

ORDINANCE NO. 84, FOURTH SERIES

**AN ORDINANCE AMENDING REDWOOD FALLS CODE OF
ORDINANCES § 10.46 PERTAINING TO ANIMAL LICENSING AND
REGULATION.**

FINDINGS AND PURPOSE:

WHEREAS, pursuant to Minn. Stat. § 412.221 Subd. 21 and § 347.53, the City Council of Redwood Falls has broad authority through its police powers to regulate the keeping of animals, to restrain their running at large, to authorize their impounding and sale or summary destruction, to establish pounds, and to regulate potentially dangerous and dangerous dogs; and

WHEREAS, the City Council of Redwood Falls finds that limiting the number of dogs per household is substantially related to controlling the problems of dog noise and odor, and the health and general welfare of the community as affected by dogs; and

WHEREAS, the City also now provides the use of the Redwood Falls City Dog Park to dog owners where they can take their dogs to exercise and socialize with other dogs; and

WHEREAS, on October 1, 2019, the City Council of the City of Redwood Falls, Minnesota Passed and Adopted Ordinance No. 65, Fourth Series, Titled “AN ORDINANCE AMENDING REDWOOD FALLS CODE OF ORDINANCES §10.46 PERTAINING TO ANIMAL LICENSING AND REGULATION;” and

WHEREAS, Ordinance No. 65, Fourth Series did not address the issues of the number of dogs that may be kept per household or the use of the City Dog Park by potentially dangerous dogs; and

WHEREAS, the City Council finds that the keeping of more than five (5) dogs in a single household is subject to great abuse, causing discomfort to persons in the area by way of smell, noise, hazard, and general aesthetic depreciation and is a public nuisance; and

WHEREAS, the City Council finds that allowing dogs declared or deemed potentially dangerous to be present within the Redwood Falls City Dog Park creates an unreasonable safety risk for other patrons of the park; and

WHEREAS, the City Council of Redwood Falls finds that it is necessary to amend Redwood Falls City Code of Ordinances §10.46 to address these public health and safety concerns.

NOW THEREFORE, THE CITY OF REDWOOD FALLS DOES ORDAIN:

SECTION 1. That Redwood Falls City Code of Ordinances §10.46, Subd. 1, shall be amended by amending and inserting the following provisions, in their entirety, in lieu thereof:

Subd. 1. *Definitions.* As used in this section, the following definitions shall apply.

A. The term "animal" means either a cat or dog unless indicated otherwise.

B. The term "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 been sent notice that the dog is potentially dangerous, the dog aggressively bites, attacks or endangers the safety of humans or other domestic animals.

C. The term "dog" means both male and female and includes any animal of the dog kind.

D. The term "feral cat" means an unowned free-roaming cat that is partially socialized or unsocialized to humans and tends to resist contact with humans.

E. The term "household" refers to a single-family residence or single unit of a town home, condominium, apartment or comparable structure which is rented, leased or used as a single unit.

E F. The term "owner" means any person owning, keeping, harboring or maintaining an animal within the city or permitting the animal to be at large within the city. An animal shall be deemed to be harbored if it is fed or sheltered for three days or more.

F G. The term "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 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 without provocation causing injury or otherwise threatening the safety of humans or other domestic animals.

§ H. The term "Shelter" means the Redwood Area Friends of the Animal Shelter.

§ I. The term "stray cat" means any cat whose owner from time to time allows the cat to run free off of the property of the owner.

SECTION 2. That Redwood Falls City Code of Ordinances §10.46, Subd. 4, shall be amended by amending and inserting the following provisions, in their entirety, in lieu thereof:

Subd. 4. *Conditional Lifetime License and Limitations.*

A. Conditional lifetime licenses shall be issued upon completion of the required application and payment of the required fee as established by the city fee schedule, as amended from time to time. A conditional lifetime license shall be in effect during the lifetime of the licensed dog unless suspended pursuant to Subd. 5.

B. As a condition to the continued validity of an issued conditional lifetime license, the owner shall submit to the city or any entity designated by the city, proof of the dog's current rabies vaccination.

C. It shall be the duty of the city or any entity designated by the city, to send all dog owners who hold a valid conditional lifetime license, a notice that indicates per the city's records, the dog's vaccination will expire within 30 days and failure to provide proof of current rabies vaccination to the city or any entity designated by the city, will cause the conditional lifetime license to be suspended.

D. No person shall keep more than five (5) dogs over the age of three (3) months within any household in the city. A conditional lifetime license shall not be issued if the owner of a dog or any other resident of that household currently possess(es) a total of five (5) conditional lifetime licenses for that household. In calculating the number of conditional lifetime licenses per household, licenses belonging to all individuals residing at a single household shall be aggregated and the total number of licenses shall be the aggregated number of licenses. This section shall not be construed to limit the ability of apartment managers, landlords, town home associations or other representatives of property owners to impose greater restrictions.

- 1. Any person who owned more than five (5) dogs prior to the effective date of the ordinance from which this chapter is derived shall be permitted to keep those dogs, provided that those dogs resided in that household and were properly licensed prior to April 18, 2023. No person affected by this subsection shall be permitted to acquire any additional dogs or to replace any dogs in excess of five unless specifically authorized by city council.**

2. Any person who currently owns dogs who becomes a resident of the city by annexation shall be permitted to keep those dogs, provided that those dogs obtain a conditional lifetime license meeting the requirements of this chapter within 30 days following approval of the annexation. No person affected by this subsection who owns more than five dogs shall be permitted to acquire any additional dogs or to replace any dogs in excess of five unless specifically authorized by city council.

SECTION 3. That Redwood Falls City Code of Ordinances §10.46, Subd. 16, Paragraphs D and E shall be amended to read as follows:

Subd. 16. *Dangerous Dogs.*

D. *Hearing Procedure.* This Review Panel will consist of ~~the Council President, a two~~ (2) Council members as appointed by the Mayor they become available, and an elector who resides within the city. The Panel will schedule a hearing and may call witnesses and review documents as needed to make a determination on the issue. Owners shall have the right to present evidence on their behalf and to cross-examine any witnesses. A simple majority of the members of the Panel is necessary for a finding that the dog is either dangerous or potentially dangerous. The burden of proof is on the Police Department. A finding supporting a designation of dangerous or potentially dangerous dog must be proven by a preponderance of the evidence. The decision of the Panel shall be in writing and shall indicate the reasons for the findings. A copy of the findings shall be provided to the Police Department and the dog owner.

E. *Effect of Findings that Dog is Potentially Dangerous or Dangerous.* If the Panel finds there is sufficient basis to declare a dog as potentially dangerous or dangerous, that finding will serve as notice to the owner that the dog is in fact a potentially dangerous or dangerous dog. ~~Within 14 days after the owner has received notice that the dog is dangerous, the owner must cause the animal to be humanely destroyed or removed from the city limits.~~

1. Within 14 days after the owner has received notice that the dog is dangerous, the owner must cause the animal to be humanely destroyed or removed from the city limits.
2. An owner that has received notice that a dog is dangerous or potentially dangerous shall not allow the dog to use or be present within the Redwood Falls City Dog Park. A person who violates § 10.46, Subd. 16.E.2 is guilty of a petty misdemeanor.

SECTION 4. Effective Date. This Ordinance becomes effective from and after its passage.

PASSED AND ADOPTED by the City Council of the City of Redwood Falls,
Minnesota this 18th day of April, 2023.

ATTEST:



Keith Muetzel
City Administrator



Tom Quackenbush
Mayor

(City Seal)

Subscribed and sworn to before me this
18th day of April 2023.



Notary Public

Introduction: 04/04/2023
Posting: 04/06/2023
Adopted: 04/18/2023
Approval Published: 04/27/2023

