

CITY OF ELK RIVER

ORDINANCE 18-14

AN ORDINANCE AMENDING CHAPTER, 10-91, DEFINITIONS OF THE CITY OF ELK RIVER, MINNESOTA, CITY CODE

The City Council of the City of Elk River does hereby ordain as follows:

SECTION 1. That § 10-91, Definitions of the City of Elk River Code of Ordinances shall be amended to read as follows:

Definitions in this section shall have the following meanings: Dangerous dog means a dog that:

(1) Has when unprovoked, inflicted substantial bodily harm on a human being on public or private property;

(2) Has killed a domestic animal when unprovoked while off the owner's property;

(3) Has attacked one or more persons on two or more occasions;

(4) Has been found to be potentially dangerous and after the owner has notice of the same, the dog aggressively bites, attacks, or endangers the safety of humans or domestic animals; or

(5) Has previously been declared a "dangerous dog" pursuant to Minn. Stats. §§ 347.50 to 347.565 by the animal control authority of another jurisdiction.

Dog means both the male and female of the canine species, commonly accepted as domesticated household pets.

Great bodily harm means bodily injury which creates a high probability of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily harm.

Impartial hearing officer means an impartial employee with the City of Elk River or an impartial person or persons retained by the City of Elk River to conduct a hearing to determine the status of a declaration or a seized dog.

Maintenance costs means any costs incurred as a result of seizing an animal for impoundment, including, but not limited to, the capturing, impounding, keeping, treating, examining, securing, confining, feeding, destroying, boarding or maintaining seized animals, whether these services are provided by the city or the pound.

Owner means any person or persons, firm, corporation, organization, department, or association owning, possessing, harboring, keeping, having an interest in, or having care, custody or control of a dog.

Potentially dangerous dog means a dog that:

(1) Has when unprovoked, inflicted a bite on a human or domestic animal on public or private property;

(2) Has when unprovoked, chased or approached a person, including a person on a bicycle, upon the streets, sidewalks or any public or private property, other than the owner's property, in an apparent attitude of attack;

(3) Has a known propensity, tendency or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals;

Has previously been declared a "potentially dangerous dog" pursuant to Minn. Stats. §§ 347.50 to 347.565 by the animal control authority of another jurisdiction.

Proper enclosure means securely confined indoors or in a securely enclosed and locked pen or structure suitable to prevent the dog from escaping and to provide protection for the dog 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 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 barriers which prevent the dog from exiting. The enclosure shall not allow the egress of the dog in any manner without human assistance. The enclosure shall contain a self-closing and self-locking gate, which shall be locked at all times when the dog is in the enclosure.

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

Substantial bodily harm means bodily injury that involves a temporary but substantial disfigurement, or that causes a temporary but substantial loss or impairment of the function of any bodily member or organ or that causes a fracture of any bodily member.

(4) Unprovoked means the condition in which the dog is not purposely excited, stimulated, agitated or disturbed.

Passed and adopted by the City Council of the City of Elk River this 15th day of October, 2018.

John J. Dietz

Mayor

ATTEST: Tina Allard

City Clerk

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