

Introduced by Council Member Mjoen

Seconded by Council Member Melbye

ORDINANCE NO. 21, 3RD SERIES

AN ORDINANCE OF THE CITY OF CROOKSTON, MINNESOTA, AMENDING CITY CODE CHAPTER 91, ENTITLED "ANIMALS" BY AMENDING SECTION 91.08 ENTITLED "NUISANCES."

THE CITY OF CROOKSTON ORDAINS, as follows:

Section 1. City Code, Section 91.08, is amended to read:

SECTION 91.08 NUISANCES.

(A) DEFINITIONS.

(1) For purposes of this Section, an animal shall be declared a public nuisance when the animal is the subject of three or more, in any combination, of the following ordinances of the Crookston City Code:

- (a) A violation of Section 91.18.
- (b) A violation of Section 91.19 (A).
- (c) A violation of Section 91.19 (D)(6).
- (d) A designation of the animal as a potentially dangerous animal or dangerous animal as defined by Section 91.06, Subd. (C)(1) or (C)(2).

(2) For purposes of Section 91.08 (A), a violation is defined as:

- (a) A plea of, or adjudication of guilt to a citation; or,
- (b) The payment of a City Administrative fine.

(B) PROCEDURE.

(1) The Chief of Police or designee, after having determined that an animal is a nuisance as defined by this Section, may proceed in the following manner: the Chief of Police or designee shall serve upon the owner or keeper of the animal notice of the determination by registered mail or by personal service. The Chief of Police or designee may further order the animal seized or make orders as deemed proper. This owner shall be notified as to the basis for the designation of the animal as a nuisance in accordance with Section 91.08 and shall be given ten (10) days to appeal this order by requesting a hearing before a hearing officer.

(2) An owner or keeper of an animal determined to be a nuisance can challenge the determination by requesting a hearing before a hearing officer. A hearing must be requested by submitting a written demand for hearing to the Chief of Police or designee and cash and/or a bond in the amount of \$200.00. The \$200.00 cash or bond will be held by the Chief of Police or designee to secure payment of the costs which the owner or keeper of the animal is responsible for, including the costs of impoundment and destruction of the animal. The hearing shall be held on a date determined by the hearing officer but in no event shall the hearing be held more than ten (10) days after receipt of the written demand for hearing and bond is received by the Chief of Police or designee. The record of the Police Department shall be admissible for consideration by the hearing officer without further foundation. After considering all evidence, the hearing officer shall make an order as he or she deems proper. The hearing officer may order that the Chief of Police or designee take the animal into custody if the animal is not currently in custody. If the animal is ordered to be disposed of as defined by this Section, and the owner chooses destruction, the owner shall immediately make the animal available to the Chief of Police or designee. If the animal is ordered to be disposed of and the owner chooses to have the animal permanently removed from the City, the owner shall do so within five (5) days of the date of the hearing officer's order, and the owner shall provide to the Chief of Police or designee a written and notarized statement regarding steps taken to permanently remove the animal from the City.

(C) ABATEMENT.

An animal found to be a nuisance under this Section shall be abated by the owner or keeper of such animal by the disposition of the animal within ten (10) days after receipt of notice to the owner or keeper thereof. "Disposition" shall mean the destruction of the animal or its permanent removal from the City. Once an owner or keeper has received notice that the animal has been found to be a nuisance, if the owner or keeper of the animal fails to dispose of the animal as provided above, the City's designated animal control authority is authorized and directed to capture and immediately dispose of the animal. The owner or keeper of the animal shall immediately make the animal available to the City's designated animal control authority.

(D) KEEPING OR HARBORING ANIMALS.

It shall be unlawful for any person to harbor an animal within the City after it has been determined to be a nuisance and the applicable time periods for appeal and disposition have expired.

Section 2. This Ordinance shall take effect upon its passage and publication according to the provisions of the Home Rule Charter for the City of Crookston, Minnesota.

Upon a call of ayes and nays as to the passage of this Ordinance, the vote stood as follows:

Voting in the affirmative: Johnson, Mjoen, Mykleseth, Melbye, Stainbrook, Vedbraaten, Lindgren and Martin.

Voting in the negative: _____

Upon this vote, the Ordinance was declared Passed by the Mayor.

Passed this 8th day of September, 2009.

Approved the 8th day of September, 2009.


Mayor

ATTEST: 
City Clerk-Treasurer

Published: September 11, 2009.