

Ordinance No. 1005
AN ORDINANCE REPEALING AND REPLACING CHAPTER 10 ARTICLE III OF THE
MAPLEWOOD CITY CODE REGARDING DOGS

The Maplewood City Council ordains as follows:

Section 1. Chapter 10, Article III. – Dogs is hereby repealed in its entirety and replaced with the following text:

ARTICLE III. – DOGS

DIVISION 1. – GENERALLY

Sec. 10-61. - Definitions.

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

Animal shelter means any premises designated by the city administrative authority for the purposes of impounding and caring for dogs held under authority of this article.

Dog means any living dog.

Officer means any person designated by the city manager as an enforcement officer.

Owner means any person owning, keeping or harboring dogs.

Restraint. A dog is under restraint within the meaning of this article if it is controlled by a leash which does not extend beyond the boundaries of the private property or within a vehicle being driven or parked on the streets or within the property of its owner/keeper, in a fenced area, if within an electronic fence with signage, controlled by a chain or under owner's control and supervision.

Sec. 10-62. - Limitation on number for each dwelling unit in residential zones.

Except as provided for in Section 10-67, no more than three dogs over six months of age shall be housed or be kept on any one residential site in any area of the city zoned R-1 residence district; no more than two dogs over six months of age shall be housed or be kept on any one residential site in any area of the city zoned R-2 residence district; and, no more than one dog over six months of age shall be kept in a dwelling unit in any area of the city zoned R-3 residence district.

Sec.10-63. –Vaccination Requirements.

Every dog over six months of age shall be vaccinated against rabies. Vaccinations shall be administered only by or under the supervision of a veterinarian. Proof of a current rabies vaccination shall be provided upon demand of the officer.

Sec. 10-64. – Identification Requirements.

Any dog residing in the city shall have some identification on them which identifies the owner and provides contact information. Identification allowed includes microchips, veterinarian issued rabies tag or any other tag or inscribed collar.

Sec. 10-65. - Enforcement.

Officers shall have police powers in the enforcement of this article, and no person shall interfere with or hinder any such officer in the exercise of such powers.

Sec. 10-66. - Violations.

The owner in violation of any section of this article shall comply within 30 days or shall be issued a citation in accordance with section 1-15 or shall humanely remove the dog from their premises within 30 days of notification.

Sec. 10-67. - Exemptions from division.

The division requirements shall not apply to owners of service dogs and to nonresidents of the city who are keeping dogs in the city for 30 days or less annually.

Secs. 10-68 - 10-125. - Reserved.

DIVISION 2. - RUNNING AT LARGE; NUISANCE

Sec. 10-126. - Restraint.

All dogs shall be kept under restraint at all times in the city.

Sec. 10-127. - Duty of owners.

- (a) No owner or custodian of any dog shall allow such dog to run at large, with the exception of within a designated off-leash dog area. It shall be the obligation of the owner or custodian of any dog in the city, whether permanently or temporarily therein, to prevent any such dog at any time to be on any street, public park (with the exception of a park within an off-leash dog area as designated by Ramsey County or the City of Maplewood), school grounds or public place without being effectively restrained by a chain or leash not exceeding eight feet in length.
- (b) Any person having custody or control of any dog shall have the responsibility for cleaning up any feces of the dog and disposing of such feces in a sanitary manner. It shall furthermore be the duty of each person having the custody and control of any dog to have on such person possession of a device or equipment for picking up and removal of animal feces. This subsection shall not apply to a guide dog accompanying a blind person or to a dog when used in police or rescue activities.
- (c) No owner or custodian of any dog within the city shall allow the dog to remain outside and unattended for a period exceeding four consecutive hours. For the purpose of this subsection, the term "outside and unattended" shall mean that the dog is on or has free access to the exterior grounds of any premises and the owner or custodian is not

physically present and in the company of the dog.

- (d) Owners or custodians of dogs are hereby charged to prevent their dogs from barking or making other noises which unreasonably disturb the peace and quiet of any person. The phrase "unreasonably disturb the peace and quiet" includes, but is not limited to, the creation of noises, by such dogs, audible to an officer outside the building or premises where the dogs are being kept and which noise occurs repeatedly over a five-minute period with a time lapse of one minute or less between repetitions over a five-minute period. Failure on the part of the owner or custodian to prevent a dog from committing such acts shall be subject to penalty provided in section 10-66.

Sec. 10-128. - Female dogs in heat.

Every female dog in heat in the city shall be confined in a building or secure enclosure in such manner that such female dog cannot come into contact with another dog, except for planned breeding.

Secs. 10-129—10-155. - Reserved.

DIVISION 3. – IMPOUNDMENT

Sec. 10-156. - Return to owner of dog found at large.

If a dog is found at large in the city and its owner can be identified and located, such dog need not be impounded but may, instead, be taken to the owner.

Sec. 10-157. - Authority; notice to known owners; reclamation by owners; humane disposal of unclaimed dogs.

Unrestrained dogs running at large in the city may be taken by the officer or the Humane Society and impounded in an animal shelter and there confined in a humane manner. Impounded dogs shall be kept for not less than five days, unless reclaimed by their owners. If the owner can be identified, the officer shall immediately notify the owner by telephone or mail of the impoundment of the dog. A dog not claimed by its owner within five days shall be humanely disposed of by an agency delegated by the council to exercise that authority.

Sec. 10-158. - Fees; additional penalties.

Any owner reclaiming a dog under this article, which has been impounded for any reason, shall pay a fee as set by council from time to time. The owner may also be cited for violation of this article.

Secs. 10-159—10-185. - Reserved.

DIVISION 4. - DANGEROUS DOGS

Secs. 10-186 - 10-188. - Reserved.

Secs. 10-189 – Dangerous/potentially dangerous dogs.

The provisions of Minn. Stats. §§ 347.50—347.56, inclusive, are hereby adopted as the potentially dangerous and dangerous dog regulations for the City of Maplewood. Where a conflict exists between the provisions of the City Code and the provisions of Minn. Stats. §§ 347.50—347.56, inclusive, the provisions of the Minnesota Statutes shall apply.

- (1) *Definitions:* For the purpose of this section, the terms defined have the meaning given to them:

Dangerous dog means any dog that has:

- a. Without provocation, inflicted substantial bodily harm on a human being on public or private property; or
- b. Killed a domestic animal without provocation while off the owner's property; or
- c. Been found to be potentially dangerous, 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.

Great bodily harm has the meaning given it under Minn. Stats. § 609.02, subdiv. 8.

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.

Potentially dangerous dog means any dog that:

- a. When unprovoked, inflicts bites on a human or domestic animal on public or private property; or
- b. 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
- c. Has a known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.

Proper enclosure means securely confined indoors or in a securely enclosed and locked pen or structure suitable to prevent the animal 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 the windows are open or in which door or window screens are the only obstacles that prevent the dog from exiting.

Provocation means an act that adult could reasonably expect may cause a dog to attack or bite.

Substantial bodily harm has the meaning given it under Minn. Stats. § 609.02, subdiv. 7a.

- (2) *Initial determination.* The city's designated animal control authority shall be responsible for initially determining (initial determination) whether a dog is a potentially dangerous dog or a dangerous dog. The animal control authority may retain custody of a dog which has been initially determined to be a dangerous dog pending the hearing as hereinafter provided. The initial determination shall be conclusive unless the owner appeals the initial determination as hereinafter provided.
- (3) *Notice of initial determination.* The notice of initial determination shall be personally served on the owner of the dog or on a person of suitable age at the residence of such owner. The notice of initial determination shall describe the dog deemed to be potentially dangerous or dangerous, shall identify the officer making the initial determination and shall inform the owner of the owner's right to appeal the initial determination.
- (4) *Request for hearing and hearing.* An owner may appeal the initial determination by filing a request and payment of the applicable fee for the hearing with the city manager within five days of the owner's receipt of the notice of initial determination. A hearing shall be held within seven days after the city's receipt of the request for hearing. The city manager shall assign a hearing officer, who shall not be the person who made the initial determination. At the hearing, the hearing officer shall consider the reports and comments of the animal control authority, the testimony of any witnesses, witness statements and the comments of the owner of the dog. After considering all of the evidence submitted, the hearing officer shall make written findings and shall determine whether the dog is a potentially dangerous dog or a dangerous dog (final determination). The findings shall be made within five days of the date of the hearing and shall be personally served upon the owner of the dog or upon a person of suitable age at the residence of the owner.
- (5) *Seizure of dangerous dog or potentially dangerous dog.* The animal control authority shall immediately seize any dangerous or potentially dangerous dog if, within 14 days after the service of the notice of final determination declaring a dog to be a dangerous dog:
 - a. The owner has not registered the dog in compliance with the provisions of subsection 10-189(8)a. or (10)a.
 - b. The owner does not secure the proper surety bond or liability insurance pursuant to subsection 10-189(8)a.2. or (10)a.4.
 - c. The dangerous or potentially dangerous dog is not maintained in a proper enclosure.
 - d. The dangerous dog is outside a proper enclosure and not under the physical restraint of a responsible person.
- (6) *Reclaiming a dangerous dog or potentially dangerous.* A dangerous or potentially dangerous dog may be reclaimed by the owner of the dog upon payment of the

impounding and boarding fees and upon presentation of proof to the animal control authority that the requirements of subsection 10-189(8)a. or (10)a. have been satisfied. A dangerous or potentially dangerous dog not reclaimed under this provision within seven days may be disposed of as provided in Minn. Stats. § 35.71, subdiv. 3, and the owner shall be liable to the animal control authority for costs incurred in confining and disposing of the dangerous dog.

(7) *Substantial/great bodily harm.* Upon a final determination and notwithstanding the provisions of subsections 10-189(2)—(6), a dangerous dog that inflicted substantial bodily harm or great bodily harm on a human being on public or private property without provocation may be destroyed in a proper and humane manner by the animal control authority.

(8) *Dangerous dog restrictions.*

a. *Registration required.* No person may keep a dangerous dog in the City of Maplewood unless the dog is registered with the city clerk as provided in this section. The city clerk shall issue a certificate of registration to the owner of the dangerous dog if the owner presents the following information:

1. *Proper enclosure.* A proper enclosure exists for the dangerous dog and there is a posting on the premises with a clearly visible warning sign, including a warning symbol to inform children, that there is a dangerous dog on the property.
2. *Bond/insurance.* A surety bond issued by a surety company authorized to conduct business in the State of Minnesota in a form acceptable to the animal control authority in the sum of at least \$300,000.00 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 the State of Minnesota in the amount of at least \$300,000.00 insuring the owner for any personal injuries inflicted by the dangerous dog.
3. *Microchip.* The owner has had a microchip identification implanted in the dangerous dog, and the name of the microchip manufacturer and identification number of the microchip must be provided to the animal control authority. If the microchip is not implanted by the owner, it may be implanted by the animal control authority with the costs borne by the dog's owner.
4. *Warning symbol.* The owner has posted a warning symbol to inform children that there is a dangerous dog on the property. The design of the warning symbol must have been approved by the Minnesota Commissioner of Public Safety.
5. *Tag.* The dangerous dog must have a standardized, easily identifiable tag identifying the dog as dangerous and containing the uniform dangerous dog symbol affixed to the dog's collar at all times. The design of the tag must have been approved by the Minnesota Commissioner of Public Safety.

6. *Photograph.* The owner of the dangerous dog shall make the dog available to be photographed for identification by the animal control authority at a time and place specified by the animal control authority.
7. *Proof of disclosure.* The owner of a dangerous dog who rents property from another where the dog will reside must submit proof of disclosure from the property owner that the property owner was notified, prior to entering into the lease agreement and at the time of any lease renewal, that the person owns a dangerous dog that will reside at the property.

(9) *Dangerous dog regulations.*

- a. *Annual fee.* The owner of a dangerous dog shall pay an annual fee as determined by council ordinance, in addition to any regular dog licensing fees, to obtain a certificate of registration for a dangerous dog under this section.
- b. *Annual renewal.* The owner of a dangerous dog must renew the registration of the dog annually until the dog is deceased and pay the annual renewal fee as determined by city council ordinance. If the dog is removed from the city, it must be registered as a dangerous dog in its new jurisdiction.
- c. *Death/transfer from city.* The owner of any dangerous dog must notify the animal control authority in writing of the death of the dog, of its transfer to a residence outside of the city or of its transfer within the city within 30 [days] of the death or transfer.
- d. *Notice to landlord.* The owner of a dangerous dog who rents property from another where the dog will reside must disclose to the property owner, prior to entering into the lease agreement, and at the time of any lease renewal, that the person owns a dangerous dog that will reside at the property.
- e. *Sale.* The owner of a dangerous dog must notify the purchaser that the animal control authority has identified the dog as a dangerous dog. The seller must also notify the animal control authority in writing of the sale and provide the animal control authority with the new owner's name, address, and telephone number.
- f. *Muzzling.* If the dangerous dog is outside a proper enclosure, the dog must be muzzled and restrained by substantial chain or leash and be under the physical restraint of a reasonable person. The muzzle must be made in a manner that will prevent the dog from biting any person or animal but that will not cause injury to the dog or interfere with its vision or respiration.
- g. *Sterilization.* The animal control authority may require a dangerous dog to be sterilized at the owner's expense. If the owner does not have the dangerous dog sterilized, the animal control authority may have the animal sterilized at the owner's expense.

(10) *Potentially dangerous dog restrictions.*

- a. *Registration required.* No person may keep a potentially dangerous dog in the

City of Maplewood unless the dog is registered with the city clerk as provided in this section. The city clerk shall issue a certificate of registration to the owner of a potentially dangerous dog if the owner presents the following information:

1. *Microchip.* The owner has had a microchip identification implanted in the potentially dangerous dog, and the name of the microchip manufacturer and identification number of the microchip must be provided to the animal control authority. If the microchip is not implanted by the owner, it may be implanted by the animal control authority with the costs borne by the dog's owner.
2. *Warning symbol.* The owner has posted a warning symbol to inform children that there is a potentially dangerous dog on the property. The design of the warning symbol must have been approved by the Minnesota Commissioner of Public Safety.
3. *Proper enclosure.* A proper enclosure exists for the potentially dangerous dog, and there is a posting on the premises with a clearly visible warning sign, including a warning symbol, to inform children that there is a potentially dangerous dog on the property.
4. *Bond/insurance.* A surety bond issued by a surety company authorized to conduct business in the State of Minnesota in a form acceptable to the animal control authority in the sum of at least \$300,000.00 payable to any person injured by the potentially dangerous dog, or a policy of liability insurance issued by an insurance company authorized to conduct business in the State of Minnesota in the amount of at least \$300,000.00 insuring the owner for any personal injuries inflicted by the potentially dangerous dog.
5. *Photograph.* The owner of the potentially dangerous dog shall make the dog available to be photographed for identification by the animal control authority at a time and place specified by the animal control authority.
6. *Proof of disclosure.* The owner of a potentially dangerous dog who rents property from another where the dog will reside must submit proof of disclosure from the property owner that the property owner was notified, prior to entering into the lease agreement and at the time of any lease renewal, that the person owns a potentially dangerous dog that will reside at the property.

(11) *Potentially dangerous dog regulations.*

- a. *Annual fee.* The owner of a potentially dangerous dog shall pay an annual fee as determined by council ordinance, in addition to any regular dog licensing fees, to obtain a certificate of registration for a dangerous dog under this section.
- b. *Annual renewal.* The owner of a potentially dangerous dog must renew the registration of the dog annually until the dog is deceased and pay the annual renewal fee as determined by city council ordinance. If the dog is removed from the city, it must be registered as a potentially dangerous dog in its new

jurisdiction.

- c. *Death/transfer from city.* The owner of any potentially dangerous dog must notify the animal control authority in writing of the death of the dog, of its transfer to a residence outside of the city or of its transfer within the city within 30 days of the death or transfer.
- d. *Notice to landlord.* The owner of a potentially dangerous dog who rents property from another where the dog will reside must disclose to the property owner, prior to entering into the lease agreement and at the time of any lease renewal that the person owns a potentially dangerous dog that will reside at the property.
- e. *Sale.* The owner of a potentially dangerous dog must notify the purchaser that the animal control authority has identified the dog as potentially dangerous. The seller must also notify the animal control authority in writing of the sale and provide the animal control authority with the new owner's name, address, and telephone number.

(12) *Annual review requests.* If there are no additional reports of the behavior described in subsection (1)a. or (1)b. of this section within a 12-month period from the date of the designation as a dangerous dog or a six-month period from the date of the designation as a potentially dangerous dog, the dog's owner may request a review, in writing, of the declaration designation. The owner must provide documented evidence for review that the dog's behavior has changed due to environment, health, age, training, neutering or other relevant factor. The review request and supporting documentation must be submitted to the Maplewood Animal Control Authority, which shall rule on the review request based on the record. The owner of the dog shall be notified in writing of the review results within ten business days of receipt. An administrative fee shall be paid prior to the review. In cases where the owner has successfully completed a training program approved by the animal control authority, the administrative fee may be reduced or waived. The fees for such review shall be imposed, set, established and fixed by the city council, by resolution, from time to time.

Secs. 10-190 – 10-245. – Reserved.

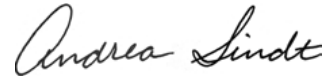
Section 2. This ordinance shall be effective following its adoption and publication.

Approved by the city council of the city of Maplewood this 22nd day of July, 2019.



Marylee Abrams, Mayor

ATTEST:



Andrea Sindt, City Clerk

Affidavit of Publication

State of Minnesota }
County of Ramsey } SS

ROBIN NISSWANDT, being duly sworn, on oath, says that he/she is the publisher or authorized agent and employee of the publisher of the newspaper known as MAPLEWOOD REVIEW, and has full knowledge of the facts which are stated below:

(A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper, as provided by Minnesota Statute 331A.02, 331A.07, and other applicable laws, as amended.

(B) The printed PUBLICATION OF ORDINANCE NO. 1005 which is attached was cut from the columns of said newspaper, and was printed and published once each week, for 1 successive weeks; it was first published on WEDNESDAY, the 31ST day of JULY, 2019, and was thereafter printed and published on every _____ to and including _____, the _____ day of _____, 20____; and printed below is a copy of the lower case alphabet from A to Z, both inclusive, which is hereby acknowledged as being the size and kind of type used in the composition and publication of the notice:

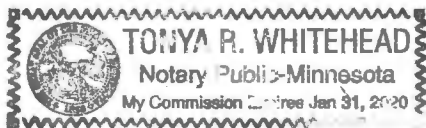
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BY: Robin Nisswandt
TITLE LEGAL COORDINATOR

Subscribed and sworn to before me on this 31ST day of JULY, 2019.

Tonya R. Whitehead
Notary Public

*Alphabet should be in the same size and kind of type as the notice.



RATE INFORMATION

- (1) Lowest classified rate paid by commercial users for comparable space.....\$25.00 per col. inch
- (2) Maximum rate allowed by law for the above matter.....\$25.00 per col. inch
- (3) Rate actually charged for the above matter\$ per col. inch

**CITY OF MAPLEWOOD
RESOLUTION 19-07-1721
RESOLUTION AUTHORIZING
PUBLICATION OF
ORDINANCE NO. 1005 BY
TITLE AND SUMMARY**

WHEREAS, the city council of the city of Maplewood has adopted Ordinance No. 1005, an ordinance amending Chapter 10 of the city code regarding dog and small kennel licenses; and

WHEREAS, Minnesota Statutes, § 412.191, subd. 4, allows publication by title and summary in the case of lengthy ordinances or those containing charts or maps; and

WHEREAS, the ordinance is several pages in length; and

WHEREAS, the City Council believes that the following summary would clearly inform the public of the intent and effect of the ordinance.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Maplewood that the City Clerk shall cause the following summary of Ordinance No. 1005 to be published in the official newspaper in lieu of the entire ordinance:

Public Notice

The Maplewood City Council has adopted Ordinance No. 1005, which amends Chapter 10 of the city code regarding dogs. The ordinance amendment removes the requirements for residents to obtain dog licenses and small kennel licenses. Rather, the addition of requirements for vaccination and identification and the establishment of allowed maximum number of dogs based on residence district were defined. Further changes were made to update language throughout the chapter.

BE IT FURTHER RESOLVED by the City Council of the City of Maplewood that the City Clerk keep a copy of the ordinance in her office at city hall for public inspection.

ATTEST: Andrea Sindt, City Clerk
(Review: July 31, 2019)