

ORDINANCE NO. _____

AN ORDINANCE CREATING AND ENACTING SECTION
106A.081 OF THE ROCHESTER CODE OF ORDINANCES,
REGULATING THE KEEPING OF VICIOUS DOGS IN THE CITY.

THE COMMON COUNCIL OF THE CITY OF ROCHESTER DO ORDAIN:

Section 1. Section 106A.081 of the Rochester Code of Ordinances is hereby created and enacted to read as follows:

106A.081. Vicious Dogs. Subdivision 1. Statement of Intent. The City of Rochester is concerned with recent attacks by Vicious Dogs causing severe harm to its citizens. More often than not, these vicious dog attacks involve a Pit Bull Terrier. In response to these attacks and in furtherance of the City's obligation to protect the public's health, safety, and welfare, the City wishes to require additional steps to be taken by owners of Pit Bull Terrier dogs when those dogs have shown a history of being unrestrained or uncontrolled. The City understands that, under state law, it is unable to regulate any dog solely on the basis of its breed. As such, the City adopts this ordinance regulating dogs by its breed, and by its history or being unrestrained or uncontrolled.

Subd. 2. Definitions.

- A. The term "Vicious Dog" means a dog that satisfies all of the following criteria:
- (1) Is a Pit Bull Terrier; and
 - (2) Has been observed by a Animal Control Officer or a law enforcement officer on at least three separate occasions within a 12-month period to be off its Owner's premises; or has been impounded by Animal Control for being unrestrained or uncontrolled off its Owner's premises; or has been the subject of a complaint filed with Animal Control because it was unrestrained or uncontrolled.
- B. The term "Pit Bull Terrier" means a dog belonging to a breed commonly known as a "pit bull" dog, including, but not limited to any American Pit Bull Terrier, Staffordshire Bull Terrier, or American Staffordshire Terrier breed of dog, or any mixed breed of dog which contain as an element of its breeding any of the breeds described in this clause and identifiable as

partially of one of those breeds. A statement by a veterinarian or Animal Control Officer that a particular dog exhibits distinguishably physical characteristics of a "Pit Bull Terrier" shall establish a rebuttable presumption that the dog is a "Pit Bull Terrier."

- C. The term "Muzzle" means a leather, wire, or other device that, when fitted over a dog's snout, prevents the dog from biting and eating.
- D. The term "Unsecured" means not securely confined inside the Owner's residence, or not securely restrained by means of a collar and chain, pen, fence, or similar physical device and in such a manner that effectively prevents the dog from going beyond the Owner's premises.

Subd. 3. The Owner of a Vicious Dog must comply with the following requirements:

- A. A muzzle of proper size and strength must be firmly secured to the Vicious Dog when the dog:
 - (1) is not inside a residence;
 - (2) is in a business that is open to the public;
 - (3) is in a vehicle with windows opened two inches or more; or
 - (4) is not in a fenced area that is a minimum of five feet in height with a locking gate.
- B. Any residence, business, vehicle, or gated area must have a sign of adequate size and numbers indicating that a Vicious Dog may be present on the property or within a vehicle.
- C. Liability insurance with an insurer authorized to write liability insurance in Minnesota providing coverage in each occurrence, subject to a limit exclusive of interest and costs, of not less than \$100,000 per Vicious Dog because of damage or bodily injury to or death of a person or domestic animal caused by the Vicious Dog.

Subd. 4. Nothing in this section prevents a Vicious Dog from being declared a Potentially Dangerous Dog or a Dangerous Dog as permitted by this chapter.

Section 2. This Ordinance shall become effective upon the date of its publication.

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF ROCHESTER, MINNESOTA, THIS ____ DAY OF _____, 2016.

PRESIDENT OF SAID COMMON COUNCIL

ATTEST: _____
CITY CLERK

APPROVED THIS ____ DAY OF _____, 2016.

MAYOR OF SAID CITY

(Seal of the City of
Rochester, Minnesota)