



CITY OF GRAND RAPIDS

Meeting Agenda Full Detail City Council Work Session

Monday, May 22, 2017

4:30 PM

Conference Room 2A

CALL TO ORDER: Pursuant to due notice and call thereof a Special Meeting/Worksession of the Grand Rapids City Council will be held on Monday, May 22, 2017 at 4:30 p.m. in City Hall Conference Room 2A, 420 North Pokegama Avenue, Grand Rapids, Minnesota.

CALL OF ROLL: On a call of roll, the following members were present:

Discussion Items

1. 17-0359 Discuss to amend Chapter 10 of the City Code, which addresses animals within the city.
2. 14-0789 Review 5:00 PM Regular Meeting

ADJOURN

Attest: Kimberly Gibeau, City Clerk



CITY OF GRAND RAPIDS

Legislation Details (With Text)

File #: 17-0359 **Version:** 1 **Name:** Discuss to amend Chapter 10 of the City Code, which addresses animals within the city.
Type: Agenda Item **Status:** CC Worksession
File created: 5/17/2017 **In control:** City Council Work Session
On agenda: 5/22/2017 **Final action:**
Title: Discuss to amend Chapter 10 of the City Code, which addresses animals within the city.
Sponsors:
Indexes:
Code sections:
Attachments:

Date	Ver.	Action By	Action	Result
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Discuss to amend Chapter 10 of the City Code, which addresses animals within the city.

Background Information:

From time-to-time it is desirable to review city ordinances to make sure that they are reasonable, enforceable, reflect community expectations and the methodology used to enforce them. The Police Department has reviewed Chapter 10 of the City Code. This is the chapter that addresses animals within the city.

It is the Police Department's recommendation that Chapter 10 be amended by the City Council to further define terms and provide more specificity as to what and is not allowed in the city. The proposed amendment would also clarify who is responsible for enforcing this ordinance as well as procedures to be followed in the case of an animal bite. City Attorney Sterle has reviewed the current ordinance and proposed changes.

In summary, the proposed changes include the following:

- Expands the definition of "At large" to include any person designated by the owner to be in control of an animal, not just the owner or immediate family member.
- Further clarifies the definition of "Domestic Animal" and "Non-Domestic Animal" and provides examples.
- Defines "Keep" as "to have or retain in possession."
- Defines the terms "Police Officer" and "Community Service Officer."
- Provides an exception for non-domestic animals "specifically trained for and actually providing assistance to the handicapped or disabled" and an operational zoo, veterinarian clinic and traveling exhibition.
- Provides an exception for "Off leash" dogs in city parks that have been designated as dog parks.
- Specifies that Dangerous Dogs, leashed or unleashed, will not be allowed in any city park.

- Clarifies who may enforce this ordinance (police officers and community service officers), conditions under which an animal may be impounded.
- Requires the Domestic Animal Control Facility to be inspected annually by a licensed veterinarian (already being done).
- Clarifies that noise from an animal that unreasonably disturbs a person, including a police officer or community service officer, repeatedly, over at least a ten minute period of time, is a nuisance.
- Provides the City the option of “licensing” or “registering” dogs.
- Clarifies the procedure which will followed after an animal bite has occurred.
- Further specifies the conditions necessary for inhumane treatment of an animal.

Staff Recommendation:

It is the Police Department’s recommendation that Chapter 10 be amended by the City Council to further define terms and provide more specificity as to what and is not allowed in the city. The proposed amendment would also clarify who is responsible for enforcing this ordinance as well as procedures to be followed in the case of an animal bite. City Attorney Sterle has reviewed the current ordinance and proposed changes.

- **Chapter 10 - ANIMALS^[1]**

- **ARTICLE I. - IN GENERAL**

- **Sec. 10-1. - Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

At large means off the premises of the owner not under the control of the owner or a member of his immediate family *or a person designated by the owner*, either by leash or kept under confinement of such owner. The running at large of dogs and cats is prohibited at all times.

Cat includes both male and female cat.

Confinement means a keeping of a dog or cat on an owner's property, fence, chain, vehicle, etc.

Custodian means any person or business entity, owning, harboring, or keeping a dog or cat either permanently or temporarily.

Dog includes both male and female dog.

Domestic animal means dog, cat, fish, birds and similar household pets *kept for companionship and enjoyment*. *Domestic animals are those which commonly live in the household and not in a separate accessory building*. *Domestic animals include aquarium fish, non-poisonous, non-venomous and non-constricting arthropods, reptiles and amphibians and small mammals such as rabbits, gerbils, hamsters, guinea pigs, fancy mice and fancy rats*.

Non-domestic animal means those animals considered to be naturally wild and not naturally trained or domesticated; or which are considered inherently dangerous to the health, safety and welfare of people.

Householder occupant means any person who ordinarily exercises dominion or possession over a residence, office, store, building, shop or other premises which is generally deemed to be a single unit of occupancy within the city whether as an owner, landlord, tenant or otherwise.

Owner means any person, firm or corporation owning, harboring, keeping a dog or cat or allowing the same to be about his premises.

Keep means to have or retain possession of.

Police Officer means a person who is licensed to practice law enforcement in Minnesota and is a member of the Grand Rapids Police Department

Community Service Officer means a person who is a member of the Grand Rapids Police Department whose duty it is to perform law enforcement related duties that do not require a licensed peace officer to perform.

Proper authority means any person authorized by the city to enforce the provisions of this chapter.

Residence means any dwelling, abode or apartment where a single family customarily resides.

(Code 1978, § 14.01)

- **Sec. 10-2. - Keeping of animals.**

This subsection does not apply in the AG zoning district. Only domestic animals shall be kept but not raised or boarded for profit in the city, except as otherwise provided by this chapter.

The keeping of *non-domestic animals* ~~wild and exotic animals~~ shall not be permitted in the city, with the exception of chickens and then only in accordance with the applicable ordinance.

Unless otherwise defined, non-domestic animals shall include:

- (a) *Any member of the cat family including, but not limited to lions, tigers, cougars, bobcats, leopards, jaguars, feral cats but excluding those recognized as domestic house cats.*
- (b) *Any natural wild member of the canine family including but not limited to wolves, foxes, coyotes, dingos and jackals, but excluding those recognized as domesticated dogs.*
- (c) *Any hybrid or crossbreeds between an animal defined in clauses (a) or (b) and a domestic animal and offspring from all subsequent generations of those hybrids or crosses, such as a cross between a wolf and a dog.*
- (d) *Any member or relative of the rodent family including any skunk (whether or not descended), raccoon, or squirrel but excluding those members otherwise defined or commonly accepted as domesticated pets.*
- (e) *Any poisonous, venomous, constricting or inherently dangerous member of the reptile or amphibian families including, but not limited to, rattlesnakes, boa constrictors, pit vipers, crocodiles and alligators.*
- (f) *Any other animal that is not explicitly listed above but which can be reasonably defined by terms of this section, including, but not limited to bear, deer, non-human primates and game fish.*

Exceptions: An exception may be made to this prohibition for non-domestic animals specifically trained for and actually providing assistance to the handicapped or disabled; for those non-domestic animals temporarily brought into the city as part of an operational zoo or by a veterinarian clinic; and for traveling exhibitions which keep non-domestic animals for exhibition or show, provided that such person, traveling circus, zoo or show holds a valid United States Department of Agriculture license and has obtained a permit from the City of Grand Rapids, provided such non-domestic animals are not kept in the city more than 14 business days. The keeping of livestock, including horses, is allowed on properties zoned for agricultural use.

(Code 1978, § 14.06)

- **Sec. 10-3. - Vicious animals.**

The owner of, or the keeper of, any vicious animal shall not allow the same to be at large within the city. In actions under this section it shall only be necessary to prove the fact of viciousness of such animal, and it shall not be necessary to prove the knowledge of such viciousness by the owner of such animal.

(Code 1978, § 42.11)

- **Sec. 10-4. - Animals and city parks.**

Animals are ~~strictly prohibited~~ at Blandin Beach Park. No owner shall take his animal upon Blandin Beach Park. ~~whether leashed, licensed, tagged or not.~~ At all other city park locations, animals will be permitted so long as the animal is leashed, ~~licensed and tagged~~ in conformity with other sections of this chapter. *Dogs, off leash, are allowed in portions of city parks that have been designated as dog parks. Dangerous Dogs will not be allowed in any portion of any city park.* This section does not apply to "seeing-eye" dogs properly trained to assist blind persons when such dogs are actually being used by blind persons for the purpose of aiding them in going from place to place, to service dogs used ~~to assist hearing impaired persons~~ when being used as such, ~~to service animals used to assist disabled persons when being used as such~~ nor to police canine dogs properly trained and being used by law enforcement for official police duty.

(Code 1978, § 14.12)

Cross reference— Recreation parks, ch 46.

- **Secs. 10-5—10-40. - Reserved.**
- **ARTICLE II. – ANIMALS, DOGS AND CATS^[2]**

- **Sec. 10-41. - Impounding.**

It shall be the responsibility of licensed police officers and community service officers to enforce the provisions of this section and to be impounded by transporting or causing to be transported to the City Domestic Animal Control Facility or other appropriate place any dogs or other animals kept within the city contrary to the provisions of this section. Police officers and community service officers are authorized to issue citations and sign complaints against any person for violation of this chapter.

- (a) Any unrestrained or unidentified animal required to be restrained or marked for identification by this chapter may be impounded.*
- (b) Any animal meeting the definition of a public nuisance animal may be impounded.*
- (c) Any animal involved in a biting incident may be impounded.*
- (d) Any dog that has been declared either Potentially Dangerous or Dangerous pursuant to state law and has violated restrictions placed upon the animal may be impounded.*
- (e) Any animal found to be not properly sheltered from cold, hot or inclement weather, not properly fed or watered or is injured and uncared for may be impounded.*

Redemption of Impounded Animals: The police officer or community service officer shall make reasonable and practical efforts to locate the animal owner. Any animal so impounded shall be kept for at least five days, or at least ten days in the case of quarantine due to a bite, unless sooner reclaimed by the owner, or is put down in the case of a bite so that it can be examined for rabies. The owner of an animal being quarantined cannot claim the animal until after the quarantine period has expired. The owner of any impounded animal may reclaim the animal by paying the appropriate fees and meeting any additional requirements prescribed by city ordinance and state statute.

Facility Inspection: The police department shall cause the Domestic Animal Control Facility to be in a clean and sanitary condition. The facility shall inspected, annually, by a veterinarian.

Disposing of Unclaimed Animals: Any animal not reclaimed within five days, or ten days in case of quarantine, after being impounded, shall become property of the City and may be disposed of by the City.

Accounting: The police department shall cause a record to be kept of all animals received at the Domestic Animal Control Facility and the disposition of these animals.

Vaccination Requirements: Every dog, cat or ferret over six months of age, kept as a pet, shall be vaccinated against rabies. Because of techniques and tolerances, species limitations and public health implications, animal rabies vaccines shall be administered only by or under the supervision of a veterinarian. Any animal of a species for which no rabies vaccination is licensed for that species by the United States Department of Agriculture shall be considered unvaccinated for rabies, regardless of the animal's vaccination history.

No dog or cat need be vaccinated when a licensed veterinarian has examined the animal and certified that, at such time, vaccination would endanger its health because of its age, infirmity, debility, illness or other medical consideration; and such exception certificate is presented to a police officer or community service officer when requested. The animal shall be vaccinated against rabies as soon as its health and age permit. Unvaccinated animals must be confined to the owner's property or a veterinary facility.

~~(a) It shall be the duty of every police officer or the community assistance officer to apprehend any dog or cat found at large and to impound such dog or cat in the city pound or other suitable place. The community assistance officer, or other designated official, upon receiving any dog or cat, shall make a complete registry, entering the breed, color and sex of each dog or cat, and whether licensed. If licensed, he shall enter the name and address of the owner and the number of the license tag. Licensed dogs and cats will be separated from unlicensed animals.~~

~~(b) Not later than five days after the impounding of any dog or cat, the owner shall be notified, or if the owner of the dog or cat is unknown, written notice shall be posted for five days at three or more conspicuous places in the city describing the dog or cat and the place and time of taking. Any dog or cat may be redeemed from the pound by the owner or keeper within the time stated in the notice by the payment of the license for the current year with a poundage fee as set forth by resolution for each day the dog or cat is confined in the pound as the cost of feeding.~~

~~(c) If at the expiration of ten days from the date of notice to the owner or the position of notice such dog or cat shall not have been redeemed, it may be destroyed. Any unlicensed dog or cat required by law to be licensed, or any dog or cat which appears to be suffering from rabies or affected with hydrophobia, mange or other infectious or dangerous disease shall not be released but may be forthwith destroyed. Fees for persons requesting disposal of animals are as established by resolution.~~

~~(Code 1978, §§ 14.07, 14.08, 14.10)~~

State Law reference— Impoundment of animals, Minn. Stat. § 340A.35.71.

- **Sec. 10-42. - Restrictions on certain dogs and cats.**

The owner or custodian of any dog or cat shall prevent such animals from committing within the city any act which constitutes a nuisance. It is a nuisance for any dog or cat to run at large; ~~habitually or frequently bark, cry or howl~~; frequent school grounds, parks or public places; chase vehicles; or molest or annoy any person away from the property of his owner or custodian. No person having custody or control of a dog or cat shall permit the animal to damage any lawn, garden or other property, public or private, or to urinate or defecate on private property without the consent of the owner or possessor of the property. It shall be the duty of each person having the custody or control of a dog or cat to remove any feces left by such animal on any sidewalk, gutter, street, park land or other public or private property, and to dispose of such feces in a sanitary manner.

No person owning, operating, having charge of or occupying any building or premises shall keep or allow to be kept, any animal which shall, by any noise, unreasonably disturb the peace and quiet of any person in the vicinity. The phrase "unreasonably disturb the peace and quiet" shall include, but is not limited to, the creation of any noise by any animal or animals which can be heard by any person, including a police officer or community service officer, from a location outside of the building or premises where the animal is being kept and which animal noise occurs repeatedly over at least a ten (10) minute period of time.

Failure of the owner or custodian of a dog or cat to prevent the dog or cat from committing such a nuisance is a violation of this chapter.

(Code 1978, § 14.02)

- **Sec. 10-43. - Restriction on number of dogs and cats.**

(a) It shall be unlawful for any householder or occupant to possess, harbor, keep or allow to be kept or to maintain for any purposes whatever, more than three dogs and/or three cats over the age of three months at his residence or at any other single unit of occupancy within the city.

(b) Temporary permission to keep dogs and cats of this number over the age of three months may be granted for periods as determined by the city council upon application being made thereto. The council shall designate the appropriate staff to investigate all such applications and make recommendation on the application and forward same to the council. The council shall not grant such temporary permission unless it is satisfied that other residents of the city will not be annoyed thereby.

(Code 1978, § 14.03)

- **Sec. 10-44. - License and registration.**

(a) All dogs and cats kept, harbored or maintained by their owners in the city shall be licensed and registered with the police department if over three months of age. Upon registration dog and cat licenses may shall be issued by the police department upon payment of a license fee as set forth by resolution for each dog or cat regardless of sex. The license period will run from January 1 through December 31, of each year. The owner shall state at the time application is made for such license and upon printed forms provided for such purpose his name and address, telephone number, the name, breed, color, and sex of each dog or cat owned or kept by him.

(b) All animal licenses shall be issued only upon presentation of a certificate issued by a veterinarian, licensed to practice veterinary medicine in the State of Minnesota, showing rabies immunization of the animal for at least the term of the license.

(c) Lifetime animal licenses: Effective January 1, 2009, the owner of a dog or cat, upon presentation of documentation issued by a veterinarian that the dog or cat has been spayed or neutered, can obtain a non-transferable lifetime animal license. Throughout the life of the animal, the owners of animals that receive a lifetime license must maintain and have documentation of rabies immunization by a veterinarian, licensed to practice veterinary medicine in the State of Minnesota.

The City Council may require that a numbered rabies tag, issued by a licensed veterinarian, be displayed on the dog instead of a license tag. The owner of such dog shall provide the police department with the owner information, sex, breed of the dog, name of the veterinarian clinic and rabies tag number.

(d) This section does not apply to dogs or cats whose owner are nonresidents temporarily within the city, nor to dogs or cats brought into the city for the purpose of participating in any dog or cat show, nor to "seeing-eye" dogs properly trained to assist blind persons when such dogs are actually being used by blind persons for the purpose of aiding them in going from place to place, to service dogs that assist hearing-impaired person, when being used as such, nor to police canine dogs properly trained and being used by law enforcement for official duty.

(Code 1978, § 14.04; Ord. No. 03-02-01, 2-10-2003; Ord. No. 09-01-02, 1-26-2009)

State Law reference— County dog licenses, Minn. Stat. § 347.08 et seq.

- **Sec. 10-45. - Tags and collars.**

All dogs kept in the city over the age of three months shall wear a collar. A city dog license, or when a license is not required, a rabies tag, shall be displayed on the collar.

~~Upon payment of the license fee, the police department shall issue to the owner a license certificate and a metallic tag for each dog or cat so licensed. The shape of the tag shall be changed every year and shall have stamped thereon the year for which it was issued and a number corresponding with the number on the certificate. The owner shall provide each dog or cat~~

~~with a collar to which the license tag must be affixed, and shall see that the collar and tag are constantly worn. In case a dog tag is lost or destroyed, a duplicate will be issued by the clerk upon presentation of a receipt showing payment of the license fee for the current year. Dog or cat tags shall not be transferable from one dog or cat to another and no refunds shall be made on any dog or cat license fee because of death of the animal or the owner leaving the city before expiration of license period.~~

(Code 1978, § 14.05)

State Law reference— Tags and collars, Minn. Stat. § 347.11.

- **Sec. 10-46. - Dog or cat bites. Animal Bites**

Whenever any animal, including a dog or cat, bites a person, the owner of the such animal shall immediately notify the city police department. The police officer or community service officer shall ascertain the identity of such animal and the person owning, possessing or harboring it and shall immediately direct such person to forthwith quarantine the animal for a period of 10 days after the bite occurred. The animal shall be quarantined for the period with evaluation of the rabies vaccination history taken into account.

If the owner has shown proof that such animal is currently vaccinated against rabies and has agreed to keep said animal separate from other animals and indoors at all times during the quarantine period, such animal may be quarantined at the owner's residence.

If the owner, possessor or harboring individual does not agree to quarantine the animal for a period of 10 days or the victim so demands, the police officer may seek whatever legal process necessary to enter private property to seize the animal and impound it at the Domestic Animal Control Facility or a veterinarian clinic or have a veterinarian destroy the animal and cause it to be examined for rabies.

It shall be the duty of every owner of an animal that has bitten a person and that is under quarantine to immediately report to the police department any signs of sickness or disease on the part of the animal. At the end of the quarantine period and at any reasonable time during the quarantine period, the police officer or community service officer shall check the animal to

determine whether such animal is infected with rabies and notify the victim of the bite of the findings.

~~who shall have it impounded in the city dog pound for a period of two weeks. The dog or cat shall be examined immediately after it has bitten anyone and again at the two-week period. If at the end of the two weeks a veterinarian is convinced that the dog or cat is then free from rabies, the dog or cat shall be released from quarantine~~

~~or from the pound as the case may be. If the dog or cat dies in the meanwhile its head shall be sent to the state department of health for examination for rabies, with all costs to be borne by the owner of the animal.~~

(Code 1978, § 14.09)

• **~~Sec. 10-47. - Muzzling.~~**

~~Whenever it becomes necessary to safeguard the public from the dangers of hydrophobia, the mayor, if he/she deems it necessary, shall issue a proclamation ordering every person owning or keeping a dog or cat to confine it securely on his premises unless such dog or cat shall have a muzzle of sufficient strength to prevent its biting any person. Any unmuzzled dog or cat running at large during the time of the proclamation shall be seized and impounded, unless noticeably infected with rabies. All dogs or cats so noticeably infected with rabies and displaying vicious propensities shall be killed by police personnel without notice to the owner. Dogs or cats impounded during the first two days of such proclamation shall, if claimed within five days, be released to the owner, unless infected with rabies, upon payment of the impound charges. If unclaimed after ten days, such dog or cat may be summarily destroyed.~~

Sec. 10-47. Inhumane Treatment

Nourishment; Shelter; No person shall deprive any animal over which he has charge or control of necessary food, water or shelter.

Cruelty: No person shall willfully torture, cruelly beat, neglect or unjustifiably injure, maim or mutilate any animal whether it belongs to himself or another person. No person shall knowingly

leave an animal in a motor vehicle in such circumstances as to cause the animal to be overheated or to suffer from the cold. When, in the judgement of a police officer, the animal in a motor vehicle is in danger due to heat or cold, the police officer may use whatever reasonable and practical means available to make entry into the vehicle and remove the animal.

(Code 1978, § 14.11)

Sec. 10-48. Enforcement Procedures.

Police officers and community service officers shall have the authority to enforce this Chapter and applicable State Law. Any person may call or make a report to a police officer or community service officer, stating the facts and circumstances of the alleged violation of this chapter.

The police officer or community service officer may investigate such complaint. The police officer or community service officer may issue a citation or complete a report, submitting it along with statements and evidence, to the office of the Grand Rapids City Attorney for determination of whether a formal criminal complaint should be issued.

Any animal found in violation of this ordinance is subject to impoundment.

It shall be unlawful for any person to knowingly interfere with, hinder or molest a police officer, community service officer or other individual assisting them in enforcing this chapter or state law.

State Law reference — Rabies proclamations and muzzling of dogs, Minn. Stat. § 35.68 et seq.

• ~~**Secs. 10-48 — 10-70. - Reserved.**~~