

**DENMARK TOWNSHIP
WASHINGTON COUNTY, MINNESOTA
Ordinance No. 2016-02**

**AN ORDINANCE REGULATING DOGS
WITHIN DENMARK TOWNSHIP**

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**AN ORDINANCE REGULATING DOGS
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The Board of Supervisors of the Town of Denmark ordains:

**ARTICLE I
GENERAL PROVISIONS**

Section 1.1. Title. This ordinance shall be known as the “Town of Denmark Dog Ordinance” and shall be referred to herein as this “Ordinance.”

Section 1.2. Authority. This Ordinance is adopted pursuant to the Town Board’s authority under Minnesota Statutes, sections 366.01, subd. 2; 368.01, subd. 13; Minnesota Statutes, Chapters 346 and 347; and such other authority as may apply.

Section 1.3. Definitions and Interpretation.

Subd. 1. Definitions. The following words, terms, and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Any term not defined in this section shall have the meaning given the term in Minnesota Statutes, Chapters 346 and 347, to the extent defined therein.

- (a) Abandoned. “Abandoned” means to leave a dog at large within the Town without intending to return to or recover it. It shall also mean to purposefully leave a dog in the possession of the Animal Warden.
- (b) Animal Control Officer. “Animal Control Officer” means the person appointed by the Town Board to provide animal control operations within the Town. The Animal Control Officer’s primary function involves enforcement of this Ordinance and other laws dealing with dogs. The Animal Control Officer shall also be construed to include any licensed law enforcement officer.
- (c) Animal Warden. “Animal Warden” means any person or entity designated by the Town Board to house, hold, confine, or board dogs seized or impounded herein. The Animal Warden shall be appointed and serve at the pleasure of the Town Board.
- (d) At Large. “At Large” means off the premises of the owner and not under the physical control (by leash or by voice) of the owner, a member of the owner’s immediate family, or a person designated by the owner.

- (e) Bona Fide Livestock Operation. “Bona Fide Livestock Operation” means a farm (of 40 acres or more in size) on which horses, cows, swine, poultry, sheep, goats, or other common farm animals are kept, raised, bred, or sold as a part of a business enterprise.
- (f) Commercial Kennel. “Commercial Kennel” means a “kennel” where dogs are bred or sold for re-sale, individually or in litter lots, whether or not any of these animals are also kept for personal use, and where the business may be a primary source of income. Commercial kennels also include places where dogs are boarded, groomed, or trained for a fee.
- (g) Dog. “Dog” means a domesticated member of the Canidae family (Canis lupus familiaris) born, raised, and kept as a pet. The term does not include any type of fox, wolf, or similar type of wild animal.
- (h) Great Bodily Harm. “Great Bodily Harm” means bodily injury which creates a high probability of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily harm.
- (i) Owner. “Owner” means any person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having care, custody, or control of a dog.
- (j) Non-domestic animals. “Non-domestic animal” means those animals commonly considered to be naturally wild and not naturally trained or domesticated or which are commonly considered to be inherently dangerous to the health, safety and welfare of people. Unless otherwise defined, “non-domestic animals” shall include:
 - (1) Any member of the large cat family (family Felidae), including lions, tigers, cougars, bobcats, leopards and jaguars, but excluding commonly accepted domesticated house cats;
 - (2) Any naturally wild member of the canine family (family Canidae), including wolves, foxes, coyotes, dingos and jackals, but excluding commonly accepted domesticated dogs;
 - (3) Any crossbreeds such as the crossbreed between a wolf and a dog, unless the crossbreed is commonly accepted as a domesticated house pet;
 - (4) Any member or relative of the rodent family, including any skunk (whether or not descended), raccoon, squirrel or ferret, but excluding those members otherwise defined or commonly accepted as domesticated pets;
 - (5) Any poisonous, venomous, constricting or inherently dangerous member of the reptile or amphibian families, including rattlesnakes, boa constrictors, pit vipers, crocodiles and alligators;

- (6) Any other animal which is not explicitly listed above but which can be reasonably defined by the terms of this section, including but not limited to bears, deer, monkeys and game fish.
- (k) Private Kennel. “Private Kennel” means any place where four or more of any type of dogs over six months of age that are owned by any member of the household are kept as pets and not for any commercial purposes such as, without limitation, boarding, grooming, or sale.
- (l) Proper Enclosure. “Proper Enclosure” means a space securely confined indoors or in a securely locked pen or structure suitable to prevent a dog from escaping and to provide protection for the dog from the elements. A proper enclosure does not include a porch, patio, or any part of a house, garage, or other structure that would allow the dog to exit of its own volition, or any house or structure in which windows are open or in which a door or window screens are the only barriers that prevent the dog from exiting. The enclosure must not allow the egress of the dog in any manner without human assistance and must meet all of the following specifications:
- (1) Have a minimum overall floor size of 32 square feet;
 - (2) Sidewalls must have a minimum height of five feet and be constructed of 11-gauge or heavier wire. Openings in the wire may not exceed two inches, support posts must be steel pipe 1.25 inches or larger in diameter buried in the ground 18 inches or more. When a concrete floor is not provided, the side walls must be buried a minimum of 18 inches in the ground;
 - (3) A cover must be constructed over the enclosure that consists of the same gauge wire as the sidewalls or greater. The cover must not have any openings in the wire greater than two inches; and
 - (4) An entrance/exit gate must be provided. It must be constructed of the same material as the side walls and have no openings in the wire greater than two inches. The gate must be equipped with a device capable of being locked and must be locked at all times when the dog is in the enclosure.
- (m) Provocation. “Provocation” means an act that an adult could reasonably expect may cause a dog to attack or bite.
- (n) Substantial Bodily Harm. “Substantial Bodily Harm” means bodily injury, which involves a temporary but substantial disfigurement, which causes a temporary but substantial loss or impairment of the function of any bodily member or organ, or which causes a fracture of any bodily member.
- (o) Town. “Town” means Denmark Township, Washington County, Minnesota.
- (p) Town Board. “Town Board” means the Board of Supervisors of the Town.

- (q) **Town Board Liaison.** “Town Board Liaison” means a member of the Town Board that is designated by the Town Board to assist the Animal Control Officer in the administration of this Ordinance.

Subd. 2. **Interpretation.** Every provision of this Ordinance shall be construed, if possible, to give effect to all its provisions and consistent with at least the minimum requirements imposed by any applicable law. This Ordinance imposes requirements that are stricter than those required by state law. Any references to state statutes or rules shall include any amendments made thereto and any successor statutes or rules. Such statutes and rules are incorporated herein to the extent necessary to give effect to the provisions of this Ordinance.

Section 1.4. Exemptions. Except where duties are expressly stated, this Ordinance does not apply to hospitals, clinics, and other premises operated by licensed veterinarians exclusively for the care and treatment of dogs. This Ordinance does not apply to law enforcement dogs kept by K-9 officers and that are actively involved in law enforcement duties.

Section 1.5. Animal Control Authority. The Town is the animal control authority for the purposes of Minnesota Statutes, sections 347.50 to 347.56 and is the agency responsible for animal control operations within the Town as provided in this Ordinance.

Section 1.6. Animal Control Officer. The Animal Control Officer shall have police powers necessary for enforcement of this Ordinance, including authority to issue citations for violations.

Section 1.7. Coordination with Veterinarians. The Town may enter into agreements with veterinarians to assist in the administration of the provisions of this Ordinance. Said agreements shall ensure that an orderly system is set up to coordinate the licensing, vaccination, impoundment, quarantine, euthanization, as needed, of dogs within the Town. Said agreements shall also provide for a reasonable method of compensating veterinarians for the services that they provide to the Town.

Section 1.8. Constitutionality. If any portion of this Ordinance is for any reason held invalid or unconstitutional, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 1.9. Repealer. Denmark Town Ordinance No. 2003-01 is hereby repealed.

ARTICLE II **LICENSING AND PERMITTING**

Section 2.1. Dog License. Dogs shall be licensed as required in this Section.

Subd. 1. **License Required.** No person shall own, keep, or harbor any dog of more than six months of age without first securing a license from the Town Clerk-Treasurer who shall keep a record of all licenses issued and shall issue a durable identification tag for such license. Upon submission of a license application, the owner shall provide the Town with a copy of the dog’s

certificate of rabies vaccination and shall provide the name and address of the owner, the address where the dog will be kept, and the sex, breed, age, color, and markings of the dog. Upon payment of the license fee established by the Town Board, the Town Clerk-Treasurer shall issue a license in the form of a metal identification tag for each dog.

Subd. 2. License Term. The term of a license shall run concurrently with a dog's rabies vaccination schedule. Specifically, a dog license expires (and must be renewed) when a new rabies vaccination is needed. Failure to renew the license within 30 days of a new rabies vaccination will result in a late license penalty fee being owed to the Town in the amount established by the Town Board.

Subd. 3. Late Fee. Failure to purchase a license within 60 days of establishing residence in the Town, within 60 days of acquiring a dog, or within 60 days of a dog reaching the age of six months during any calendar year will result in the late license fee being owed to the Town.

Subd. 4. Visiting Dogs. Dog licenses are not required for dogs that are kept in the Town for 30 days or less. Such dogs shall be known as "visiting dogs." Visiting dogs must be kept in an enclosure or on a leash at all times.

Section 2.2. Kennels. It shall be unlawful to operate a private kennel or a commercial kennel unless such kennel is allowed in the particular zoning district in which it is located and all permits required by this Ordinance are obtained.

ARTICLE III **RABIES CONTROL**

Section 3.1. Rabies Inoculation of Dogs. All dogs in the Town over the age of six months shall be inoculated for rabies and shall be re-inoculated according to standard veterinary practices thereafter. Such vaccination must be performed by or under the direct supervision of a veterinarian duly licensed to practice veterinary medicine in the state in which the vaccine is administered. A certificate from the veterinarian inoculating said dog shall be presented to the Animal Control Officer or Animal Warden upon demand, and will be required as written proof of such vaccination at the time a dog license is obtained from the Town.

Each dog shall wear a sturdy collar for aid in identification that has the Town license tag and the veterinarian's metal tag showing proof of said current rabies inoculation attached. At the owner's discretion, or when required by state law or this Ordinance, a tattoo or implanted microchip may be used in lieu of the collar and tag if the tattoo or chip identification numbers are placed on file at the Town at the time of license application.

Section 3.2. Animal Bites and Animals Exposed to Rabies.

Subd. 1. Enter Property. Any Animal Control Officer may enter upon the private property of any person while in pursuit of any dog under probable cause to believe that such dog has bitten a person or animal, or that such dog is rabid.

Subd. 2. Quarantine Required. Whenever any person who owns, possesses, or harbors any dog within the Town learns that the dog has bitten any human being, such person shall immediately quarantine such dog for a period of at least 10 days, keeping it apart from other animals until it is determined whether the dog has rabies. The quarantine may be by the person owning the dog if such dog has a current license and rabies vaccination at the time the bite occurred. If the dog does not have a current license and rabies vaccination at the time the bite occurred, the dog must be impounded at a licensed pound or with a licensed veterinarian at the owner's expense. After the required 10-day quarantine, the dog shall be examined by a licensed veterinarian to ensure that there are no clinical signs of rabies. If the dog is found to be rabid, it shall be humanely euthanized at the owner's expense.

Subd. 3. Impoundment. If the dog owner cannot be located or advised of the dog bite within two hours of the occurrence, or if the owner fails to quarantine the dog as required by this Ordinance, the Animal Control Officer shall cause the dog to be impounded and so quarantined at the owner's expense. After the required 10-day quarantine, if the dog is still unclaimed, the dog shall be humanely euthanized and tested for rabies. If the dog is claimed by the owner, it shall be examined by a licensed veterinarian at the owner's expense to ensure there are no clinical signs of rabies. If no signs of rabies are observed, the dog can be released to the owner as provided in this Ordinance after payment by the owner of such impoundment and examination costs. If the dog is found to be rabid, it shall be humanely euthanized at the owner's expense.

Subd. 4. Verification of Quarantine. The Animal Control Officer, or the Town Board Liaison, shall have the authority to verify if the dog is being quarantined properly. Any veterinarian quarantining a dog shall notify the Animal Control Officer before the release of such dog to the owner.

Subd. 5. Dog Destroyed. Any dog known to have been bitten by a rabid animal shall be impounded immediately. If, however, such dog is at large and cannot be apprehended after reasonable effort, the dog may be immediately destroyed. After impoundment, if proof of rabies immunization is furnished and booster injections are given by a licensed veterinarian at the expense of the owner, the dog may be released to the owner as provided in this Ordinance. If it cannot be proven that the animal has a current rabies immunization, the owner may, at his or her discretion, make provisions for a suitable quarantine for a period of not less than six months.

ARTICLE IV **PROHIBITIONS AND REQUIREMENTS**

Section 4.1. Abandonment Prohibited. No person shall abandon any dog within the Town.

Section 4.2. Prohibited Nuisances. The following are hereby declared public nuisances, are prohibited by this Ordinance, and are unlawful:

Subd. 1. Running at Large Prohibited. No person shall allow a dog to run at large at any time. The Animal Control Officer may impound any dog found running at large. This Subdivision shall not apply to a dog used as a necessary element of a bona fide livestock operation. Dogs used in bona fide livestock operations shall be issued license tags of a different

color than regular license tags. Said license tags shall be called a “farm dog license” and shall be worn by the farm dog at all times. No person shall apply for a farm dog license unless his or her dog(s) are a necessary element of a bona fide livestock operation.

Subd. 2. Property Damage. Any dog that damages property (that is not the property of the owner), including plantings, lawns, or structures, or that deposits fecal matter off the owner’s property that the owner fails to remove promptly.

Subd. 3. Dogs Chasing. Any dog that, without provocation, chases, molests, or approaches pedestrians or bicyclists in a threatening manner upon the streets, sidewalks, right-of-way, or any public property, or habitually chases automobiles on the public streets or highways.

Subd. 4. Unsanitary Conditions. Any dog that is kept in unsanitary or inhumane conditions such that the maintenance or keeping of the dog creates odors that reasonably annoy the public in the vicinity.

Subd. 5. Kills or Attacks. Any dog that kills or attacks another domestic animal or livestock without provocation while off the owner’s property.

Subd. 6. Disturb the Peace. The owning, keeping, or harboring of any dog, which shall by any noise, unreasonably or excessively disturb the peace and quiet of any person in the vicinity. The phrase “unreasonably or excessively disturb the peace and quiet” shall include, but is not limited to, the creation of any noise by a dog which can be heard by any person, including an Animal Control Officer or law enforcement officer, from a location off the dog owner’s property where the dog is being kept, and which noise occurs repeatedly over at least a 15-minute period of time with one minute or less lapse of time between each animal noise during the 15-minute period. This provision shall not apply to dogs that are responding to trespassers or to dogs that are teased or similarly provoked to bark.

Section 4.3. Complaints. Any person may notify the Town of an alleged violation of this Ordinance.

Subd. 1. Initial Complaint. Those making a complaint shall, to the extent reasonably possible, describe the dog, state the acts or conditions alleged to constitute a violation of this Ordinance, the name and address of the person owning or harboring the animal, and the name and the address of the person making the complaint. The complaint shall be forwarded to the Town Board Liaison who shall then follow up on the complaint as that person determines is appropriate, which may include contacting the Animal Control Officer.

Subd. 2. Second Complaint. Upon receipt of a second complaint of a violation of this Ordinance that is corroborated by the Town after an investigation, the Town Clerk-Treasurer shall notify the person owning or harboring the animal in writing of the violations. The notice shall identify the actions required to come into compliance with this Ordinance and a timeline for achieving compliance. A copy of the letter shall be mailed to the Animal Control Officer and a copy shall be provided to the person making the complaint.

Subd. 3. Failure to Comply. If the owner fails to correct the violation within the established timeline, the Town Clerk-Treasurer shall contact the appropriate law enforcement agency or the Town Attorney regarding the alleged violation and request administrative, legal, or other action be taken as may be appropriate. The Town Attorney is authorized to take such actions as may be needed to enforce this Ordinance.

Section 4.4. Interference with Enforcement. No unauthorized person shall break open or attempt to break open the Animal Warden’s pound, or to take or let out any animals therefrom, or to take or attempt to take from any Animal Control Officer or Animal Warden any dog taken up by him or her in compliance with this Ordinance or any applicable statute, or in any manner to interfere with or hinder such Animal Control Officer, Animal Warden, or the Town Board Liaison in the discharge of his or her duties.

Section 4.5. Females in Heat. Every female dog in heat shall be confined in a building or other secure enclosure in such manner that such female cannot come in contact with another dog, except for the express purpose of planned breeding, or otherwise shall be controlled on a leash while being exercised.

Section 4.6. Sanitation. Any person who owns, keeps, or harbors any dog, must remove all dog feces, on a daily basis, from all enclosed dog runs and kennels, and must remove, on a daily basis, any accumulations of dog feces which are visible from any location outside the borders of that person’s property.

Section 4.7. Basic Care. All animals shall receive from their owners or keepers kind treatment, housing in the winter, and sufficient food and water for their comfort. Any person not treating their pet in a humane manner will be subject to the penalties provided in this section.

Section 4.8. Non-Domestic Animals. It shall be a violation of this Ordinance for any person to own, possess, harbor, or offer for sale, any non-domestic animal within the Town. An owner of a non-domestic animal at the time of adoption of this Ordinance shall have 30 days in which to remove the animal from the Town after which time the Town may impound the animal as provided for in this Ordinance. An exception shall be made to this prohibition for those animals brought into the Town as part of an operating zoo, veterinarian clinic, scientific research laboratory, or a licensed show or exhibition.

ARTICLE V
DANGEROUS AND POTENTIALLY DANGEROUS DOGS

Section 5.1. Potentially Dangerous Dogs.

Subd. 1. Designation as a Potentially Dangerous Dog.

(a) Designation. The Town will designate any dog as a “potentially dangerous” dog upon receipt of sufficient evidence that such dog:

- (1) When unprovoked, inflicted bites on a human or domestic animal on public or private property;
 - (2) When unprovoked, chased or approached 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) Notification. If a dog is declared "potentially dangerous," the Town must cause the owner of the potentially dangerous dog to be notified in writing that such dog has been declared potentially dangerous. The notice must be provided in accordance with the notice requirements set forth in Minnesota Statutes, section 347.541, subd. 3. The notice shall inform the owner of his or her right to request a hearing regarding the potentially dangerous dog designation.
- (c) Exemptions. Dogs may not be declared "potentially dangerous" if the threat, injury or damage was sustained by a person:
- (1) Who was committing, at the time, a willful trespass or other tort upon the premises occupied by the owner of the dog;
 - (2) Who was provoking, tormenting, abusing, or assaulting the dog or who can be shown to have repeatedly, in the past, provoked, tormented, abused, or assaulted the dog; or
 - (3) Who was committing or attempting to commit a crime.

Subd. 2. Hearing Regarding Designation.

- (a) Right to Request. The owner of any dog declared by the Town to be "potentially dangerous" has the right to a hearing by an impartial hearing officer or panel concerning the "potentially dangerous" declaration. The hearing must be requested by the owner in writing within 14 days of the date of the notice. The Town shall designate the hearing officer or panel to hear an appeal.
- (b) Notice of Hearing. Upon an owner's timely request for a hearing, the Town shall schedule a hearing to be held within 14 days of the date of the request.
- (c) Hearing Officer or Panel. The hearing officer or panel shall conduct the hearing, at which the owner shall be provided an opportunity to present evidence regarding the designation, and shall decide whether to uphold or overturn the potentially dangerous dog designation. In the event that the potentially dangerous dog declaration is upheld by the hearing officer or panel, actual expenses of the hearing up to a maximum of

\$1,000 shall be the responsibility of the dog's owner. The hearing officer shall issue a decision on the matter within 10 days of the date of the hearing. The Town shall deliver the decision to the dog's owner by hand delivery or registered mail as soon as practical and a copy must be provided to the Animal Control Officer.

Subd. 3. Designation Review. Beginning six months after a dog is declared potentially dangerous by the Town, an owner may request annually that the Town review the designation. The owner must provide evidence that the dog's behavior has changed due to the dog's age, neutering, environment, completion of obedience training that includes modification of aggressive behavior, or other factors. If the Town finds sufficient evidence that the dog's behavior has changed, it may rescind the potentially dangerous dog designation.

Subd. 4. Microchip Identification. The owner of a potentially dangerous dog must have a microchip implanted in the dog for identification, and the name of the microchip manufacturer and identification number of the microchip must be provided to the Town. If the microchip is not implanted by the owner, it may be implanted by the Town. In either case, all costs related to purchase and implantation of the microchip must be borne by the dog's owner.

Subd. 5. Renew Registration. An owner of a potentially dangerous dog must renew the registration of the dog annually with the Town until the dog is deceased. If the dog is removed from the Town, it must be registered as a potentially dangerous dog in its new location.

Section 5.2. Dangerous Dogs.

Subd. 1. Designation as a Dangerous Dog.

- (a) Designation. The Town will designate any dog as "dangerous" upon receiving sufficient evidence that such 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) Has 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.
- (b) Notification. If a dog is declared dangerous, the Town must cause the owner of the dangerous dog to be notified in writing that such dog has been declared dangerous. The notice must be provided in accordance with the requirements set forth in Minnesota Statutes, section 347.541, subd. 3. The notice shall inform the owner of his or her right to request a hearing regarding the dangerous dog designation.

- (c) Exemptions. Dogs may not be declared dangerous if the threat, injury or damage was sustained by a person:
- (1) Who was committing, at the time, a willful trespass or other tort upon the premises occupied by the owner of the dog;
 - (2) Who was provoking, tormenting, abusing, or assaulting the dog or who can be shown to have repeatedly, in the past, provoked, tormented, abused, or assaulted the dog; or
 - (3) Who was committing or attempting to commit a crime.

Subd. 2. Hearing Regarding Designation.

- (a) Right to Request. The owner of any dog declared by the Town to be “dangerous” has the right to a hearing by an impartial hearing officer or panel concerning the “dangerous” declaration. The hearing must be requested by the owner in writing within 14 days of the date of the notice. The Town shall designate the hearing officer or panel to hear an appeal.
- (b) Notice of Hearing. Upon an owner’s timely request for a hearing, the Town shall schedule a hearing to be held within 14 days of the date of the request.
- (c) Hearing Officer or Panel. The hearing officer or panel shall conduct the hearing, at which the owner shall be provided an opportunity to present evidence regarding the designation, and shall decide whether to uphold or overturn the dangerous dog designation. In the event that the dangerous dog declaration is upheld by the hearing officer or panel, actual expenses of the hearing up to a maximum of \$1,000 shall be the responsibility of the dog’s owner. The hearing officer shall issue a decision on the matter within 10 days of the date of the hearing. The Town shall deliver the decision to the dog’s owner by hand delivery or registered mail as soon as practical and a copy must be provided to the Animal Control Officer.

Subd. 3. Requirements Upon Designation as Dangerous.

- (a) Registration. If a dog is declared “dangerous,” it must be registered with the Town. A certificate of registration will be issued by the Town to the owner of a dangerous dog if the owner presents sufficient evidence that:
- (1) A proper enclosure exists for the dangerous dog and a posting on the premises with a clearly visible warning sign, including a warning symbol to inform children, that there is a dangerous dog on the property;
 - (2) A surety bond issued by a surety company authorized to conduct business in this state in a form acceptable to the Town in the sum of at least \$300,000, payable to any person injured by the dangerous dog, or a policy of liability

insurance issued by an insurance company authorized to conduct business in this state in the amount of at least \$300,000, insuring the owner for any personal injuries inflicted by the dangerous dog;

- (3) The owner has paid the Town an annual fee of \$500, in addition to any regular dog licensing fees, to obtain a certificate of registration for a dangerous dog under this subdivision; and
 - (4) The owner has had microchip identification implanted into the dangerous dog as required under Minnesota Statutes, section 347.515.
- (b) Post Warning Symbol. Upon issuing the certificate of registration, the Town will also provide, for posting on the owner's property, a warning symbol from the Minnesota Department of Public Safety to inform children that there is a dangerous dog on the property. The owner shall be responsible for paying the Town for the costs of obtaining the warning symbol from the Department of Public Safety.
- (c) Additional Requirements for Dangerous Dogs.
- (1) Dog Restraint. An owner of a dangerous dog shall keep the dog, while on the owner's property, in a proper enclosure. If the dog is outside the proper enclosure, the dog must be muzzled and restrained by a substantial chain or leash and under the physical restraint of a responsible person. The muzzle must be made in a manner that will prevent the dog from biting any person or animal but that will not cause injury to the dog or interfere with its vision or respiration.
 - (2) Renew Registration. An owner of a dangerous dog must renew the registration of the dog annually with the Town until the dog is deceased.
 - (3) Notice of Relocation. An owner of a dangerous dog must notify the Town in writing of the death of the dog or its transfer to a new location outside of the Town within 30 days of the death or transfer, and must, if requested by the Town, execute an affidavit under oath setting forth either the circumstances of the dog's death and disposition or the complete name, address, and telephone number of the person to whom the dog has been transferred. If the dog is removed from the Town, it must be registered as a dangerous dog in its new location.
 - (4) Sterilization. A dangerous dog must be sterilized at the owner's expense. If the owner does not have the animal sterilized within 30 days of notification by the Town, the Town shall seize the dog and have the animal sterilized at the owner's expense.
 - (5) Disclosure. A person who owns a dangerous dog and who rents property from another where the dog will reside must disclose to the property owner prior to

entering the lease agreement and at the time of any lease renewal that the person owns a dangerous dog that will reside at the property.

- (6) Notice of Transfer. A person who transfers ownership of a dangerous dog must notify the new owner that the Town has identified the dog as dangerous. The current owner must also notify the Town in writing of the transfer of ownership and provide the Town with the new owner's name, address, and telephone number.

(d) Identification.

- (1) Microchip Identification. The owner of a dangerous dog must have a microchip implanted in the dog for identification, and the name of the microchip manufacturer and identification number of the microchip must be provided to the Town. If the microchip is not implanted by the owner, it may be implanted by the Town. In either case, all costs related to purchase and implantation of the microchip must be borne by the dog's owner.
- (2) Tag. A dangerous dog must have a standardized, easily identifiable tag identifying the dog as dangerous and containing the uniform dangerous dog symbol affixed to the dog's collar at all times as specified in Minnesota Statutes, section 347.51.

(e) Seizure.

- (1) By Town. The Town must immediately seize any dog that has been declared dangerous if:
 - a. Not Registered. After 14 days after the owner has notice that the dog is dangerous, the dog is not validly registered as dangerous pursuant to this Ordinance;
 - b. No Insurance or Surety. After 14 days after the owner has notice that the dog is dangerous, the owner does not secure the proper liability insurance or surety coverage as required by this Ordinance and Minnesota Statutes, section 347.51, subd. 2;
 - c. Not Enclosed. The dog is not maintained in the proper enclosure;
 - d. Not Restrained. The dog is outside the proper enclosure and not under physical restraint of a responsible person as required under this Ordinance and Minnesota Statutes, section 347.52; or
 - e. Not Sterilized. The dog is not sterilized within 30 days, pursuant to this Ordinance and Minnesota Statutes, section 347.52 (d).

- (2) By Court. If an owner of a dog is convicted of a crime for which the dog was originally seized, the court may order that the dog be confiscated and destroyed in a proper and humane manner, and that the owner pay the costs incurred in confiscating, confining, and destroying the dog.
- (3) Appeal. Seizure may be appealed by the dog's owner to the district court by serving a summons and complaint upon the Town and filing it with the district court.
- (f) Reclaiming Dogs. A dangerous dog seized under this Ordinance may be reclaimed by the owner of the dog upon payment of impounding and boarding fees, and presenting proof to the Animal Control Officer that each of the requirements under this Ordinance and Minnesota Statutes, sections 347.51 and 347.52 will be fulfilled. A dog not reclaimed under this subdivision within seven days may be disposed of by the Town, and the owner is liable to the Town for costs incurred in confining and disposing of the dog.
- (g) Subsequent Offenses. If a person has been convicted of a misdemeanor for violating a provision of Minnesota Statutes, sections 347.51, 347.515, or 347.52, and the person is charged with a subsequent violation relating to the same dog, the dog must be seized by the Town. If the owner is convicted of the crime for which the dog was seized, the court shall order that the dog be destroyed in a proper and humane manner and the owner pay the cost of confining and destroying the animal. If the owner is not convicted and the dog is not reclaimed by the owner within seven days after the owner has been notified that the dog may be reclaimed, the dog may be disposed of by the Town.
- (h) Dangerous Dog Designation Review. Beginning six months after a dog is declared dangerous by the Town, an owner may request annually that the Town review the designation. The owner must provide evidence that the dog's behavior has changed due to the dog's age, neutering, environment, completion of obedience training that includes modification of aggressive behavior, or other factors. If the Town finds sufficient evidence that the dog's behavior has changed, it may rescind the dangerous dog designation.

Section 5.3. Dog Attacks Regardless of Designation or Lack of Designation

- (a) Destruction of Dog in Certain Circumstances. A dog may be destroyed in a proper and humane manner by the Town if the dog:
 - (1) Inflicted substantial or great bodily harm on a human on public or private property without provocation;
 - (2) Inflicted multiple bites on a human or public or private property without provocation;

- (3) Bit multiple human victims on public or private property in the same attack without provocation; or
- (4) Bit a human on public or private property without provocation in an attack where more than one dog participated in the attack.
- (b) Right to a Hearing. The Town may not destroy the dog until the owner has had the opportunity for a hearing before an impartial decision maker.
- (c) Exemptions. The exemptions provided in Minnesota Statutes, section 347.51, subd. 5 apply to this section.
- (d) Failure to Restrain. It is unlawful for an owner to fail to restrain a dog from inflicting or attempting to inflict bodily injury to any person or other animal regardless of whether the owner of the other animal is present. This paragraph does not apply to dogs being used by law enforcement for police work.
- (e) Conditioning Equipment. No person shall use or possess any device, equipment, treatment or products for the strengthening or conditioning of a dog with the intent to enhance the dog's ability to inflict bodily injury upon humans or other animals on public or private property. This prohibition shall not apply to equipment used to train a dog for recreational hunting assistance. Recreational hunting training assistance equipment shall include but not be limited to soft hold training and decoy retrieval apparatuses.

ARTICLE VI **IMPOUNDING**

Section 6.1. Impounding and Boarding Fees.

Subd. 1. Setting Fees. The Animal Control Officer and Animal Warden may charge such reasonable impounding fees for the care and boarding of any dog restrained or impounded and any and all such fees so imposed shall be paid to the Animal Control Officer and Animal Warden at the time of delivery or reclaiming the dog. The Town Board shall annually review all fees so imposed by the Animal Control Officer and Animal Warden to determine their reasonableness, and may, by resolution, impose such additional fees reasonably related to the necessary and reasonable expenses incurred by the Town for the capture, transportation, and care of impounded dogs. All such fees must be paid to the Animal Control Officer and Animal Warden prior to release of the animal. The Animal Control Officer and Animal Warden shall issue a receipt to the owner evidencing such payment.

Subd. 2. Prerequisite to Release. In the case where any dog has been impounded whose rabies vaccination and dog license are not current, said dog shall not be released unless the owner first obtains a Town dog license and provides written evidence from a licensed veterinarian that arrangements have been made and fees have been paid to the that veterinarian to

vaccinate the dog upon its release. Any written evidence submitted pursuant to this provision shall be deemed inadmissible in any criminal court action against the owner of the dog.

ARTICLE VII
ENFORCEMENT AND PENALTIES

Section 7.1. Collection of Costs.

Subd. 1. Certification. All amounts required to be paid to the Town under this Ordinance shall constitute a service charge collectable pursuant to Minnesota Statutes, section 366.012 or any other law available to the Town. The Town may collect any unpaid service charge arising from this Ordinance by certifying the amount to the auditor of any county in Minnesota in which the recipient of the service owns real property pursuant to Minnesota Statutes, section 366.012 or any other authority available to it under law. If the Town elects to collect the service charge pursuant to Minnesota Statutes, section 366.012, on or before September 15, the Town shall provide the owner written notice of its intent to certify the unpaid service charge amount for collection together with the taxes levied on the owner's property. The Town shall then certify the amount to the county auditor on or before October 15. The amount certified shall be subject to the same penalties, interest, and other conditions provided for the collection of property taxes. Any charge that accrues later in the year such that the required notice and certification cannot be completed by the applicable deadlines, the Town shall provide notice and certify the amount for the following property tax collection cycle.

Section 7.2. Penalties.

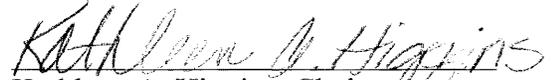
Subd. 1. General. Any person, firm, or corporation violating any of the provisions of this Ordinance shall be guilty of a misdemeanor.

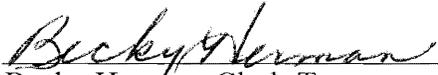
Subd. 2. Misdemeanors Relating to Potentially Dangerous Dogs and Dangerous Dogs. It is a misdemeanor to remove a microchip from a dangerous or potentially dangerous dog, to fail to renew the registration of a dangerous dog, to fail to account for a dangerous dog's death or change of location where the dog will reside, to sign a false affidavit with respect to a dangerous dog's death or change of location where the dog will reside, or to fail to disclose ownership of a dangerous dog to a property owner from whom the person rents property. It is also a misdemeanor to violate Minnesota Statutes, sections 347.51 (registration of dangerous dogs), 347.515 (dangerous dogs microchip identification requirements), or 347.52 (dangerous dog requirements). If a person is convicted of subsequent or second violation of either of the aforementioned sentences, that person is guilty of a gross misdemeanor. A person is also guilty of the gross misdemeanor if that person violates Minnesota Statutes, section 347.542, subs. 1 or 2 (restrictions on dog ownership).

This Ordinance shall be effective upon the first day of publication after adoption.

Adopted on the 2nd day of May, 2016.

BY THE TOWN BOARD


Kathleen A. Higgins, Chairperson

Attest: 
Becky Herman, Clerk-Treasurer