

ORDINANCE 2012-5

**HAVEN TOWNSHIP
SHERBURNE COUNTY, MINNESOTA**

ORDINANCE FOR REGULATION OF DOGS AND OTHER DOMESTIC ANIMALS

In order to provide for the health and safety of the people of this township and in order to provide for the regulation and protection of animals, the Board of Supervisors of the Township of Haven, Sherburne County, State of Minnesota, do hereby adopt the following ordinance:

SECTION 1. - Dogs and Other Animals

1.1 Definitions:

- A. "Persons" shall mean any individual, firm, partnership, corporation or any other legal entity.
- B. "Animal Warden" shall mean the Township Pound Master, and any other person designated by the Town Board.
- C. "At large" shall mean any dog or animal is at large when it is off the property of the person owning, harboring, or keeping the dog, and it is not under restraint.
- D. "Veterinary Hospital" shall mean a place for the treatment, hospitalization, surgery, care and boarding of animals or birds, which place is owned and operated by a licensed veterinarian.
- E. "Under Restraint" shall mean any dog or animal is under restraint if it is on the premises of the person harboring or keeping the animal or dog; or if it is within a private motor vehicle of a person owning, harboring or keeping the animal or dog; or if it is controlled by a leash not to exceed six (6) feet in length.
- F. "Dog Kennel" shall mean any place, building, tract of land, boat or vehicle wherein or whereupon dogs are kept, congregated or confined; such dogs having been obtained from municipalities, dog pounds, dog auction, or by advertising for unwanted dogs, or dogs abandoned or stolen.
- G. "Owner" shall mean any person owning, keeping, harboring or acting as custodian of a dog or other domesticated animal. Owner also has the meaning as set forth in Minnesota Statutes § 347.50, Subd. (5).
- H. "Premises" shall mean any building, structure, shelter or land whereon dogs or other animals are kept or confined.

- I. "Pound Master" shall mean that person or persons from time to time appointed by the Haven Township Board to carry out the duties of a pound master as defined by Minnesota Statutes or to enforce this ordinance or both.
 - J. "Proper Enclosure" has the definition as set forth in Minnesota Statutes § 347.50, Subd. (4).
 - K. "Public Nuisance Animal or Animals" shall mean in addition to the definition provided in Minnesota Statutes § 347.04, any animals or animals which:
 - (i) If the dog/dogs or animal/animals is/are repeatedly found at large;
 - (ii) Damages the property, lawn or garden of anyone other than its owner;
 - (iii) Is/are vicious animal(s);
 - (iv) Causes fouling of the air by odor;
 - (v) Causes unsanitary conditions of enclosures or surroundings;
 - (vi) By virtue of number of types of animals maintained are offensive or dangerous to the public health, safety or welfare;
 - (vii) Makes disturbing noises;
 - (viii) Molests passer(s) by or passing vehicles or passing bicycles;
 - (ix) Has been designated by the Animal Warden to be a public nuisance animal or animals by virtue of being a menace to the public health, welfare and safety; or
 - (x) Any potentially dangerous or dangerous dog as defined under Minnesota Statutes § 347.50.
 - L. "Vicious Animal or Animals" shall mean any animal or animals which constitute a physical threat to human beings or other animals by virtue of one or more attacks of such severity as to cause property damage, or physical injury, or places an individual in reasonable apprehension of bodily harm.
- 1.2 **Enforcement.** The provisions of this ordinance shall be enforced by the Animal Warden pursuant to policies established by the Township Board of Supervisors.
- 1.3 **Right of Entry.** The Animal Warden shall have the right to enter upon any premises at all reasonable times for the purpose of discharging the duties imposed by this ordinance where there is a reasonable belief that a violation of this ordinance has been committed.
- 1.4 **Running at Large Prohibited.** No dog shall be allowed by its owner to run at large and every owner of a dog shall cause the same to be:

- A. Confined to the owner's property by training, fencing or leashing and females- in heat shall be confined in an enclosure and so kept and confined therein during such entire period and until such dogs shall not attract other dogs on account thereof.
 - B. While in any public place such as a school, playground or park to be on a leash, chain or cord of not more than six (6) feet in length and in the custody of a person of sufficient age to adequately control the dog at all times.
 - C. While in all other areas such as on a public street or in an automobile, to be in the custody of a person of sufficient age to adequately control the dog at all times, and to have and keep said dog or animal under control.
- 1.5 **Dog/Animal on a Leash.** The restriction imposed by 1.4 shall not prohibit the appearance of a dog/animal upon the streets or other public place when such dog/animal is on a leash or under restraint, except a female dog in season.
- A. All dog/animals off the owner's property must comply with the identification requirements under Minnesota Statutes § 346.50.
- 1.6 **Confinement of Vicious Animals/Dogs With History of Biting.** Every Vicious Animal shall be confined by the owner within a building or secure, covered enclosure. Such animal shall not be taken out of such building or secure covered enclosure unless muzzled and on leash. This provision is in addition to the requirements for dangerous dogs outlined in Minnesota Statutes § 347.50, et. seq.
- 1.7 **Abandonment of Animals.** It shall be unlawful to abandon any dog or other animal within the Township.
- 1.8 **Rabies Shots Required.** No person shall keep any animal/dog within the Township limits without securing a rabies shot and tag. This rabies shot may be obtained through any authorized veterinary clinic. Rabies shots must be obtained according to the following schedule:
- A. Within thirty (30) days after the expiration of the two (2) year period that the previous shot is effective; or
 - B. Within sixty (60) days after the dog/animal reaches the age of six (6) months; or
 - C. Within sixty (60) days after moving inside the Township limits providing no pervious shot was obtained.
 - D. Proof of Rabies shot must be provided to the Animal Warden or Pound Master when requested, along with description of the dog/animal and other information as may reasonably be required.

1.9 Impounding Stray Dogs or Animals.

- A. The Animal Warden may seize or impound any dog or animal found astray on public property or claimed to be astray by the owner of the premises upon which such animal may be found provided that the owner of the premises demands such seizure or impound and agrees in writing to indemnify and hold harmless the Township from any claim for damages by the owner of said dog or other animal.
- B. Upon taking and impounding any dog/animal the Animal Warden shall make a good faith effort to provide notice by person, by phone or by letter to the owner of the dog of the impoundment.
- C. Disposition of such impounded stray shall thereafter be pursuant to the provisions of Section 1.10 herein.

1.10 Disposition of Certain Diseased or Dangerous Dogs or Other Animals.

- A. Any dog or other animal displaying symptoms of being rabid shall be seized and secured by the owner on his/her premises until found free from rabies. If the owner requests the animal or dog be placed in the Township contracted dog pound he/she assumes full responsibility for the animal or dog.
- B. If any dog or other animal appears to be diseased, vicious, dangerous, rabid, or has been exposed to rabies, and such dog or other animal cannot be taken up and impounded without risk, such dog or other animal may be killed if reasonably necessary for the safety of any person or persons.
- C. When any dog or other animal has bitten any person, wherein the skin has been punctured or the services of a doctor are required, a report of the incident shall be made to law enforcement by the owner or custodian of the biting dog or animal, and the person bitten or his parent or guardian within twenty-four (24) hours of the bite.

1.11 Redemption of Dogs and Other Animals.

- A. The Township, upon the impounding of any dog or other animal, shall condition redemption of said dog from impounding upon payment of the costs of impoundment, plus the cost of boarding for each day said dog or other animal has been confined in said pound and all other costs incurred by the Township or its designated agent.
- B. If at the end of the minimum number of days, if any, required by law, after said impounding, the dog or other animal has not been redeemed, it may be sold to private sale, or the keeper of the pound may dispose of the dog or other animal in a proper and humane manner.

1.12 **Animals Disturbing the Peace.** It shall be unlawful for any person to own, keep, have in his possession, or harbor a Public Nuisance Animal. It shall also be unlawful for any person to own, keep, have in his possession or harbor a dog/animal which by frequent and habitual howling, yelping, barking or otherwise shall cause serious annoyance or disturbance to persons or to the neighborhood. No person shall be convicted under the provisions of this ordinance except under the evidence from fifty percent (50%) of the adult residents living within two thousand (2000) feet of the residence of the animal complained of or from four (4) persons each of a different household, whichever is less, and no warrant shall be issued except after written notice has been mailed or delivered to the occupant of the premises where such animal is kept or harbored advising that a complaint has been made about the animal and calling attention to the provisions of this ordinance.

1.13 **Maintenance of Animal Quarters.**

- A. Animal housing facilities shall be structurally sound and maintained in good repair.
- B. Dogs kept outside shall be provided with access to shelter to protect them for the sun, rain and snow, together with adequate bedding.
- C. If dogs are confined by chains, such chains shall be so attached that they cannot become entangled with the chains of other dogs or any other objects. Chains shall be of a size commonly used for the size of dogs involved and shall be attached to the dog by means of a well fitted collar. Such chains shall be at least three times the length of the dog as measured for the tip of its nose to the base of its tail.
- D. Enclosure shall be of sufficient size to allow each dog to turn around fully and stand, sit and lie in a comfortable normal position.
- E. Disposal facilities shall be provided to minimize vermin, infestation, odors and disease hazards.

1.14 An owner shall not allow their dog/animal to leave bodily wastes on property owned by another.

1.15 Any person violating Sections 1.1 through 1.14 of this ordinance shall be guilty of a misdemeanor. This remedy is in addition to any other remedy that is allowed by law.

1.16 **Administrative Enforcement.**

- A. Alternative Method of Enforcement. This administrative enforcement procedure is in alternative process that seeks to gain compliance with this Ordinance prior to any formal criminal or civil court action. The administrative hearing process provided for in this Ordinance shall be in

addition to any other legal or equitable remedy available to the Township for ordinance violations.

B. Administrative Citations. Upon reasonable belief that a violation has occurred, the Animal Warden may issue and serve an administrative citation upon the person responsible for the violation. Service shall be in person or by mail. The citation shall state the date, time and nature of the offense, the name of the official issuing the citation, the amount of the scheduled civil fine, and the manner for paying the fine or appealing the citation by requesting an administrative hearing.

C. Civil Fine. The administrative offense shall be subject to a civil fine as follows:

- (i) First Offense: \$50.00;
- (ii) Second Offense: \$100.00; and
- (iii) Third Offense: \$150.00.

The amount of a civil fine may not exceed the amount of the maximum fine allowed if the ordinance violation had been prosecuted as a misdemeanor.

D. Payment of Civil Fine; Request for Administrative Hearing. The person responsible for the violation shall either pay the civil fine or request a hearing within 20 days after issuance of the administrative citation. Upon payment of the fine, the right to appeal is waived.

E. Collection Fee for Unpaid Civil Fine. If a civil fine is not paid within the time specified and no request for a hearing is timely received, the nonpayment of the civil fine shall constitute a personal obligation of the violator. A personal obligation may be collected by the Township by any appropriate legal means.

F. Administrative Hearing Procedures. All administrative hearing shall proceed under the following procedure:

- (i) **Hearing Officer.** The Town Board shall serve as the hearing officer.
- (ii) **Notice of Hearing.** Notice of the hearing must be served in person or by mail on the person responsible for the violation at least ten days in advance of the scheduled hearing, unless otherwise agreed upon.
- (iii) **Due Process.** At the hearing, the parties shall have the opportunity to present testimony and question any witnesses, but strict rules of evidence shall not apply. The hearing officer shall tape record the hearing and receive testimony and exhibits and the full record of the hearing shall be kept. The hearing officer shall receive and give weight to evidence which possesses probative value commonly

accepted by reasonable and prudent people in the conduct of their affairs.

- (iv) **Authority of Hearing Officer.** The hearing officer shall have the authority to determine whether a violation occurred; dismiss the administrative citation; impose the civil fine; or reduce, stay or waive a scheduled fine either unconditionally or upon compliance with appropriate conditions.
- (v) **Written Report of Hearing Officer.** The decision of the hearing officer shall be in writing and contain findings of fact and conclusions of law. The written report shall be served on the parties by mail within 20 days of the last date of the hearing.
- (vi) **Finality of Decision.** The decision of the hearing officer shall be final without any further right of administrative appeal.

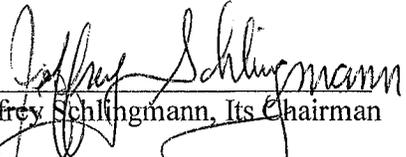
G. Judicial Review. An aggrieved party may obtain judicial review of the decision of the hearing officer by petitioning the Minnesota Court of Appeals for a writ of certiorari pursuant to Minnesota Statutes § 606.01.

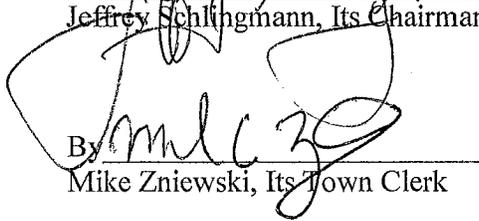
1.17 This Ordinance does not regulate commercial dog kennels which operate under an interim use permit from Haven Township or conditional use permit from the County and are licensed by the State of Minnesota.

1.18 This Ordinance shall take effect immediately upon enactment and publication. Haven Township Ordinances No. 02-100 and 02-200 are repealed upon enactment and publication of this Ordinance.

Dated: November 19, 2012

HAVEN TOWNSHIP

By 
Jeffrey Schlingmann, Its Chairman

By 
Mike Zniewski, Its Town Clerk