

CITY OF ST. CHARLES

ORDINANCE NO. 577

**AN ORDINANCE OF THE CITY OF ST. CHARLES, MINNESOTA,
AMENDING CHAPTER 92 OF ITS CODE OF ORDINANCES TO ESTABLISH NEW
LIMITATIONS ON THE NUMBER OF PETS ALLOWED PER HOUSEHOLD AND
AMENDING DANGEROUS AND POTENTIALLY DANGEROUS DOG
REGULATIONS**

THE CITY OF ST. CHARLES DOES ORDAIN (deleted material is in strikeout; new material is underlined; subsections which are not being amended are omitted):

Section 1. Title IX: General Regulations, Chapter 92: Animals, is amended as follows:

§ 92.002 LICENSE REQUIRED.

(A) On or before August 31 of every even numbered year, subject to the limitations of § 92.050 *et seq.*, the city shall cause every dog that is at least 180 days old and is owned, kept harbored or permitted to run, to be licensed.

§ 92.031 LICENSING.

(A)(1) No owner of a cat shall own, keep or harbor any cat within the city limits unless the cat is licensed as herein provided, and subject to the limitations of § 92.050 *et seq.*

Multiple Pets

§ 92.050 LIMITATION ON NUMBER OF DOGS AND CATS.

No household shall own, keep or harbor more than three dogs over six months of age or three cats over six months of age without first obtaining a multiple pet permit pursuant to § 92.051.

§ 92.051 MULTIPLE PET PERMIT.

(A) In order to own more than three dogs over six months of age, or three cats over six months of age, a multiple pet permit is required. Such permit shall be issued by the City Administrator upon receipt of a complete application from the owner on a form to be provided by the City and any additional information reasonably required by the City to evaluate the conditions in which the pets will be kept, payment of the permit fee pursuant to paragraph (B) of this Section, and a determination by the Chief of Police that adequate facilities exist and the owner is of sufficient character and means to ensure that such pets will be kept in clean, humane conditions free of contamination and disease and in such a manner as to minimize noise and odors. Such permit shall be valid for one calendar year, and shall be renewed upon payment of the annual fee and a demonstration of continued compliance with the permit requirements.

(B) A multiple pet permit fee in an amount to be established by Council resolution shall be due and payable to the City at the time of permit application and annually thereafter. This fee shall be in addition to the regular license fee established by the City Council pursuant to § 92.002.

(C) All owners granted multiple pet permits shall maintain the premises and areas where the permitted animals are kept in a clean and humane condition, free from all contamination and diseases and so as to minimize odors and noises, and if the permit is for more than three dogs, such premises shall be equipped with a fence that provides an enclosed area from which the animals may not exit without human assistance. Failure to meet such requirements will subject owners to revocation of the multiple pet permit by the City Administrator. The owner may appeal any such permit revocation by the City Administrator by requesting a formal hearing before the City Council. If necessary to protect the public health, safety and welfare, the City Animal Control Officer or law enforcement officer may impound the animals pending the results of the hearing. In this case, the owner shall tender with his or her request for the hearing, funds in an amount sufficient to defray expenses of the keeping of the animal(s) pending such hearing until the matter is eventually resolved.

§ 92.052 EXCEPTIONS TO MULTIPLE PET PERMIT REQUIREMENT.

A multiple pet permit shall not be required for premises on which (1) more than the allowed number of domestic animals are kept in a commercial breeding facility licensed pursuant to Minnesota Statutes, Sections 347.57 through 347.64, or (2) more than the allowed number of domestic animals are kept for the business of breeding dogs or cats or both for sale, and there are no more than a total of two litters of offspring (dogs or cats) per calendar year.

2. Title IX: General Regulations, Chapter 92: Animals, is amended as follows:

§ 92.080 DANGEROUS DOGS.

(A) The provisions of Minn. Stat. §§ 347.50 to 347.565 are adopted by reference and govern dangerous dogs and potentially dangerous dogs in the City of St. Charles, and the Chief of Police, or his/her designee, shall be responsible for enforcing those statutes, as the same may be amended from time to time.

(B) The Chief of Police or his/her designee, upon concluding that a dog is a dangerous dog or potentially dangerous dog, shall proceed as follows:

(1) Notify the owner by personal delivery or registered mail that the dog has been declared to be dangerous or potentially dangerous as defined in Minnesota Statutes and the factual basis for such determination. Notices of a dangerous dog declaration shall advise the owner of the dog of any applicable registration requirements or other restrictions or requirements imposed by statute, and shall additionally advise the owner of the dog of the owner's right to request a hearing before the City Council to contest the declaration by

requesting such a hearing in writing submitted to the City Administrator within fourteen (14) days after the owner's receipt of the notice.

(2) If the owner does not request a hearing to contest a dangerous dog declaration, or any prior potentially dangerous dog declaration for the dog, as applicable, within fourteen (14) days after receipt of said notice, and does not otherwise comply with the registration and other requirements of Minn. Stat. §§ 347.50 to 347.565, as amended, then the Chief of Police or his/her designee shall immediately seize the dangerous dog and dispose of the same as authorized by law.

(3) If the owner does request a hearing to contest a dangerous dog declaration pursuant to subparagraph A herein, or any prior potentially dangerous dog declaration for the dog, as applicable, then the City Clerk shall place the matter before the City Council within fourteen (14) days after the City's receipt of such request, unless a later hearing date is agreed to by the owner. The owner may present evidence in opposition to the designation of his/her dog as dangerous or potentially dangerous. The Chief of Police or his/her designee shall present evidence to the City Council that supports his/her determination that the dog is dangerous. Following the hearing, the City Council shall make a determination of facts and issue an order as to whether such dog is properly characterized as dangerous. If the City Council affirms the dangerous dog declaration, the owner shall comply with the registration and other requirements of Minn. Stat. §§ 347.50 to 347.565, as amended, within fourteen (14) days of such order.

(C) Registration Fee. An annual registration fee for each dangerous dog to be registered in an amount to be established by Council resolution shall be due and payable to the City at the time of registration and annually thereafter. This fee shall be in addition to the regular license fee established by the City Council pursuant to § 92.002.

§ 92.081

REGULATION OF POTENTIALLY DANGEROUS DOGS.

(A) Any owner of a potentially dangerous dog shall do the following, except when the dog is lawfully engaged in hunting or training for the purpose of hunting, accompanied by such owner:

(1) While the potentially dangerous dog is on the premises of the owner, securely confine it at all times in a proper enclosure, a locked fenced yard, or other locked enclosure that has a top; and

(2) While the potentially dangerous dog is off the premises of the owner, keep it on a chain-link leash or tether that is not more than six feet in length and additionally do at least one of the following:

(a) Keep the dog in a locked pen which has a top, locked fenced yard, or other locked enclosure which has a top;

(b) Have the leash or tether controlled by a person who is of suitable age and discretion or securely attach, tie or affix the leash or tether to the ground or a stationary object or fixture so that the dog is adequately restrained and station a person in close enough proximity to that dog so as to prevent it from causing injury to another person; or

(c) Muzzle the dog.

(B) No owner of a potentially dangerous dog shall fail to obtain liability insurance with an insurer authorized to write liability insurance in this state providing coverage in each occurrence, subject to a limit, exclusive of interest and costs, of not less than \$50,000 because of damage or bodily injury to or death of a person caused by the potentially dangerous dog.

(C) An animal that has been determined to be potentially dangerous must have a microchip implanted in the dog for identification, and the name of the microchip manufacturer and identification number of the microchip must be provided to the Chief of Police.

(D) An owner of a dog declared to be a potentially dangerous dog may request a review of such declaration by the City's Public Safety Committee by submitting a written request for a hearing to the City Administrator within fourteen days of the notice. If the owner timely requests such a hearing, the Public Safety Committee shall conduct the hearing at its next regular meeting, impartially consider any evidence submitted by the owner in opposition to the potentially dangerous declaration and the Chief of Police or his/her designee in support of the potentially dangerous designation, and issue a decision either affirming or denying the potentially dangerous declaration as soon as reasonably possible. An owner's failure to request such review of the Chief of Police's potentially dangerous dog declaration shall not prejudice the owner's right to have the City Council review such potentially dangerous declaration in a proceeding under § 92.080 (B) to challenge a subsequent dangerous dog declaration for the same dog.

§ 92.082 PROPER ENCLOSURE.

Whenever an animal is required by law to be kept in a "proper enclosure", such term shall mean securely confined indoors or in a securely locked pen or structure 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 on 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. The enclosure shall not allow the egress of the animal in any manner without human assistance. A pen or kennel shall satisfy the requirements of a proper enclosure if it conforms to each the following minimum specifications:

(a) Minimum total floor size: 32 square feet;

(b) Sidewalls: constructed of 11-gauge or heavier wire with openings not to exceed two inches, support posts of 1¼-inch or larger steel pipe which shall be buried in the ground 18 inches or more or anchored to a concrete floor, and with a minimum height of 5 feet;

(c) Cover: constructed of the same gauge wire or heavier as the sidewalls with openings not to exceed two inches and shall cover the entire enclosure; and

(d) Entrance/exit gate: constructed of the same material as the sidewalls with openings not to exceed two inches, and shall contain a locking mechanism capable of securely locking the enclosure when the animal is in the pen or kennel, and which shall be locked at all times when the animal is in the pen or kennel.

§ 92.083 CONFISCATION.

(A) *Seizure.* The city shall immediately seize any dangerous dog if the owner has not satisfied the registration and other requirements of Minn. Stat. §§ 347.50 to 347.565, as amended, or any other requirements of this Chapter.

(B) *Reclaimed.*

(1) A dangerous dog seized under division (A) above may be reclaimed by the owner of the dog upon payment of impounding and boarding fees, and presenting proof to the appropriate animal control authority that the requirements Minn. Stat. §§ 347.50 to 347.565 and this Chapter will be met.

(2) A dog not reclaimed under this division within 7 days may be disposed of and the owner shall be liable to the city for costs incurred in confining and disposing of the dog.

(C) *Subsequent offenses; seizure.*

(1) If a person has been convicted of a misdemeanor for violating a provision of Minn. Stat. §§ 347.50 to 347.565 or this Chapter, and the person is charged with a subsequent violation relating to the same dog, the dog must be seized by the city.

(2) If the owner is convicted of the crime for which the dog was seized, the court shall order that the dog be destroyed in a proper and humane manner and that the owner pay the cost of confining and destroying the animal.

(3) If the person is not convicted of the crime for which the dog was seized, the owner may reclaim the dog upon payment to the city of a fee for the care and boarding of the dog.

(4) If the dog is not reclaimed by the owner within 7 days after the owner has been notified that the dog may be reclaimed, the dog may be disposed of and the owner is shall be liable to the city for the costs incurred in confining, impounding and disposing of the dog.

(Ord. 424, passed 3-11-1997, § 609.04) Penalty, see § 10.99

§ 92.084 VIOLATION.

The city may, at its discretion, impose an administrative penalty under § 10.90 for a violation of this Chapter rather than initiating a criminal prosecution.

(Ord. 424, passed 3-11-1997, § 609.05; Am. Ord. 515, passed 5-13-2008) Penalty, see § 10.99

Section 3. This Ordinance shall take effect thirty days after its publication.

Adopted this ____ day of _____, 2015 by the City Council of the City of St. Charles, Minnesota.

John Schaber, Mayor

Attest:

Nick Koverman, City Administrator

First Reading:

Date: _____

Ayes: _____
Nays: _____
Absent: _____
Abstain _____

Second Reading:

Date: _____

Ayes: _____
Nays: _____
Absent: _____
Abstain _____

Published:

Date: _____