

CITY OF FRAZEE
MINNESOTA

NOTICE OF PUBLIC HEARING AND VOTE ON PROPOSED ORDINANCE NO. 159:
AN ORDINANCE ADOPTING TITLE 5, CHAPTER 7 OF THE FRAZEE CITY CODE
PERTAINING TO THE REGULATION OF POTENTIALLY DANGEROUS AND DANGEROUS DOGS

NOTICE IS HEREBY GIVEN that the City Council of the City of Frazee, Minnesota will hold a public hearing on December 20, 2021 at 6:00 p.m. or shortly thereafter, at the Frazee Fire Hall, located at 222 Main Avenue West, Frazee, Minnesota, on proposed Ordinance No. 159, which would adopt Title 5, Chapter 7 of the Frazee City Code pertaining to the regulation of potentially dangerous and dangerous dogs.

Title 5, Chapter 7 of the Frazee City Code is proposed to include the following sections:

5-7-1: DEFINITIONS:

5-7-2: DANGEROUS DOGS:

5-7-3: PROCEDURE FOR DESIGNATING A DOG AS POTENTIALLY DANGEROUS OR DANGEROUS:

5-7-4: APPEAL:

5-7-5: DESIGNATION:

5-7-6: REGISTRATION REQUIREMENTS:

5-7-7: APPLICATION CONTENTS:

5-7-8: YEARLY REGISTRATION REQUIREMENT:

5-7-9: ADDITIONAL REQUIREMENTS FOR DANGEROUS DOGS:

5-7-10: POTENTIALLY DANGEROUS AND DANGEROUS DOGS BROUGHT INTO THE CITY:

5-7-11: PENALTIES:

Any person may speak to the City Council concerning proposed Ordinance No. 159 at the time of the public hearing.

NOTICE IS HEREBY FURTHER GIVEN that the City Council of the City of Frazee, Minnesota will vote on proposed Ordinance No. 159 shortly following the public hearing on December 20, 2021. The vote will occur at the Frazee Fire Hall, located at 222 Main Avenue West, Frazee, Minnesota.

A copy of proposed Ordinance No. 159 is available for review on the City's website (www.frazeecity.com), as well as at the City Office, located at 222 Main Avenue West, Frazee, Minnesota, during regular office hours.

For questions regarding proposed Ordinance No. 159, contact Jordin Roberts, City Clerk/Administrator, at (218) 334-4991.

Date: November 30, 2021

Jordin Roberts
City Clerk/Administrator

**CITY OF FRAZEE
MINNESOTA
ORDINANCE NO. 159**

**AN ORDINANCE OF THE CITY OF FRAZEE, MINNESOTA,
ADOPTING TITLE 5, CHAPTER 7 OF THE FRAZEE CITY CODE**

SECTION 1. PURPOSE:

The City Council of the City of Frazee, Minnesota finds that it needs to adopt regulations regarding potentially dangerous and dangerous dogs.

SECTION 2. ADOPTION:

NOW BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF FRAZEE that Title 5, Chapter 7 of the Frazee City Code is hereby adopted and shall read:

TITLE 5 POLICE AND PUBLIC SAFETY

CHAPTER 7: POTENTIALLY DANGEROUS AND DANGEROUS DOGS.

5-7-1: DEFINITIONS:

The City of Frazee hereby adopts by reference the definitions provided in Minnesota Statute 347.50, as now in effect or as may be hereafter amended.

5-7-2: DANGEROUS DOGS:

The owner of a dangerous dog must comply with the requirements of Minnesota Statutes 347.50 through 347.565, as now in effect or as may be hereafter amended.

5-7-3: PROCEDURE FOR DESIGNATING A DOG AS POTENTIALLY DANGEROUS OR DANGEROUS:

- A. Authorized Personnel: "Authorized Personnel" as used in this chapter, shall mean the Chief of Police (or designee).
- B. Authority: Authorized Personnel shall have the authority based upon their professional judgment to designate a dog as potentially dangerous or dangerous as defined in state law or in this chapter.
- C. Notice of Designation: Upon a designation by Authorized Personnel that a dog is potentially dangerous or dangerous, the city shall provide notice of the designation to the dog's owner by serving a designation notice upon the owner in the same manner as provided for service of civil process or by certified mail with return receipt requested. Mailed notice shall be effective two (2) days after mailing to the owner's last known address. The designation notice shall include the following:
 - 1. A description of the dog designated as potentially dangerous or dangerous;

2. The factual basis for that determination;
 3. The name of the Authorized Personnel making the determination;
 4. Notice of requirement for registration within fourteen (14) days;
 5. Notice of right to appeal.
- D. Immediate Compliance with State Law: Upon notification that a dog has been designated as potentially dangerous or dangerous, the dog's owner must comply with state law requirements for muzzling and confining it in an enclosure.

5-7-4: APPEAL:

The owner of the dog may appeal the designation by a written appeal statement received at the office of the City Administrator within ten (10) day after the designation notice is served upon the owner. The appeal statement must include a summary statement as to why the dog should not be declared potentially dangerous or dangerous as the case may be.

- A. Hearing: The City Administrator shall hold a hearing within fourteen (14) days after receipt of the appeal statement. Within ten (10) business days after conclusion of the hearing, the City Administrator shall make written findings of fact and a written decision as to whether the dog is potentially dangerous or dangerous pursuant to this code.
- B. Findings: The City Administrator's findings and decision must be served upon the dog's owner in the same manner as the designation notice provided above. Notice of the decision is effective upon delivery or mailing.
- C. Court Appeal: The decision of the City Administrator is final but may be appealed by a writ of certiorari to the district court within thirty (30) days after notice of the decision.
- D. Compliance: If the City Administrator upholds the designation made by Authorized Personnel, the dog's owner must comply with requirements of state law and this ordinance.

5-7-5: DESIGNATION:

- A. Any dog inside the Frazee city limits may be designated as a potentially dangerous dog if the dog:
 1. When unprovoked inflicted 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.

B. Any dog within the Frazee city limits may be designated as a dangerous dog if the dog 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.

5-7-6: REGISTRATION REQUIREMENTS:

No potentially dangerous dog or dangerous dog shall be kept in the City of Frazee unless the owner, at his or her own cost, has implanted a microchip in the dog, containing the owners address and home telephone number, work telephone number, and cell phone number, if applicable, and a back-up contact name and telephone number and chip identification number and has completed an application to register the dog as a potentially dangerous or a dangerous dog and submitted said application to the Deputy City Clerk. In addition, the owner shall be required to post a sign, satisfactory to Authorized Personnel, at owner's residence notifying the public of the presence of a potentially dangerous or dangerous dog.

5-7-7: APPLICATION CONTENTS:

A. The application to register the dog, as a potentially dangerous dog shall include the following:

1. The owner's address and home, work and cell phone numbers and the implanted microchip identification number, as well as a back-up contact person and number;
2. Proof of continuing liability insurance in a single incident amount of three hundred thousand dollars (\$300,000.00) for bodily injury to or death of any person or persons or for damage to property owned by any persons, which may result from the ownership, keeping, or maintenance of dogs designated as potentially dangerous;
3. Proof that said dog has been sterilized and has current vaccinations; and
4. A yearly registration fee of two hundred dollars (\$200.00).

B. The application to register the dog, as a dangerous dog shall include the following:

1. The owner's address and home, work and cell phone telephone number and the implanted microchip identification number, as well as a back-up contact person and number;
2. Proof of continuing liability insurance in a single incident amount of three hundred thousand dollars (\$300,000.00) for bodily injury to or death of any person or persons or for damage to property owned by any persons which may result from the ownership, keeping, or maintenance of dogs designated as dangerous;

3. Proof that said dog has been sterilized and has current vaccinations; and
4. A yearly registration fee of five hundred dollars (\$500.00).

5-7-8: YEARLY REGISTRATION REQUIREMENT:

All dogs designated as potentially dangerous dogs or dangerous dogs shall file a new application each year with an accompanying registration fee.

5-7-9: ADDITIONAL REQUIREMENTS FOR DANGEROUS DOGS:

In addition to filing a yearly application to register a dangerous dog and paying the accompanying yearly registration fee of five hundred dollars (\$500.00), the owner of a dangerous dog shall keep the dog, while on the owner's property, in a proper enclosure. If the dog is outside an enclosure, the dog must be securely muzzled and restrained by a chain or leash and under the physical restraint of a competent adult. The owner of a dangerous dog shall also comply with the requirements of Minnesota Statute 347.52 including the statute's sterilization requirements.

5-7-10: POTENTIALLY DANGEROUS AND DANGEROUS DOGS BROUGHT INTO THE CITY:

Any dog designated as potentially dangerous or dangerous by another jurisdiction must be registered within twenty four (24) hours of being brought into the city limits of the City of Frazee. Such registration shall be provided to the Deputy City Clerk.

5-7-11: PENALTIES:

- A. It shall be a misdemeanor offense to:
 1. Be an owner, or be in possession of a potentially dangerous or dangerous dog in violation of the registration requirements set forth in this chapter.
 2. Allow a potentially dangerous or dangerous dog to "run at large". When off the owner's property, a dog designated as potentially dangerous or dangerous must be leashed and be under the control of a competent adult at all times, as well as comply with all other requirements of this chapter.
- B. If a dog is not registered within fourteen (14) days of notification by Authorized Personnel of its designation as a potentially dangerous or dangerous dog, the dog will be impounded and held until brought into compliance with this chapter. If not brought into compliance within five (5) working days after impoundment, the dog may be euthanized. The owner of said dog is responsible for boarding and expenses associated with this process.
- C. Dogs in violation of registration requirements will be impounded immediately by Authorized Personnel and held until brought into compliance, if found running at large, or if in custody on a rabies hold.

SECTION 3. EFFECTIVE DATE:

This ordinance shall become effective following its passage and publication in the official newspaper of the City.

Passed by the City Council of Frazee, Becker County, Minnesota
this 20th day of December 2021.

Ken Miosek, Mayor

Attested:

Jordin Roberts, City Clerk/Administrator