Memorandum

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To: Mayor Danielowski
City Council Members
Clay Wilfahrt, City Administrator

From: Joel D. Scharf, Chief of Police

Date: December 14, 2016

Re: Ordinance Amendments to Change Dog Licensing Cycles and the Addition of Potentially Dangerous Dogs to Licensing Requirements

Council Action Requested:

1. **Motion to approve an ORDINANCE amending Chapter 3 (Licensing), Section 391.08 (Potentially Dangerous Dogs) of the Big Lake Municipal Code establishing registration procedures and requirements for Potentially Dangerous Dogs, and approve a summary publication RESOLUTION.**

2. **Motion to approve an ORDINANCE amending Chapter 3 (Licensing), Section 390 (Animals) of the Big Lake Municipal Code amending the dog licensing program from lifetime of the animal to a renewal licensing program every two years, and approve a summary publication RESOLUTION.**

At the November 9th Big Lake City Council Workshop, discussion was undertaken as it relates to two aspects of animal regulations in City Code. As a result of this discussion the following City Code changes are being proposed;

Licensing Cycle

The current City of Big Lake Code Chapter 390.02 "Animals" provides for the lifetime issuance of dog licenses. The issuance of a lifetime license proves problematic on two fronts;

- There is no process in place to ensure vaccinations (rabies-distemper) are maintained to a current status as required by Code.
- There is a minimal ability to maintain current owner information when a lifetime license is issued.

In conducting a survey of communities surrounding Big Lake, the following use a biyearly licensing cycle; Elk River, Monticello, Rogers, and Buffalo. The average fee for a biyearly license in these communities is $10.00. In addition, by city code the owner must provide proof of current vaccinations when the license is obtained or renewed. Big

Lake Police have responded to situations over the past year where there is no proof of vaccinations, or the vaccination cycle had expired. This requires either the quarantine of the dog involved in the bite incident, or a series of painful injections for the victim.

The first proposed ordinance amendment would be to Section 390.02 (Animals) Subd. 2 (License Required). This change would move the City of Big Lake to a biyearly licensing cycle consistent with our neighboring communities. As a requirement for license issuance or renewal the owner would be required to provide proof of current vaccinations. Also included in this revised language, is a requirement for Vietnamese Pot Bellied Pigs to obtain a dog license. A fee of $10.00 has been included on the 2017 City of Big Lake Fee Schedule for a two year license.

Potentially Dangerous Dog

Under the current City Code Chapter 391 "Dangerous and Potentially Dangerous Dogs," there is a requirement to register a dog declared dangerous, but no requirement for potentially dangerous. A dog declared dangerous has attacked without provocation and caused substantial bodily harm. Typically, these dogs are euthanized by their owners. A dog declared potentially dangerous has attacked without provocation or displayed aggressive behavior, but not inflicted serious bodily harm. The level of declaration is a judgment call by the Officer handling the incident, and is reviewed by the Chief of Police. In addition, the dog owner is afforded a full hearing process to dispute the declaration if they so choose.

We currently have no dangerous dogs in the City, but have at least 5 with a potentially dangerous declaration. Officers of the Big Lake Police Department track these dogs, and place considerable time into ensuring they are being kept and maintained according to City Code. It would be proposed to add a yearly requirement to Chapter 391, which would require registration similar to a dangerous dog. The proposed fee would be set at $150.00 per year on the City of Big Lake 2017 Fee Schedule.

Several other aspects were also included into the potentially dangerous dog registration requirements including;

- A process for the owner to request a review after 6 months from Animal Control Authority.
- The authority for the Animal Control Authority to hold an "at large" potentially dangerous dog in custody until registration requirements are satisfied.
- Requirement to notify the Animal Control Authority if the potentially dangerous dog dies, is sold, or ownership transferred.
- That the registration is renewed on a yearly basis.

Minnesota Statue 347.53 grants authority to a statutory city to place regulations upon dangerous, and potentially dangerous dogs.

City of Big Lake
Ordinance No. 2016-XX

AN ORDINANCE AMENDING CHAPTER 3 (LICENSING) OF THE BIG LAKE CITY CODE AMENDING SECTION 391.08 (POTENTIALLY DANGEROUS DOGS) ESTABLISHING REGISTRATION PROCEDURES AND REQUIREMENTS FOR POTENTIALLY DANGEROUS DOGS

THE CITY COUNCIL OF BIG LAKE ORDAINS:

SECTION 1. Chapter 3 (Licenses), Section 391, (Dangerous Dogs and Potentially Dangerous Dogs) of the Big Lake Municipal Code is hereby amended to add the provisions with underlined text and delete provisions shown with a line through the text as follows:

391.08 Potentially Dangerous Dogs; Requirements.

Subd. 1 Microchip. The owner of any dog that has been determined to be potentially dangerous shall have a microchip installed in the dog in accordance with Section 391.09.

Subd. 2 Registration. No person may own or possess a potentially dangerous dog in this City unless the dog is registered as a potentially dangerous dog. All dogs declared potentially dangerous by the Animal Control Authority or impartial hearing officer, as applicable, shall be registered as a potentially dangerous dog with the Animal Control Authority within fourteen (14) days after the owner has notice that the dog is designated dangerous.

Subd. 3 Registration renewal. An owner of a potentially dangerous dog shall renew the Certificate of Registration annually until the dog is deceased.

Subd. 4 Death or relocation of potentially dangerous dog. An owner of a potentially dangerous dog shall notify the Animal Control Authority, in writing, of the death of the dog, or if the dog relocates or transfers out of the City to a new location or where the dog will reside within 30 days of the death or transfer. An owner shall, if requested by the Animal Control Authority, execute an affidavit, under oath and penalty of perjury, setting forth either the circumstances of the dog's death and

disposition, or the complete name, address, and telephone number of the person to whom the dog was transferred or the address where the dog has been relocated.

Subd. 5 Sale or transfer of potentially dangerous dogs. A person who sells or transfers ownership or control of a potentially dangerous dog must notify any potential purchaser or transferee, prior to the consummation of the transaction, that the dog was previously designated as dangerous. The current owner must also notify the Animal Control Authority, in writing, of the transfer of ownership and provide the Animal Control Authority with the new owner's name, address, and telephone number.

Subd. 6 Release. If a potentially dangerous dog was impounded by the Animal Control Authority, or upon order of an impartial hearing officer, the dog shall not be released until the owner demonstrates to the Animal Control Authority compliance with all applicable requirements of this Chapter. The owner shall have fourteen (14) days to comply with all requirements. The owner must pay the City for all costs incurred in the seizure and boarding of the dog prior to its return.

Subd. ~~7~~8 Other restrictions. Any dog determined to be potentially dangerous may be subject to any or all of the following restrictions, as determined by the Animal Control Authority or the hearing officer:

A. The owner of a dog may be required to complete an approved dog obedience class within a designated period of time, and provide proof of completion to the Animal Control Authority; and

B. The dog may be required to be kept in a proper enclosure, or restrained by chain or leash not to exceed six (6) feet in length, and/or muzzled, and under the control of a responsible person eighteen (18) years of age or older at all times it is outdoors and not inside a proper enclosure; and

C. The owner may be required to post the property where the dog resides with warning signs, available from the Animal Control Authority, readable to children, containing a written notice and warning that a potentially dangerous dog is present on the property; and

D. The owner may be required to show proof of up-to-date rabies vaccination and, if required, licensing; and

E. The dog may be required to wear, at all times, a tag or marker identifying it as a potentially dangerous dog.

Subd. 9 Review of Potentially Dangerous Dog Designation. Beginning six (6) months after a dog is declared a potentially dangerous dog an owner may request annually that the Animal Control Authority review the designation. The owner must provide evidence that the dog's behavior has changed due to the dog's age, sterilization, environment, completion of obedience training that includes modification of aggressive behavior, or other factors. If the Animal Control Authority finds sufficient evidence that the dog's behavior has changed, the Authority may rescind the potentially dangerous dog designation.

SECTION 4. This Ordinance shall be effective following its passage and summary publication.

Adopted by the Big Lake City Council this 14th day of December, 2016.

CITY OF BIG LAKE

_____

Mayor Raeanne Danielowski

Attest:

_____

City Clerk Gina Wolbeck

Drafted by:
City of Big Lake
160 North Lake Street
Big Lake, MN 55309

STATE OF MINNESOTA)
) SS.
COUNTY OF SHERBURNE)

The foregoing instrument was acknowledged before me this ___ day of December, 2016 by the Mayor and City Clerk of the City of Big Lake, a Minnesota municipal corporation, on behalf of the corporation.

_____

Notary Public

CITY OF BIG LAKE
MINNESOTA

A general meeting of the City Council of the City of Big Lake, Minnesota was called to order by Mayor Raeanne Danielowski at 6:30 p.m. in the Council Chambers of City Hall, Big Lake, Minnesota, on Wednesday, December 14, 2016. The following Council Members were present: Raeanne Danielowski, Seth Hansen, Duane Langsdorf, Scott Marotz, and Mike Wallen. A motion to adopt the following resolution was made by Council Member _____ and seconded by Council Member _____.

BIG LAKE CITY COUNCIL
RESOLUTION NO. 2016-XX

RESOLUTION APPROVING SUMMARY PUBLICATION OF ORDINANCE NO. 2016-XX AMENDING CHAPTER 3 (LICENSING) SECTION 391.08 (POTENTIALLY DANGEROUS DOGS)

WHEREAS, the City Council has adopted an ordinance amendment authorizing a registration program for potentially dangerous dogs; and

WHEREAS, as authorized by Minnesota Statutes, Section 412.191, subd. 4, the City Council has determined that publication of the title and summary of Ordinance No. 2016-XX will clearly inform the public of the intent and effect of the Ordinance; and

WHEREAS, a printed copy of the Ordinance is available for inspection during regular office hours in the office of the City Clerk.

NOW THEREFORE, BE IT RESOLVED that the following summary of Ordinance No. 2016-XX is approved for publication:

CITY OF BIG LAKE, MINNESOTA
ORDINANCE NO. 2016-XX

The Big Lake City Code is amended to establish registration procedures and requirements for Potentially Dangerous Dogs. Owners of dogs deemed "potentially dangerous" would be required to annually register the dog with the Big Lake Police Department pursuant to Minnesota Statute 347.53. A printed copy of the Ordinance is available for inspection during regular office hours in the office of the City Clerk.

Adopted by the Big Lake City Council this 14th day of December, 2016

_____
Mayor Raeanne Danielowski

Attest:

_____
Gina Wolbeck, City Clerk

The following Council Members voted in favor:
The following Council Members voted against or abstained:

Whereupon the motion was duly passed and executed.

DRAFTED BY:
City of Big Lake
160 Lake Street North
Big Lake, MN 55309

STATE OF MINNESOTA)
)SS.
COUNTY OF SHERBURNE)

The foregoing instrument was acknowledged before me this _____ day of December, 2016 by the Mayor and City Clerk of the City of Big Lake, a Minnesota municipal corporation, on behalf of the corporation.

_____
Notary Public

City of Big Lake
Ordinance No. 2016-XX

AN ORDINANCE AMENDING CHAPTER 3 (LICENSING), SECTION 390 (ANIMALS) OF THE BIG LAKE MUNICIPAL CODE AMENDING THE DOG LICENSING PROGRAM FROM LIFETIME OF THE ANIMAL TO A RENEWAL LICENSING PROGRAM EVERY TWO YEARS

THE CITY COUNCIL OF BIG LAKE ORDAINS:

SECTION 1. Chapter 3 (Licenses), Section 390, (Animals) of the Big Lake Municipal Code is hereby amended to add the provisions with underlined text and delete provisions shown with a line through the text as follows:

390.02 Dogs and Cats.

Subd. 2 License Required.

A. All dogs over the age of six months kept, harbored, or maintained by their owners in the City, shall be licensed and registered with the City. Dog licenses shall be issued by ~~the~~ City ~~Administrator~~ upon payment of the license fee. The license shall be valid for the life of the animal. The license shall be valid for ~~the life of the animal~~ a two year period including the year of purchase, and expiring the end of the following year. The owner shall state, at the time application is made for the license and upon forms provided for such purpose, his or her name and address and the name, breed, color, and sex of each dog owned or kept by him or her. At the time of licensing, the owner shall provide proof of current distemper and rabies vaccinations. No license shall be granted for a dog which has not been vaccinated against distemper and rabies, as provided in this Section. Vaccination shall be performed only by a doctor qualified to practice veterinary medicine in the state in which the dog is vaccinated. A veterinarian who vaccinates a dog to be licensed in the City. For the purposes of licensure, any Vietnamese Potbellied Pig which resides in the City of Big Lake, shall be registered with the same provisions as a dog, absent the requirement to have rabies and distemper vaccinations.

SECTION 4. This Ordinance shall be effective following its passage and summary publication.

Adopted by the Big Lake City Council this 14th day of December, 2016.

CITY OF BIG LAKE

_____

Mayor Raeanne Danielowski

Attest:

_____

City Clerk Gina Wolbeck

Drafted by:
City of Big Lake
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Big Lake, MN 55309

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BIG LAKE CITY COUNCIL
RESOLUTION NO. 2016-XX

RESOLUTION APPROVING SUMMARY PUBLICATION OF ORDINANCE NO. 2016-XX AMENDING CHAPTER 3 (LICENSING) SECTION 390 (ANIMALS)

WHEREAS, the City Council has adopted an ordinance amendment amending the lifetime dog licensing program to a two year renewal licensing program; and

WHEREAS, as authorized by Minnesota Statutes, Section 412.191, subd. 4, the City Council has determined that publication of the title and summary of Ordinance No. 2016-XX will clearly inform the public of the intent and effect of the Ordinance; and

WHEREAS, a printed copy of the Ordinance is available for inspection during regular office hours in the office of the City Clerk.

NOW THEREFORE, BE IT RESOLVED that the following summary of Ordinance No. 2016-XX is approved for publication:

CITY OF BIG LAKE, MINNESOTA
ORDINANCE NO. 2016-XX

The Big Lake City Code is amended to change the City dog licensing program from lifetime of the animal to a two year renewal license program. A printed copy of the Ordinance is available for inspection during regular office hours in the office of the City Clerk.

Adopted by the Big Lake City Council this 14th day of December, 2016

_____
Mayor Raeanne Danielowski

Attest:

_____
Gina Wolbeck, City Clerk

The following Council Members voted in favor:
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