will cease upon surrender of the animal to the Animal Control Supervisor.
- (g) Fees assessed under this section may be appealed to the Director of the Department of Safety and Inspections within 14 days.

SECTION 7

Section 200.11 of the Saint Paul Legislative Code is hereby amended to read as follows:

Sec. 200.11. - Potentially dangerous animals.

- (a) *Designation as potentially dangerous animal.* The ~~animal control supervisor~~ environmental health officer shall designate any animal as a potentially dangerous animal upon receiving evidence that the animal meets any of the criteria set forth in the definition in §200.01. When an animal is declared potentially dangerous, the department of safety and inspections shall cause the owner(s) of the potentially dangerous animal to be notified in writing that such animal is potentially dangerous. An animal that has been determined to be potentially dangerous must be microchipped in accordance with section 200.16, and may be required to comply with one (1) or more of the following conditions:
- (1) The owner of a dog may be required to complete an approved dog obedience class;
 - (2) The animal may be required to be restrained by chain or leash not to exceed six (6) feet in length, and/or muzzled, and under the control of a person eighteen (18) years of age or older at all times it is outdoors and not inside a proper enclosure.
 - (3) The owner may be required to show proof of up to date rabies vaccination and, if required, licensing.
 - (4) If the animal is a dog, the owner shall purchase a ~~lifetime~~ declared animal dog license.
- (b) *Procedure.* The ~~environmental health officer~~ animal control supervisor shall notify the owner(s) of the animal in writing or in person that the animal has been determined to be potentially dangerous and shall specify what, if any conditions are being required of the owner. This notice shall state the date, time, place and circumstances of the incident, a description of the animal, and shall advise the owner that they have fourteen (14) days to appeal the determination or the imposition of conditions on maintaining the animal by requesting a hearing before the department of safety and inspections hearing officer. A fee of fifty dollars (\$50.00) shall be posted by the owner to cover the administrative costs of scheduling the hearing.
- (1) If an owner requests a hearing, a date shall be set not more than two (2) weeks after receipt of the demand for a hearing. The hearing officer may consider all records of the department of safety and inspections animal control, as well as police reports without the necessity for further foundation. After considering all of the evidence, the hearing officer shall issue a written order which rejects or upholds the determination. The order must be issued within ten days of the hearing and shall be delivered to the owner in person or by registered mail. If the hearing officer upholds the determination as potentially dangerous, the order may affirm or modify the conditions recommended by the ~~environmental health officer~~ Animal Control Supervisor. If as a result of testimony or other evidence at the hearing there are grounds for declaring the animal to be dangerous pursuant to section 200.12, the hearing officer may change the designation and issue the appropriate orders.
 - (2) If the declaration that the dog is potentially dangerous is upheld by the hearing officer, the actual expenses of the hearing, up to a maximum of one thousand dollars (\$1,000.00), will be the responsibility of the dog's owner.
 - (3) If an owner fails to comply with any conditions specified in the order and fails to request a hearing under subdivision (c)(1), the animal shall be seized. The animal may be reclaimed by the owner as set forth in section 200.121(c).
- (c) *Subsequent offenses.* If an owner of an animal which has been declared potentially dangerous and is subject to the conditions of this section has allegedly failed to comply with the conditions, the owner is guilty of a misdemeanor and the animal ~~must~~ may be seized by animal control. Notice shall be provided to the owner of the basis for the seizure and the right to request a hearing before the department of safety and inspections hearing officer to determine whether the conditions were violated. A request for hearing must be made within fourteen (14) days of the seizure. If the owner fails to request a hearing within fourteen (14) days, or is found to have violated the conditions, the department of safety and inspections hearing officer may order the animal destroyed in a proper and humane manner and the owner shall pay the costs of confining the animal. If the owner is found not to have violated the conditions, the owner may reclaim the animal under the provisions of subsection 200.121(c).

SECTION 8

Section 200.12 of the Saint Paul Legislative Code is hereby amended to read as follows:

Sec. 200.12. - Dangerous animals.

- (a) *Designation as dangerous animal.* The ~~environmental health officer~~ Animal Control Supervisor shall designate any animal as a dangerous animal upon receiving evidence that the animal meets one or more of the criteria set forth in the definition in 200.01.
- (b) *Procedure.* The ~~environmental health officer~~ animal control supervisor, after having determined that an animal is dangerous, shall proceed in the following manner:
- (1) The owner(s) of the animal shall be notified in writing or in person that the animal has been determined to be dangerous and that the animal is to be seized and destroyed or that the owner must comply with the conditions set forth in section 200.12. This notice shall include a description of the animal(s), state the dates, times, places and facts of the incidents which form the basis for the determination, and that the owner(s) have fourteen (14) days to appeal the determination by requesting a hearing before the department of safety and inspections hearing officer.
 - a. If no appeal is filed, the orders issued will stand.
 - b. If an owner requests a hearing for determination as to the dangerous nature of the animal, the hearing shall be held before the department of safety and inspections hearing officer not more than two (2) weeks after demand for said hearing. Pending a hearing on the determination, the animal may be seized and kept at animal control unless the owner shows proof that the animal is licensed, if required, has met the requirement, if any, for rabies vaccinations, and agrees that the animal, if it is a dog, will not be permitted to be outside without being in a proper enclosure or being restrained on a leash and wearing a muzzle. A fee of fifty dollars (\$50.00) shall be posted by the owner to cover the administrative costs of scheduling the hearing.
 - c. The records of the department of safety and inspections including those of animal control, and any police reports relating to an attack or bite shall be admissible for consideration by the hearing officer without further foundation.
 - d. After considering all of the evidence, the hearing officer shall issue a written order which rejects, upholds or amends the determination. The order must be issued within ten (10) days of the hearing and shall be delivered to the owner in person or by registered mail. If the declaration that the dog is dangerous is upheld by the hearing officer, the actual expenses of the hearing, up to a maximum of one thousand dollars (\$1,000.00), will be the responsibility of the dog's owner.
 - (2) Nothing in this section shall prevent the animal control supervisor from ordering the immediate seizure and quarantine of a rabies-suspected animal.
 - (3) The ~~environmental health officer~~ animal control supervisor or the animal owner may apply to the district court of the county for subpoenas for hearings under paragraph 200.11(b)(1) and 200.12(b)(1) above.
- (c) *Authority to order destruction.* The hearing officer, upon finding that an animal is dangerous hereunder, is authorized to order, as part of the disposition of the case, that the animal be destroyed based on a written order containing one (1) or more of the following findings of fact:
- (1) The animal is dangerous as demonstrated by a vicious attack, an unprovoked attack, an attack without warning or multiple attacks; or
 - (2) The owner of the animal has demonstrated an inability or unwillingness to control the animal in order to prevent injury to persons or other animals.

If the hearing officer orders destruction, he/she shall order that the animal control supervisor take the

animal into custody for destruction, if such animal is not currently in custody. If the animal is ordered into custody for destruction, the owner shall immediately make the animal available to the animal control supervisor and failure to do so shall be a misdemeanor.

- (d) *Stopping an attack.* If any police officer or animal control officer is witness to an attack by an animal upon a person or another animal, the officer may take whatever means the officer deems appropriate to bring the attack to an end and prevent further injury to the victim.

SECTION 9

Section 200.121 of the Saint Paul Legislative Code is hereby amended to read as follows:

Sec. 200.121. - Dangerous animal requirements.

- (a) *Requirements.* If the court or ~~environmental health officer~~ animal control supervisor does not order the destruction of an animal that has been declared dangerous, the court or ~~environmental health officer~~ animal control supervisor shall, as an alternative, order any or all of the following, excepting for dogs, in which case all shall be applicable and which will be reviewed on an annual basis by the animal control officer. If, in reviewing the conditions for keeping a dangerous dog there have been no ordinance violations for a period of two years, the ~~environmental health officer~~ animal control supervisor may use discretion in determining whether the conditions set forth below are still required:
- (1) That the owner provide and maintain a proper enclosure for the dangerous animal as specified in section 200.01; and
 - (2) Post the front and the rear of the premises with clearly visible warning signs, including a warning symbol to inform children, that there is a dangerous animal on the property as specified in Minnesota Statute 347.51; and
 - (3) Provides and shows proof annually of public liability insurance paid in full in the minimum amount of three hundred thousand dollars (\$300,000.00). The owner shall have fifteen (15) business days from the request to show proof of insurance, except that if the animal is impounded, proof of insurance must be demonstrated prior to the animal's release; and
 - (4) If the animal is a dog and is outside the proper enclosure, the dog must be muzzled and restrained by a substantial chain or leash (not to exceed three (3) feet in length) and under the physical restraint of a person eighteen (18) years of age or older. The muzzle must be of such design as to prevent the dog from biting any person or animal, but will not cause injury to the dog or interfere with its vision or respiration; and
 - (5) If the animal is a dog, it must have an easily identifiable, standardized tag identifying the dog as dangerous affixed to the dog's collar at all times as specified in Minnesota Statute 347.51; and
 - (6) Provides and shows proof of microchip identification as required in section 200.16; and
 - (7) All animals deemed dangerous by the environmental health officer shall be registered with Ramsey County within fourteen (14) days after the date the animal was so deemed and provide satisfactory proof thereof to the environmental health officer.
 - (8) If the animal is a dog, the dog must have a ~~lifetime license~~ dangerous dog license and be up to date on rabies vaccination. If the animal is a cat or ferret, it must be up to date with rabies vaccination.
 - (9) A dog must 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.
 - (10) Registration fee. An owner of an animal that has been declared dangerous shall pay an annual registration fee as set forth in § 310.18. If the animal has been impounded, the fee shall be paid prior to the animal's release.

- (b) *Seizure.* Animal control shall immediately seize any dangerous animal if the owner does not meet each of the above requirements within fourteen (14) days after the date notice is sent to the owner that the animal is dangerous and no appeal has been filed.
- (c) *Reclaiming animals.* A dangerous animal seized under subsection 200.121(a) or a potentially dangerous animal seized under subsection 200.11(b)(2) may be reclaimed by the owner of the animal upon payment of impounding and boarding fees, rabies vaccination, when applicable, and microchipping, and presenting proof to animal control that each of the requirements under subsection 200.121(a) or subsection 200.11(a) is fulfilled. An animal not reclaimed under this section within fourteen (14) days may be disposed of as provided under section 200.13, and the owner is liable to animal control for costs incurred in confining the animal.
- (d) *Subsequent offenses.* If an owner of an animal which has been declared dangerous and is subject to the conditions of this section has allegedly failed to comply with the conditions, the owner is guilty of a misdemeanor and the animal must may be seized by animal control. Notice ~~shall~~ must be provided to the owner of the basis for the seizure and the right to request a hearing before the department of safety and inspections hearing officer to determine whether the conditions were violated. The owner must comply with the conditions which were violated or A request for a hearing must be made within fourteen (14) days of the seizure. If the owner fails to comply with the order or timely request a hearing ~~within fourteen (14) days, the animal will be destroyed in a proper and humane manner.~~ or If a hearing is held and the owner is found to have violated the conditions, the department of safety and inspections hearing officer may order the animal destroyed in a proper and humane manner and the owner shall pay the costs, if any, of confining the animal. If after a hearing the owner is found not to have violated the conditions, the owner may reclaim the animal under the provisions of subsection 200.121(c).

SECTION 10

Section 200.122 of the Saint Paul Legislative Code is hereby amended to read as follows:

Sec. 200.122. - Notification of new address.

The owner of an animal which has been identified as dangerous, potentially dangerous or a public nuisance must notify the ~~environmental health officer~~ animal control supervisor in writing if the animal is to be relocated from its current address or given or sold to another person. The notification must be given in writing at least fourteen (14) days prior to the relocation or transfer of ownership. The notification must include the current owner's name and address, the relocation address, and the name and address of the new owner, if any. In the event of the animal's death, notification must be given no later than fourteen (14) days after the death, and must include the date of death and the name of any attending veterinarian as well as information relating to the disposal of the animal.

SECTION 11

Section 200.123 of the Saint Paul Legislative Code is hereby amended to read as follows:

Sec. 200.123. - Review of designation.

An owner may request that the ~~environmental health officer~~ animal control supervisor review the status of an animal which has been determined to be potentially dangerous or dangerous if a period of two years has passed since the finding without any further violations. The ~~environmental health officer~~ animal control supervisor shall consider 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 in determining whether to rescind the dangerous or potentially dangerous dog designation.

SECTION 12

Section 200.131 of the Saint Paul Legislative Code is hereby amended to read as follows:

Sec. 200.131. - Failure to surrender an animal.

Any person who fails or refuses to surrender an animal to an animal control officer or police officer upon demand, after it has been found by the environmental health officer to be dangerous and ordered into custody for destruction, or after it has been ordered seized by the ~~environmental health officer~~ animal control supervisor pursuant to sections 200.06, 200.11, 200.12 or 200.121 shall be guilty of a misdemeanor.

SECTION 13

Section 200.18 of the Saint Paul Legislative Code is hereby added as follows:

Sec. 200.18 - Penalty.

Except as otherwise designated a violation of any provision of this chapter is a misdemeanor, punishable as provided in Saint Paul Legislative Code section 1.05.

SECTION 14

This ordinance shall take effect and be in force thirty (30) days following its passage, approval and publication.