

## WILKIN COUNTY ORDINANCE

### DANGEROUS DOGS

#### 1. Purpose

Minnesota Statutes Section 347.50, subdivision 8 and Minnesota Statutes Section 347.53 authorizes counties to establish a procedure by which a dog may be declared dangerous or potentially dangerous, including the right to appeal that designation. Pursuant to the authority granted it by Minnesota Statutes, the Board of Commissioners of Wilkin County prescribes the following procedures and enforcement regulations governing dangerous dog declarations.

#### 2. Scope

The provisions of this Ordinance apply to all areas of Wilkin County except the City of Breckenridge.

#### 3. Incorporation

This Ordinance expressly adopts and incorporates the provisions of Minnesota Statutes Sections 347.50 – 56. When the provisions of this Ordinance impose greater restrictions than those of any other statute, other ordinance, rule or regulation, the provisions of this Ordinance shall be controlling. Where the provisions of any statute, other ordinance, rule or regulation impose greater restrictions than this Ordinance, the provision of such statute, other ordinance, rule or regulation shall be controlling.

#### 4. Definitions

a. Dangerous Dog. "Dangerous dog" means any dog that has:

- (1) without provocation, inflicted substantial harm on a human being on public or private property;
- (2) killed a domestic animal without provocation while off the owner's property;
- (3) without provocation, engaged in any attack on any person under circumstances which indicated danger to personal safety;
- (4) Bitten one (1) or more persons on two (2) or more separate occasions without provocation; or
- (5) 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.

b. 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.

- c. Unprovoked. "Unprovoked" means the condition in which the dog is not purposely excited, stimulated, agitated or disturbed. It is a rebuttable presumption that any attack on a child fourteen years of age or younger for which a reasonable person connotes an intent to inflict bodily harm will be considered to be unprovoked unless the child is engaged in the commission of a crime or illegal activity, including activities classified under Minnesota Statute 343 as cruelty to animals.
- d. Proper Enclosure. "Proper enclosure" means securely confined indoors or in a securely enclosed and locked pen or structure suitable to prevent the dog 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.
- e. 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.
- f. Substantial Bodily Harm. "Substantial bodily harm" has the meaning given it under Minnesota Statute Section 609.02, subdivision 7a.
- g. Great Bodily Harm. "Great bodily harm" has the meaning given it under Minnesota Statute Section 609.02, subdivision 8.
- h. Animal Control Officer. "Animal Control Officer" means the Wilkin County Sheriff; an agency of the state, County, or other governmental subdivision of the state which is responsible for animal control operations; or any Law Enforcement agent or other public official acting under their direction and control.

#### 5. Designation of a Potentially Dangerous Dog

- a. The Animal Control Officer shall designate any dog as a potentially dangerous dog upon receiving evidence that the dog, when unprovoked, has bitten, attacked, or threatened the safety of a person or a domestic animal as stated in Sub-Paragraph 3(b) above.
- b. The Animal Control Officer will cause one owner of the potentially dangerous dog to be notified in writing that the dog is potentially dangerous. The written notice will include dates, times and places of parties bitten or chased in an attitude of attack.
- c. The Animal Control Officer may impound any dog determined to pose a threat to public safety pending a final dangerous dog designation.
- d. The Animal Control Officer shall quarantine any dog without proof of current rabies vaccination upon receiving evidence that the dog has bitten any person or domestic animal.
- e. The owner of a potentially dangerous dog shall have a microchip implanted in the dog for identification. The owner shall provide the name of the microchip manufacturer and identification number of the microchip to the Animal Control Officer within fourteen (14) days of the designation.
- f. If the owner of a potentially dangerous dog fails to implant a microchip in the dog within fourteen (14) days, the Animal Control Officer may implant the microchip and assess all related costs to the dog's owner.

#### 6. Appeal of a Potentially Dangerous Dog Designation

- a. Within five (5) business days after receiving notice of a potentially dangerous dog designation by the Animal Control Officer, the owner or custodian of the dog may request a review of the designation by requesting review in writing on a form provided by the Animal Control Officer and submitting written evidence that disputes the declaration to the Animal Control Officer. The Animal Control Officer shall make a final decision within seven (7) days following the receipt of the written request, based upon the written submissions only.
- b. After a dog is finally declared potentially dangerous, the owner or custodian of the dog may request that the Animal Control Officer review the designation annually. An administrative hearing fee of twenty-five dollars (\$25.00) shall be required prior to such a review. At the review, the owner or custodian must provide evidence that the dog's behavior has changed. If the Animal Control Officer finds sufficient evidence that the dog's behavior has changed, the Animal Control Officer may rescind the potentially dangerous dog designation.

#### 7. Designation of a Dangerous Dog

- a. The Animal Control Officer shall designate any dog a dangerous dog upon receiving evidence that the dog has met the definition of a dangerous dog as set forth in this Ordinance.
- b. The Animal Control Officer may impound any dog determined to pose a threat to public safety pending a final dangerous dog designation order.
- c. The Animal Control Officer shall quarantine any dog without proof of current rabies vaccination upon receiving evidence that the dog has bitten any person or domestic animal.
- d. The Animal Control Officer will cause one owner of the dog to be notified in writing that the dog is dangerous. The written notice will include dates, times and places of parties bitten.
- e. The Animal Control Officer will also provide one owner of the dog with a Dangerous Dog Registration form.
- f. Within fourteen (14) days of a declaration that a dog has been deemed a dangerous dog, the owner or custodian of the dog shall provide the Animal Control Officer with evidence showing that:
  - (1) a proper enclosure exists for the dangerous dog and the premises are posted with a clearly visible warning sign, including a warning symbol to inform children, that there is a dangerous dog on the property;
  - (2) a surety bond has been issued by a surety company authorized to conduct business in this state 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 and payable to the injured person(s);
  - (3) the owner has paid an annual fee of \$105, in addition to any regular dog licensing fees, to obtain a certificate of registration;
  - (4) the dog has had a microchip identification implanted;
  - (5) the dog has been sterilized;
  - (6) the dog has an easily identifiable tag with the uniform dangerous animal symbol affixed to its collar at all times; and

(7) the dog is current in all vaccinations.

#### 8. Appeal of Dangerous Dog Designation

- a. Within fourteen (14) days after a dangerous dog designation is made by the Animal Control Officer, the owner or custodian of the dog may request a hearing to contest the designation. The request for a hearing shall be made in writing on a form provided by the Animal Control Officer.
- b. The hearing shall be held before the Wilkin County Auditor or by an independent hearing examiner selected by the Wilkin County Auditor, not more than fifteen (15) days after receipt of the request for hearing. The hearing officer will make findings of fact and will either affirm or reject the Animal Control Officer's dangerous dog designation or may impose other sanctions as warranted. The hearing officer shall make a final decision within seven (7) days of the hearing.
- c. If the hearing officer confirms the dangerous dog designation, the owner or custodian of the dog shall complete the Dangerous Dog Registration form and file it with the Animal Control Officer with evidence as set forth above within fourteen (14) days of final decision.
- d. After a dog is finally declared dangerous, the owner or custodian of the dog may request that the Animal Control Officer review the designation annually. An administrative hearing fee of twenty-five dollars (\$25.00) shall be required prior to such a review. At the review, the owner or custodian must provide evidence that the dog's behavior has changed. If the Animal Control Officer finds sufficient evidence that the dog's behavior has changed, the Animal Control Officer may rescind the dangerous dog designation.

#### 9. Violation of Dangerous Dog Registration

- a. The Animal Control Officer shall immediately seize a dangerous dog if:
  - (1) any of the requirements of Sub-Paragraph 7(f) are not met; or
  - (2) the dog is outside the proper enclosure and not under the physical restraint of a responsible person;
- b. The owner or custodian may reclaim the dog upon payment of impounding and boarding fees, and presenting proof to the Animal Control Officer that the requirements of Minnesota Statute Sections 347.51 and 347.52 have been met.
- c. A dangerous dog not reclaimed under this Ordinance within fourteen (14) days may be disposed of as provided by law and the owner is liable to the Animal Control Authority for costs incurred in confining and disposing of the dog.

#### 10. Destruction of Dogs in Certain Circumstances

- a. Notwithstanding any other provision of this Ordinance except Paragraph 11, a dog may be destroyed in a proper and humane matter by the Animal Control Officer 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;

- (4) bit a human on public or private property without provocation in an attack where more than one dog participated in the attack.
- b. The Animal Control Officer may not destroy the dog until the dog owner has had an opportunity for hearing as set forth in Paragraph 8.

#### 11. Exemptions

- a. The provisions of this Ordinance do not apply to police K-9 dogs used by law enforcement officials for police work.
- b. 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.

#### 12. Criminal Penalty

The owner of a dog declared dangerous or potentially dangerous who fails to comply with the requirements of this Ordinance shall be guilty of a misdemeanor, with penalties as provided under Minnesota law.

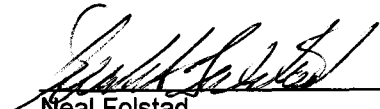
#### 13. Rabies Quarantine

- a. Whenever any dog without proof of current rabies vaccination has bitten any person or domestic animal, the owner or custodian of the dog, upon being notified by the Animal Control Officer or local law enforcement, will immediately cause the dog to be quarantined with the Animal Control Authority or by a veterinarian licensed to practice in the State of Minnesota, for a period of ten (10) days after the person has been bitten. Within 24 hours of impoundment, a veterinarian will observe the animal and examine the animal if necessary to ascertain whether symptoms of rabies exist. If at the end of ten days the veterinarian diagnoses the dog to be free of the signs of rabies, the dog will be released from quarantine. If the dog dies, its head will be sent to the State Department of Health for examination for rabies. The owner of the dog is responsible for the cost of quarantine and examination by the veterinarian.
- b. Whenever any dog with proof of current rabies vaccination has bitten any person or domestic animal, the owner or custodian of the dog, upon being notified by the Animal Control Officer or local law enforcement, will immediately cause the dog to be quarantined in their home for a period of ten (10) days after the person has been bitten. If at the end of ten days, the dog appears to be free of rabies, the home quarantine shall end. If the dog becomes ill or dies during the period of home quarantine, the owner shall immediately notify the Animal Control Officer for examination.

#### 14. Effective Date

After passage by the Wilkin County Board of Commissioners this Ordinance shall be effective July 12, 2016.

Adopted by the Wilkin County Board of Commissioners July 12, 2016.

  
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Neal Folstad  
Chairman, Wilkin County Board of Commissioners

ATTEST:

  
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Janelle Krump  
Wilkin County Auditor-Treasurer