

Introduced by Frank J. Lindgren

Seconded by Tom N. Vedbraaten

ORDINANCE NO. 5, 3rd SERIES

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

THE CITY OF CROOKSTON ORDAINS, as follows:

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

SECTION 91.08 NUISANCES.

(A) DEFINITIONS.

(1) For purposes of this Section, the following are declared to be a public nuisance:

- (a) Any violation of Section 91.18 on three or more occasions within a twelve-month period.
- (b) Any violation of Section 91.19, Subd. (A), on three or more occasions within a twelve-month period.
- (c) Any violation of Section 91.19, Subd. (D)(6), on three or more occasions within a twelve-month period.
- (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), on three or more occasions within a twelve-month period.

(2) A violation is defined as:

- (a) A plea of, or adjudication of guilt to a citation for any of the offenses indicated above; or,
- (b) The payment of a City administrative fine for any of the offenses indicated above.

(B) 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 fourteen (14) 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. Notice shall be sent by the Chief of Police or designee by registered mail. If the owner or keeper of the animal fails to comply with the above-specified period, the City's designated animal control authority is authorized and directed to capture and immediately dispose of such animal. The owner or keeper of the animal shall immediately make the animal available to the City's designated animal control authority.

(C) PROCEDURE.

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 cause one owner of the animal to be notified in writing or in person that the animal is a nuisance and may 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.

(1) If an owner requests in writing, directed to the Chief of Police or designee and posts bond of \$200.00, a hearing for determination as to the nuisance nature of the animal shall be conducted. The hearing shall be held before a hearing officer who shall set a date for a hearing not more than ten (10) days after demand for the hearing 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 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.

(D) KEEPING OR HARBORING ANIMALS.

(1) No person shall harbor an animal after it has been found by a hearing officer to be a nuisance.

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:

affirmative:
Voting in the negative:--- Mjoen, Melbye, Manole,
Vedbraaten, Martin and Lindgren
negative:
Voting in the affirmative: _____

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

Passed this 25th day of March, 2008.

Approved the 28th day of March, 2008.

Dennis W. Lawrence
Mayor

ATTEST: *Betty Arvidson*
City Clerk-Treasurer

Published: March 28, 2008.