



Board of County Commissioners Agenda Request

4A
Agenda Item #

Requested Meeting Date: July 14, 2015

Title of Item: Dangerous Dog Hearing

<input checked="" type="checkbox"/> REGULAR AGENDA <input type="checkbox"/> CONSENT AGENDA <input type="checkbox"/> INFORMATION ONLY	Action Requested: <input type="checkbox"/> Approve/Deny Motion <input type="checkbox"/> Adopt Resolution (attach draft)	<input type="checkbox"/> Direction Requested <input type="checkbox"/> Discussion Item <input type="checkbox"/> Hold Public Hearing* <small>*provide copy of hearing notice that was published</small>
Submitted by: Undersheriff John Drahota		Department: Sheriff's Office
Presenter (Name and Title): John Drahota-Undersheriff		Estimated Time Needed: 20 minutes
Summary of Issue: On 6/21/2015, Joann Oliver was served with a Dangerous Dog notice for her dog "Theo". Oliver has requested a hearing asking that the dangerous dog determination be reduced to Potentially Dangerous.		
Alternatives, Options, Effects on Others/Comments:		
Recommended Action/Motion: Board's Discretion		
Financial Impact: Is there a cost associated with this request? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No What is the total cost, with tax and shipping? \$ Is this budgeted? <input type="checkbox"/> Yes <input type="checkbox"/> No Please Explain:		

Legally binding agreements must have County Attorney approval prior to submission.

AITKIN COUNTY ADMINISTRATION

Nathan Burkett, County Administrator

Aitkin County Courthouse

217 Second Street N.W., Rm. 134

Aitkin, MN 56431

218-927-3093

Fax: 218-927-7374

July 8, 2015

JoAnn Oliver
41845 244th Place
McGregor, MN 55760

Dear Ms. Oliver:

Per your July 7th phone conversation with Nathan Burkett, County Administrator, the July 14th Dangerous Dog hearing in the Aitkin County Boardroom has been changed to 9:00 a.m.

The complainant will also be notified of the change.

If you have any questions, please feel free to call.

Sincerely,



Sue Bingham
Administrative Assistant

cc: Sheriff

AITKIN COUNTY ADMINISTRATION

Nathan Burkett, County Administrator

Aitkin County Courthouse

217 Second Street N.W., Rm. 134

Aitkin, MN 56431

218-927-3093

Fax: 218-927-7374

June 24, 2015

JoAnn Oliver
41845 244th Place
McGregor, MN 55760

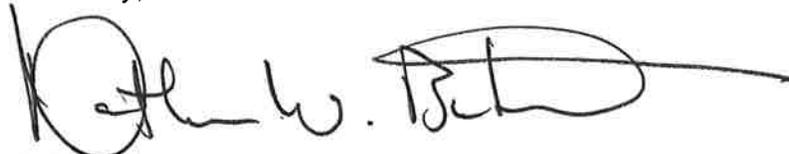
Dear Ms. Oliver:

Your request for a hearing to contest the determination of dangerous dog was received on Tuesday, June 23rd.

A hearing will be held on Tuesday, July 14th at 9:30 a.m. in the Aitkin County Boardroom. At that time the Aitkin County Board, as the Animal Control Authority, will hear your arguments. The complainant will also be invited to attend the hearing.

If you have any questions, please feel free to call me.

Sincerely,

A handwritten signature in black ink, appearing to read "Nathan Burkett", with a long horizontal flourish extending to the right.

Nathan Burkett
County Administrator

cc: Sheriff

JUN 23 2015

Aitkin County Sheriff's Office
Animal Care and Control Program

Date: 6-21-15

ICR # 15-2401

DECLARATION OF OWNERSHIP AND REQUEST FOR HEARING

I Certify that I am the owner or person claiming an interest in the animal(s) described on the Notice, and

- 1) I request a hearing to contest the determination of a Dangerous Dog designation.
- 2) My animal has been impounded and I request a hearing for the determination of whether reasonable grounds for the impoundment exist.
- 3) My animal has been impounded and I relinquish ownership of the impounded animal described on the Impoundment Notice to the Aitkin County Sheriff's Office for appropriate disposition by Animal Control. I hereby release the Aitkin County Sheriff's Office, its employees, agents and Animal Control employees and agents from any and all liability arising from the acceptance and disposition of the animal(s).

To the best of my knowledge the animal(s) has , has not (check one) bitten any persons or animals in the past fourteen (14) days.

SIGNATURE: [Signature] Date: 6-23-15

PRINTED NAME: BAnn Oliver

ADDRESS: 41845 24th Place
McGregor MN 55760

PHONE: HOME: 218-392-0056 WORK: 218-392-0056

DRIVER'S LICENSE #: Q127126925810

THIS NOTICE MUST BE RETURNED BY PERSONAL DELIVERY OR MAIL AND RECEIVED BY THE AITKIN COUNTY ADMINISTRATOR'S OFFICE WITHIN FOURTEEN (14) DAYS FROM THE DATE THE DOG NOTICE WAS ISSUED TO RECEIVE A HEARING BEFORE THE ANIMAL CONTROL AUTHORITY.

Aitkin County Administrator's Office
217 2nd Street NW, RM# 130
Aitkin, MN 56431
Phone: 218-927-7276



SCOTT A. TURNER
SHERIFF OF AITKIN COUNTY

217 Second Street NW RM# 185
 Aitkin, MN 56431

218-927-7435 - Emergency 911
 Sheriff Fax: 218-927-7359 / Dispatch Fax: 218-927-6887
 TOLL FREE: 1-888-900-2158



Case 15002401

Printed on June 26, 2015

Status Approved
Report Type ICR Report
CIBRS Classification
Primary Officer John Novotny
Investigator None
Reported At 06/21/15 20:59
Incident Date 06/21/15 20:59
Incident Code Animal Complaint
Location 41643 244TH PL, MCGREGOR, MN 55760
Zone 27
Beat 38

Disposition Case Report Created
Dispo Date/Time 06/21/15 21:02
Disposition Comments

Case Comments

Liz reporting that neighbors dog has come down on her property and killed 4 of their chickens

Dispatch Information

CFS # 2015003488
Location 41643 244TH PL, MCGREGOR, MN 55760
Incident Code Animal Complaint
Occured Between 06/21/15 20:59:42 and
Assigned 21:02:26 **Enroute** 21:54:42 **On Scene** 21:54:42 **Completed** 22:20:47

Reporters

Name SHORT, ELIZABETH ELEN
Involvement Initial Reporter
Sex Female
DOB 4/15/62
Address 41643 244TH PL
 MCGREGOR, MN 55760
Report Time 06/21/15 20:59:42
How Reported
From Phone
Contact Phone (612) 991-3116
Comments

Other Names

Name OLIVER, JOANN LEAH
Involvement Mentioned
Sex Female
DOB 4/9/79
Address 41845 244th Place
McGregor, MN 55760
Home Phone (218) 591-1022
Home Phone (218) 768-2310
Cell Phone (218) 392-0056
Other Phone (218) 670-0054
Other Phone (218) 670-0858
Comments

Vehicles

Call Details

Complainant

SHORT, ELIZABETH ELEN

Female, DOB 4/15/62

41643 244TH PL

MCGREGOR, MN 55760

7818 - 7818 - Potentially Dang Dog or Dangerous Dog -
Case was Exceptionally Cleared

Other

OLIVER, JOANN LEAH

Female, DOB 4/9/79

41845 244th Place

McGregor, MN 55760

(218) 591-1022 Home

(218) 768-2310 Home

(218) 392-0056 Cell

(218) 670-0054 Other

(218) 670-0858 Other

Dang Dog: 7818 - 7818 - Potentially Dang Dog or
Dangerous Dog - Case was Exceptionally Cleared

Property / Evidence

Item #	Category	Type	Status	Location	Description
15002401-001	Digital	In Digital Files			Digital Photo - dead chickens
15002401-002	Digital	In Digital Files			Digital Photo - field where chickens killed
15002401-003	Digital	In Digital Files			Digital Photo - field where chickens killed
15002401-004	Digital	In Digital Files			Digital Photo - field where chickens killed
15002401-005	Digital	In Digital Files			Digital Photo - field where chickens killed
15002401-006	Digital	In Digital Files			Digital Photo - dog
15002401-007	Digital	In Digital Files			Digital Photo - dog



SCOTT A. TURNER
SHERIFF OF AITKIN COUNTY

217 Second Street NW RM# 183
Aitkin, MN 56451
218-927-5435 Emergency 911
Sheriff Fax: 218-927-7359 / Dispatch Fax: 218-927-6887
TOLL FREE: 1-888-900-2138



Primary Narrative

Printed on June 26, 2015

Primary Report By John Novotny, 06/21/15 22:27

Case Report

Case #15002401

Typed By John Novotny

On 6-21-15 Elizabeth called to report Joann's had dog come down to her (Elizabeth's) property and killed 4 chickens. There were 4 juvenile meat birds that were killed. Elizabeth owns property on both sides of 244th Pl. The chickens were free roaming on Elizabeth's property across the street. I photographed the four dead birds and the area where they were killed. Elizabeth values the chickens at \$30 each.

Elizabeth had the dog in question in the cab of her pick up truck. The dog is a small breed black and white named Theo. Elizabeth stated the dog has roamed down to her property in the past.

I delivered the dog to Joann. She claimed the dog as hers. She stated she had not been at home at the time the dog ran away. She stated the dog is still a puppy and "puppies run".

I photographed the dog and served her dangerous dog paperwork along with the definitions and hearing request forms.

SCOTT A. TURNER
SHERIFF OF AITKIN COUNTY

217 Second Street NW, Room 185
Aitkin, MN 56431

Telephone: 218-927-2138
Toll Free: 1-888-900-2138
Fax: 218-927-7359

June 29, 2015

Elizabeth Short
41643 244th Pl
McGregor MN 55760

RE: Dangerous Dog hearing, ICR 15-2401.

Dear Ms. Short,

On 6/21/2015, you contacted our office regarding an incident you had with your neighbor's dog. You reported that it had killed 4 of your chickens. Based on the information provided to Deputy Novotny regarding the incident, the dog's owner, JoAnn Oliver, was issued a Dangerous Dog notice, which determined her dog, "Theo", to be a dangerous dog.

As part of due process, the owner has requested a hearing on this matter to challenge/contest the Dangerous Dog determination. Specifically, she is asking that the Dangerous Dog determination be reduced to a Potentially Dangerous Dog determination. This letter is to inform you that a hearing date and time has been set before the Aitkin County Board, who is the hearing authority. The hearing date is Tuesday, July 14th, 2015 at 9:30 a.m. in the Board Room of the Aitkin County Courthouse.

Your presence is not required but I encourage you to attend and provide personal input to the County Board in order to aid them in making their decision on this matter. Without personal input from the victim(s), the Board must rely upon testimony presented by the dog owner and the police report(s) and statement(s). I would ask that you contact me prior to the hearing date to let me know whether you plan on attending. I can also answer any questions you may have. I can be reached direct by calling 218-927-7423.

Sincerely,



John Drahota
Undersheriff
ACSO

ICR# 15-2401

**AITKIN COUNTY SHERIFF'S OFFICE
ANIMAL CARE AND CONTROL PROGRAM**

NOTICE OF DETERMINATION

OF

DANGEROUS DOG

TO: Name: ^{Leah} Joann Oliver

Address: 41845 244th Place McGregory MN
Phone #: 218 392-0056 55760

Your dog, a Small Breed Black & white ^{Theo} has been determined to be
(description)
a dangerous dog within the meaning of Minnesota Statutes 347.50 Subd. 2.

A dangerous dog must be registered pursuant to Minnesota Statute 347.51. Failure to register said dog within 14 days of this Notice may result in confiscation pursuant to Minnesota Statute 347.54. Failure to provide the safeguards required by Minnesota Statutes 347.52 is a misdemeanor and may be punished by up to 90 days in jail and/or a fine of \$1000.00.

The owner of a dangerous or potentially dangerous dog must have a microchip implanted in the dog for identification pursuant to Minnesota Statute 347.515. The name of the microchip manufacturer and the identification number of the microchip must be provided to the animal control authority within 30 days of this notice. Failure to comply with the microchip requirement is a misdemeanor and may be punished by up to 90 days in jail and/or a fine of \$1000.00.

6-21-15
Date

[Signature]
Deputy

I have read and understand the contents of this notice and acknowledge receipt of a copy thereof.

6-21-15
Date

[Signature]
Owner or Caretaker

Check if owner refused to sign

White Copy: County Auditor

Yellow Copy: Owner

Pink Copy: Deputy



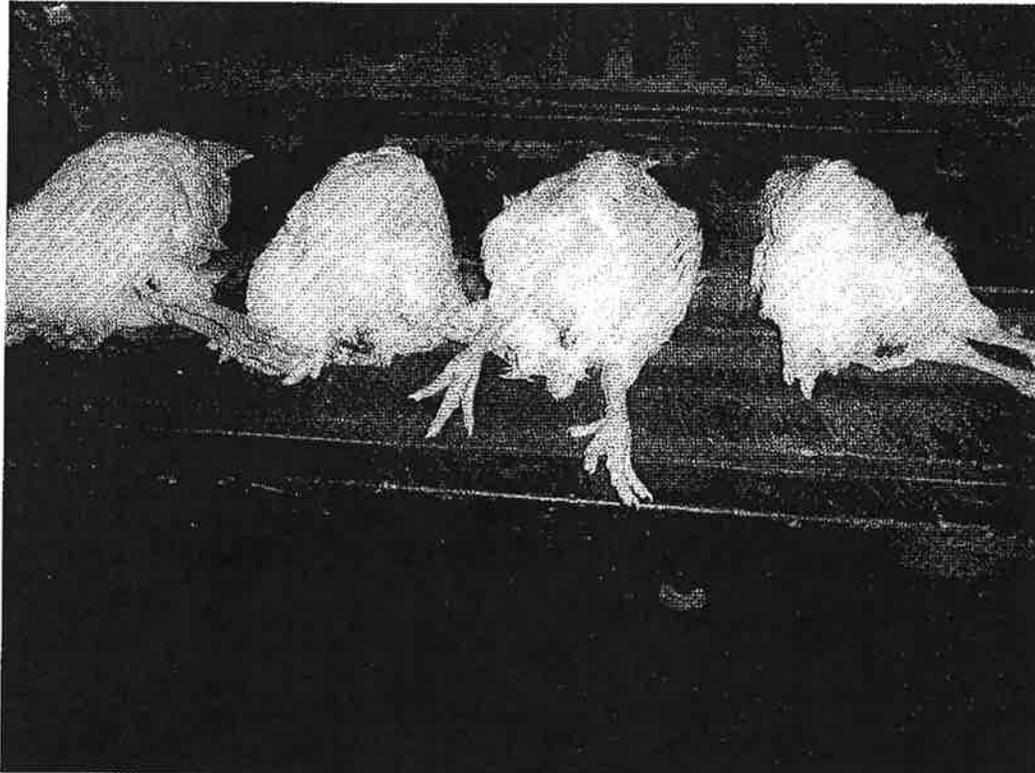
SCOTT A. TURNER
SHERIFF OF AITKIN COUNTY
217 Second Street NW RM# 185
Aitkin, MN 56151

218-927-7435 Emergency 911
Sheriff Fax: 218-927-7359 / Dispatch Fax: 218-927-6887
TOLL FREE: 1-888-906-2138



Digital Photo

Printed on June 26, 2015



dead chickens



SCOTT A. TURNER
SHERIFF OF AITKIN COUNTY
217 Second Street NW RM# 185
Aitkin, MN 56431

218-927-7435 Emergency 911
Sheriff Fax: 218-927-7359 / Dispatch Fax: 218-927-6887
TOLL FREE: 1-888-900-2158



Digital Photo

Printed on June 26, 2015



field where chickens killed

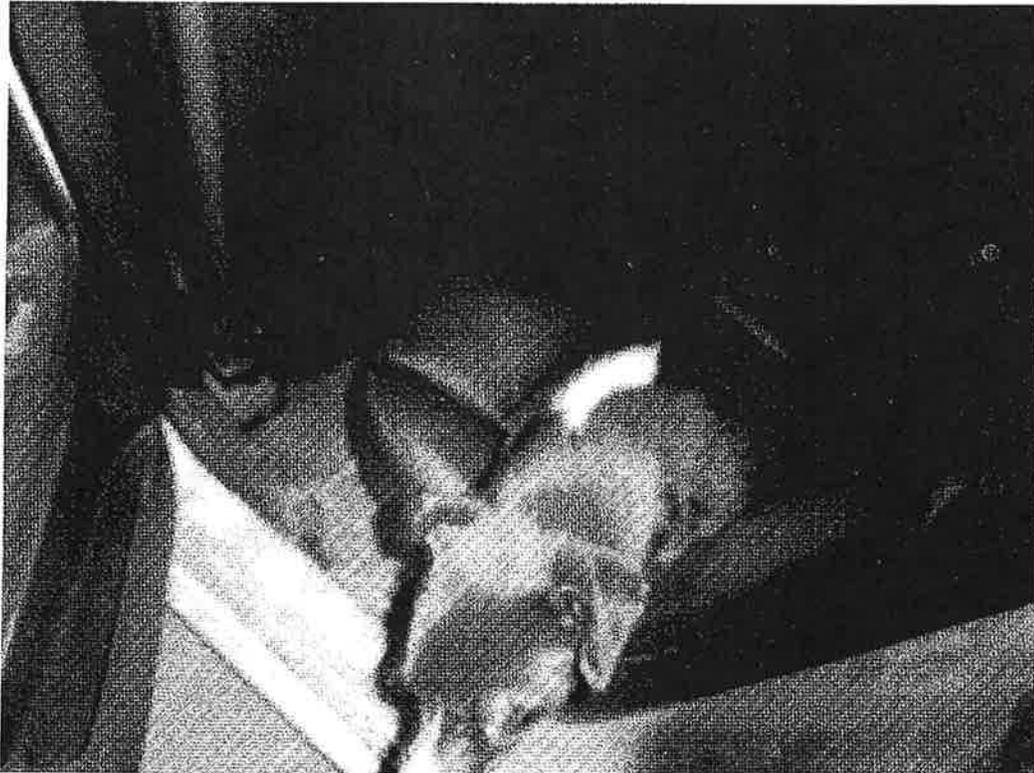


SCOTT A. TURNER
SHERIFF OF AITKIN COUNTY
217 Second Street NW RM 185
Aitkin, MN 56431
218-927-7435 Emergency 911
Sheriff Fax 218-927-7359 Dispatch Fax 218-927-6887
TOLL FREE 1-888-906-2138



Digital Photo

Printed on June 26, 2015



dog



SCOTT A. TURNER
SHERIFF OF AITKIN COUNTY

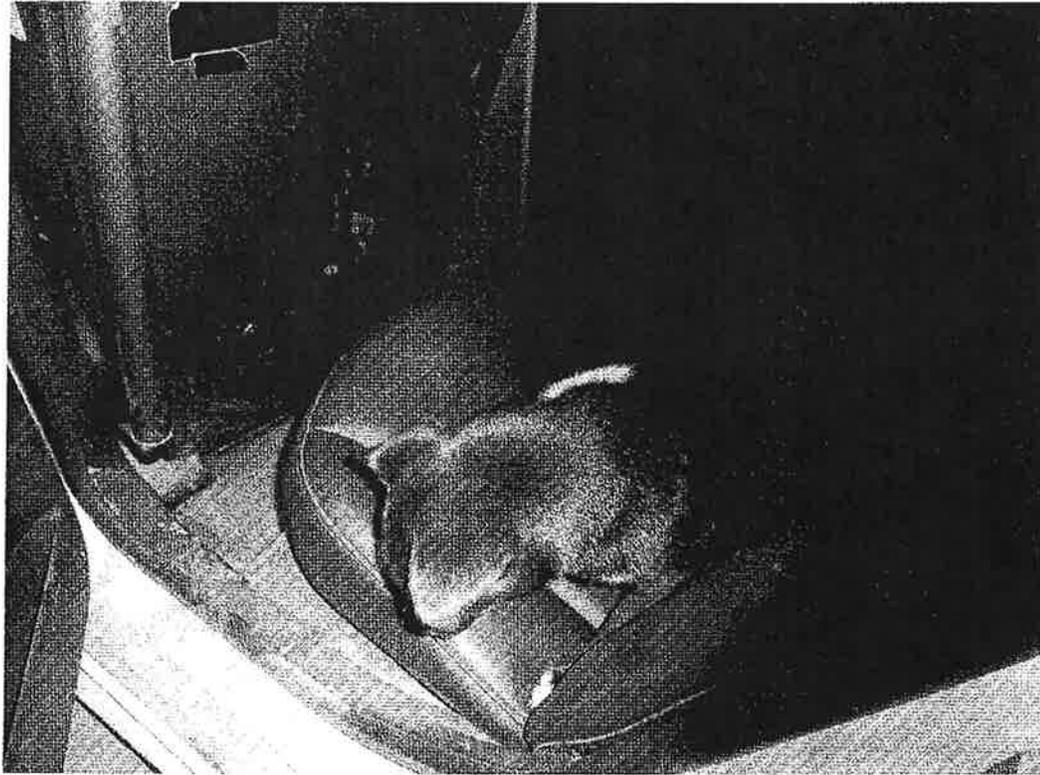
217 Second Street NW RM# 185
Aitkin, MN 56431

218-927-7473 Emergency 911
Sheriff Fax 218-927-7559 / Dispatch Fax 218-927-6887
TOLL FREE 1-888-900-2138



Digital Photo

Printed on June 26, 2015



dog

2014 Minnesota Statutes

Regulation of Dangerous Dogs

347.50 DEFINITIONS.

Subdivision 1. Terms.

For the purpose of sections 347.50 to 347.56, the terms defined in this section have the meanings given them.

Subd. 2. Dangerous dog.

"Dangerous dog" means any dog that has:

- (1) without provocation, inflicted substantial bodily harm on a human being on public or private property;
- (2) killed a domestic animal without provocation while off the owner's property; or
- (3) 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.

Subd. 3. 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.

Subd. 4. Proper enclosure.

"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 windows are open or in which door or window screens are the only obstacles that prevent the dog from exiting.

Subd. 5.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.

Subd. 6.Substantial bodily harm.

"Substantial bodily harm" has the meaning given it under section 609.02. subdivision 7a.

Subd. 6a.Great bodily harm.

"Great bodily harm" has the meaning given it under section 609.02. subdivision 8.

Subd. 7.Animal control authority.

"Animal control authority" means an agency of the state, county, municipality, or other governmental subdivision of the state which is responsible for animal control operations in its jurisdiction.

Subd. 8. Provocation.

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

History:

1988 c 711 s 1; 1989 c 37 s 3-5; 1994 c 550 s 1; 1Sp2001 c 8 art 8 s 14,15; 2008 c 325 s 2

347.51 DANGEROUS DOGS; REGISTRATION.

Subdivision 1.Requirement.

No person may own a dangerous dog in this state unless the dog is registered as provided in this section.

Subd. 2. Registration.

An animal control authority shall issue a certificate of registration to the owner of a dangerous dog if the owner presents sufficient evidence that:

- (1) a proper enclosure exists for the dangerous dog and a posting on the premises with a clearly visible warning sign that there is a dangerous dog on the property, including a warning symbol to inform children;
- (2) a surety bond issued by a surety company authorized to conduct business in this state in a form acceptable to the animal control authority 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;

(3) the owner has paid an annual fee of not more than \$500, in addition to any regular dog licensing fees, to obtain a certificate of registration for a dangerous dog under this section; and

(4) the owner has had microchip identification implanted in the dangerous dog as required under section 347.515.

Subd. 2a. Warning symbol.

If an animal control authority issues a certificate of registration to the owner of a dangerous dog pursuant to subdivision 2, the animal control authority must provide, for posting on the owner's property, a copy of a warning symbol to inform children that there is a dangerous dog on the property. The warning symbol must be the uniform symbol provided by the commissioner of public safety. The commissioner shall provide the number of copies of the warning symbol requested by the animal control authority and shall charge the animal control authority the actual cost of the warning symbols received. The animal control authority may charge the registrant a reasonable fee to cover its administrative costs and the cost of the warning symbol.

Subd. 3. Fee.

The animal control authority may charge the owner an annual fee, in addition to any regular dog licensing fees, to obtain a certificate of registration for a dangerous dog under this section.

Subd. 3a. Dangerous dog designation review.

Beginning six months after a dog is declared a 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, neutering, 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 dangerous dog designation.

Subd. 4. Law enforcement; exemption.

The provisions of this section do not apply to dangerous dogs used by law enforcement officials for police work.

Subd. 5. Exemption.

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.

Subd. 6.

[Repealed, 1Sp2001 c 8 art 8 s 30]

Subd. 7. Tag.

A dangerous dog registered under this section 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.

Subd. 8. Local ordinances.

A statutory or home rule charter city, or a county, may not adopt an ordinance regulating dangerous or potentially dangerous dogs based solely on the specific breed of the dog. Ordinances inconsistent with this subdivision are void.

Subd. 9. Contracted services.

An animal control authority may contract with another political subdivision or other person to provide the services required under sections 347.50 to 347.565. Notwithstanding any contract entered into under this subdivision, all fees collected under sections 347.50 to 347.54 shall be paid to the animal control authority and all certificates of registration must be issued in the name of the animal control authority.

History:

1988 c 711 s 2; 1989 c 37 s 6-10; 1991 c 195 s 1; 1994 c 550 s 2; 1997 c 187 art 3 s 32; 1Sp2001 c 8 art 8 s 16-18; 2008 c 325 s 3-7

347.515 MICROCHIP IDENTIFICATION.

The owner of a dangerous or potentially dangerous dog 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 animal control authority. If the microchip is not implanted by the owner, it may be implanted by the animal control authority. In either case, all costs related to purchase and implantation of the microchip must be borne by the dog's owner.

History:

1Sp2001 c 8 art 8 s 19

347.52 DANGEROUS DOGS; REQUIREMENTS.

(a) An owner of a dangerous dog shall keep the dog, while on the owner's property, in a proper enclosure. If the dog is outside the proper enclosure, the dog must be muzzled and restrained by a substantial chain or leash and under the physical restraint of a responsible 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.

(b) An owner of a dangerous dog must renew the registration of the dog annually until the dog is deceased. If the dog is removed from the jurisdiction, it must be registered as a dangerous dog in its new jurisdiction.

(c) An owner of a dangerous dog must notify the animal control authority in writing of the death of the dog or its transfer to a new location where the dog will reside within 30 days of the death or transfer, and must, if requested by the animal control authority, execute an affidavit under oath 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 has been transferred or the address where the dog has been relocated.

(d) An animal control authority shall require a dangerous dog to be sterilized at the owner's expense. If the owner does not have the animal sterilized within 30 days, the animal control authority shall seize the dog and have it sterilized at the owner's expense.

(e) A person who owns a dangerous dog and who rents property from another where the dog will reside must disclose to the property owner prior to entering the lease agreement and at the time of any lease renewal that the person owns a dangerous dog that will reside at the property.

(f) A person who transfers ownership of a dangerous dog must notify the new owner that the animal control authority has identified the dog 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.

History:

1988 c 711 s 3; 1Sp2001 c 8 art 8 s 20; 2008 c 325 s 8

347.53 POTENTIALLY DANGEROUS AND DANGEROUS DOGS.

Any statutory or home rule charter city, or any county, may regulate potentially dangerous and dangerous dogs. Except as provided in section 347.51, subdivision 8, nothing in sections 347.50 to 347.565 limits any restrictions that the local jurisdictions may place on owners of potentially dangerous or dangerous dogs.

History:

1988 c 711 s 4; 1989 c 37 s 11; 2008 c 325 s 9

347.54 CONFISCATION.

Subdivision 1. Seizure.

- (a) The animal control authority having jurisdiction shall immediately seize any dangerous dog if:
- (1) after 14 days after the owner has notice that the dog is dangerous, the dog is not validly registered under section 347.51;
 - (2) after 14 days after the owner has notice that the dog is dangerous, the owner does not secure the proper liability insurance or surety coverage as required under section 347.51, subdivision 2;
 - (3) the dog is not maintained in the proper enclosure;
 - (4) the dog is outside the proper enclosure and not under physical restraint of a responsible person as required under section 347.52; or
 - (5) the dog is not sterilized within 30 days, pursuant to section 347.52, paragraph (d).
- (b) If an owner of a dog is convicted of a crime for which the dog was originally seized, the court may order that the dog be confiscated and destroyed in a proper and humane manner, and that the owner pay the costs incurred in confiscating, confining, and destroying the dog.

Subd. 2.Reclaimed.

A dangerous dog seized under subdivision 1 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 of sections 347.51 and 347.52 will be met. A dog not reclaimed under this subdivision within seven days may be disposed of in a manner permitted by law, and the owner is liable to the animal control authority for costs incurred in confining and disposing of the dog.

Subd. 3. Subsequent offenses; seizure.

If a person has been convicted of a misdemeanor for violating a provision of section 347.51, 347.515, or 347.52, and the person is charged with a subsequent violation relating to the same dog, the dog must be seized by the animal control authority having jurisdiction. 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 the owner pay the cost of confining and destroying the animal. If the owner is not convicted and the dog is not reclaimed by the owner within seven days after the owner has been notified that the dog may be reclaimed, the dog may be disposed of as provided under section 35.71, subdivision 3.

History:

1988 c 711 s 5; 1989 c 37 s 12; 2008 c 325 s 10,11

347.541 DISPOSITION OF SEIZED ANIMALS.

Subdivision 1. Hearing.

The owner of any dog declared dangerous has the right to a hearing by an impartial hearing officer.

Subd. 2. Security.

A person claiming an interest in a seized dog may prevent disposition of the dog by posting security in an amount sufficient to provide for the dog's actual cost of care and keeping. The security must be posted within seven days of the seizure inclusive of the date of the seizure.

Subd. 3. Notice.

The authority declaring the dog dangerous shall give notice of this section by delivering or mailing it to the owner of the dog, or by posting a copy of it at the place where the dog is kept, or by delivering it to a person residing on the property, and telephoning, if possible. The notice must include:

- (1) a description of the seized dog; the authority for and purpose of the dangerous dog declaration and seizure; the time, place, and circumstances under which the dog was declared dangerous; and the telephone number and contact person where the dog is kept;
- (2) a statement that the owner of the dog may request a hearing concerning the dangerous dog declaration and, if applicable, prior potentially dangerous dog declarations for the dog, and that failure to do so within 14 days of the date of the notice will terminate the owner's right to a hearing under this section;
- (3) a statement that if an appeal request is made within 14 days of the notice, the owner must immediately comply with the requirements of section 347.52, paragraphs (a) and (c), and until such time as the hearing officer issues an opinion;
- (4) a statement that if the hearing officer affirms the dangerous dog declaration, the owner will have 14 days from receipt of that decision to comply with all other requirements of sections 347.51, 347.515, and 347.52;
- (5) a form to request a hearing under this subdivision; and
- (6) a statement that all actual costs of the care, keeping, and disposition of the dog are the responsibility of the person claiming an interest in the dog, except to the extent that a court or hearing officer finds that the seizure or impoundment was not substantially justified by law.

Subd. 4. Right to hearing.

Any hearing must be held within 14 days of the request to determine the validity of the dangerous dog declaration. The hearing officer must be an impartial employee of the local government or an impartial person retained by the local government to conduct the

hearing. In the event that the dangerous dog declaration is upheld by the hearing officer, actual expenses of the hearing up to a maximum of \$1,000 will be the responsibility of the dog's owner. The hearing officer shall issue a decision on the matter within ten days after the hearing. The decision must be delivered to the dog's owner by hand delivery or registered mail as soon as practical and a copy must be provided to the animal control authority.

History:

2008 c 325 s 12

347.542 RESTRICTIONS.

Subdivision 1. Dog ownership prohibited.

Except as provided in subdivision 3, no person may own a dog if the person has:

- (1) been convicted of a third or subsequent violation of section 347.51, 347.515, or 347.52;
- (2) been convicted of a violation under section 609.205, clause (4);
- (3) been convicted of a gross misdemeanor under section 609.226, subdivision 1;
- (4) been convicted of a violation under section 609.226, subdivision 2; or
- (5) had a dog ordered destroyed under section 347.56 and been convicted of one or more violations of section 347.51, 346.515, 347.52, or 609.226, subdivision 2.

Subd. 2. Household members.

If any member of a household is prohibited from owning a dog in subdivision 1, unless specifically approved with or without restrictions by an animal control authority, no person in the household is permitted to own a dog.

Subd. 3. Dog ownership prohibition review.

Beginning three years after a conviction under subdivision 1 that prohibits a person from owning a dog, and annually thereafter, the person may request that the animal control authority review the prohibition. The animal control authority may consider such facts as the seriousness of the violation or violations that led to the prohibition, any criminal convictions, or other facts that the animal control authority deems appropriate. The animal control authority may rescind the prohibition entirely or rescind it with limitations. The animal control authority also may establish conditions a person must meet before the prohibition is rescinded, including, but not limited to, successfully completing dog training or dog handling courses. If the animal control authority rescinds a person's prohibition and the person subsequently fails to comply with any limitations imposed by the animal control authority or the person is convicted of any animal violation involving unprovoked bites or dog attacks, the animal control authority may permanently prohibit the person from owning a dog in this state.

History:

2008 c 325 s 13

347.55 PENALTY.

(a) A person who violates a provision of section 347.51, 347.515, or 347.52 is guilty of a misdemeanor.

(b) It is a misdemeanor to remove a microchip from a dangerous or potentially dangerous dog, to fail to renew the registration of a dangerous dog, to fail to account for a dangerous dog's death or change of location where the dog will reside, to sign a false affidavit with respect to a dangerous dog's death or change of location where the dog will reside, or to fail to disclose ownership of a dangerous dog to a property owner from whom the person rents property.

(c) A person who is convicted of a second or subsequent violation of paragraph (a) or (b) is guilty of a gross misdemeanor.

(d) An owner who violates section 347.542, subdivision 1, is guilty of a gross misdemeanor.

(e) Any household member who knowingly violates section 347.542, subdivision 2, is guilty of a gross misdemeanor.

History:

1988 c 711 s 7; 1Sp2001 c 8 art 8 s 21; 2008 c 325 s 14

347.56 DESTRUCTION OF DOG IN CERTAIN CIRCUMSTANCES.

Subdivision 1. Circumstances.

Notwithstanding sections 347.51 to 347.55, a dog may be destroyed in a proper and humane manner by the animal control authority 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; or
- (4) bit a human on public or private property without provocation in an attack where more than one dog participated in the attack.

Subd. 2. Hearing.

The animal control authority may not destroy the dog until the dog owner has had the opportunity for a hearing before an impartial decision maker. The definitions in section 347.50 and the exemptions under section 347.51, subdivision 5, apply to this section.

History:

1Sp2001 c 8 art 8 s 22; 2008 c 325 s 15

347.565 APPLICABILITY.

Sections 347.50 to 347.56 must be enforced by animal control authorities or law enforcement agencies, whether or not these sections have been adopted into local ordinance.

History:

2008 c 325 s 16