

ORDINANCE NO. 31

AN ORDINANCE PROVIDING FOR IDENTIFICATION, REGULATION, CONFINEMENT AND DISPOSITION OF DOGS WITHIN NEW SCANDIA TOWNSHIP AND PRESCRIBING PENALTIES FOR THE VIOLATION THEREOF

The Town Board of Supervisors of New Scandia Township does ordain:

Section 1. DEFINITIONS:

- A. **Owner:** Any person, group of persons or corporation, firm or partnership, owning, keeping or harboring a dog or dogs. The harboring of a dog shall mean any person who has custody of any dog or permits the same to be kept on or about his premises.
- B. **At Large:** A Dog shall be termed to be at large when it is not under "restraint" as defined in this section.
- C. **Restraint:** A dog is under restraint within the meaning of this section if it is controlled by a leash not exceeding 6 feet in length; if it is under a voice or signal command of a competent person providing that the dog will obey immediately that person's voice or signal command; if it is within a vehicle being driven or parked on the public streets; if it is within the limits of its owner's premises.
- D. **Stray:** Any unidentified dog, the owner of which is unknown, which is at large within the Township.
- E. **Animal Warden:** Any person, firm, agency or company hired or appointed by the Township to assist and/or enforce this ordinance.
- F. **Animal Shelter:** Any premises designated by the Town Board for impounding and caring for all dogs found running at large.
- G. **Attack:** Any unprovoked, threatening aggressive behavior of a dog which puts a reasonable person in fear of immediate bodily harm.
- H. **Biting Dog:** Any dog which has bitten, scratched or caused any other injury to a human being under circumstances where, at the time of the attack, the victim was lawfully conducting himself, including premises owned or controlled by the owner of the animal if such location is commonly open to the public, such as a driveway or boulevard, or the victim was on such premises at the express or implied invitation of the owner of the animal.

- I. **Dangerous Dog:** Any dog, that without being provoked, exhibits an "attack" behavior or has bitten one or more persons, may be deemed a dangerous dog.
 - J. **Vicious - Biting Dog:** Any dog which has caused serious bodily injury or disfigurement to any person, or has bitten one or more persons on two or more occasions.
- Section 2. **IDENTIFICATION:** No person shall own, harbor, keep or have custody of a dog over six (6) months of age, after October 1, 1987 within this township without the dog being identified by a device, tag or plate attached to the dog by a collar, harness or device giving the name and telephone number of the current owner.
- Section 3. **RABIES VACCINATION:** No person shall own, harbor, keep or have custody of a dog over six months of age, after October 1, 1987 within this Township unless said dog has been vaccinated against rabies and such dog has attached to it's collar, harness or similar device a current rabies vaccination tag.
- Section 4. **CONFINEMENT:** The owner shall confine within a building or secure enclosure any fierce, dangerous or vicious dog, except when under restraint by a competent person. Every female dog in heat shall be confined in a building, secure enclosure, veterinary hospital, or boarding kennel, or shall be controlled on a leash while being exercised.
- Section 5. No owner shall permit his/her dog to be at large within the Township.
- Section 6. No person shall keep or harbor a dog which is a public nuisance. Any dog is a public nuisance that has done any of the following:
- A. Has destroyed property or habitually trespasses in a damaging manner on property of persons other than the owner.
 - B. Has attacked or bitten a person outside the owner's or custodian's premises.
 - C. Has shown vicious habits or molested pedestrians or persons riding or driving on the public streets or highway.
 - D. Habitually barks or cries at night between the hours of 10:00 p.m. and 6:00 a.m.
- Section 7. It shall be unlawful for anyone to place upon the ground or in any other manner, any poison, bait or other material intended to harm a dog.

Section 8. **IMPOUNDING:**

- A. Unidentified dogs, stray dogs and dogs found at large shall, except as provided in Subdivision B below, be taken by the Animal Warden of the Township and impounded in a shelter designated by the Township and there confined in a humane manner for a period of not less than 5 working days and may thereafter be disposed of as provided in this Ordinance.
- B. When a dog is found running at large and its ownership is known to the Animal Warden, such dog need not be impounded, but the Animal Warden may at his discretion return the dog and charge the owner or keeper with a violation of this Ordinance.
- C. Immediately upon impounding a dog, the Animal Warden shall make a reasonable effort to notify the owner of said dog so impounded and inform such owner of the conditions whereby he or she may regain custody.

Section 9. **RECORDS:** The Animal Shelter shall keep proper records of the impoundment and disposition of all animals coming into its custody.

Section 10. **REDEMPTION:** Any dog may be redeemed by the owner after being impounded within 5 working days after seizure of the dog upon payment of an impounding fee of \$25.00 to the Clerk, or to such agent as the Town Board may designate plus the amount then being charged by the Animal Shelter for daily board.

Section 11. **DISPOSITION OF UNCLAIMED DOGS.**

- A. Any dog which is not claimed within 5 working days after impounding shall become the property of the Township and if not requested by a licensed educational or scientific institution under Minnesota Statutes 35.71, may be sold or painlessly killed.

The Township's ownership interest in unclaimed dogs may be transferred to the animal control warden by contract.

- B. If a dog is diseased, vicious, dangerous, rabid or exposed to rabies and such dog cannot be impounded after a reasonable effort or cannot be impounded without serious risk to the persons attempting to impound, such dog may be immediately killed.

Section 12. **RABIES CONTROL:** The Minnesota health laws and regulations are hereby adopted in case of rabid animals which have bitten any person or animals suspected of being rabid.

Section 13. INVESTIGATION.

- A. For the purpose of discharging the duties imposed by this Ordinance and to enforce its provisions, any Animal Warden of the Township or any police officer is empowered to enter upon any premises upon which a dog is kept or harbored and demand exhibition by the owner of the identification tag and rabies tag of such dog.
- B. Any Animal Warden of the Township may enter the premises where any animal is kept in a reportedly cruel or inhumane manner and demand to examine such animal when in his opinion it may require humane treatment.
- C. No person shall interfere with, hinder or molest any Animal Warden or police officer of the Township in the performance of any duty of such person under this Ordinance or seek to release any animal in the custody of the Town Board or its Animal Warden except as herein provided.

Section 14. HEARING PROCEDURE.

- A. The Animal Warden shall have initial authority to determine whether a dog is a dangerous dog or a vicious-biting dog. The Animal Warden shall notify in writing or in person the owner of the dog in question that his/her dog has been declared a dangerous or vicious-biting dog as the case may be. The owner shall be notified of the dates, times, places and parties attacked or bitten. The owner shall be given ten (10) days to request a hearing before the Town Board to determine the disposition of the dog.
- B. If no hearing is required, the Animal Warden shall take said animal into custody for disposition. The owner of said animal must make said animal available to the Animal Warden upon request. Disposition costs shall be paid by the Owner.
- C. The Town Board shall hold a hearing if requested by the Owner. All records of the Animal Warden and Police Officers of the Township shall be admissible. After considering all evidence pertaining to the temperament of the dog, the Town Board shall make such finding as it deems proper, to-wit: that the dog is not either a dangerous or vicious-biting dog; that the dog is a dangerous dog and that it shall be confined; that the dog is a dangerous, vicious-biting dog and shall be disposed of as provided in this Ordinance.

Section 15. BITE CASES: It shall be the duty of every physician or any other person to report to the police the names and addresses of persons treated for bites inflicted by animals within the Township, together with such other information as will be helpful in rabies control.

Section 16. EXEMPTIONS TO THIS ORDINANCE:

- A. Hospitals, clinics and other premises operated by licensed veterinarians for the care and treatment of animals are exempt from the provisions of this chapter except where duties are expressly stated to apply to them.
- B. The definition of "dangerous dog" and "vicious - biting dog" shall not apply to a dog under the control of or on duty with a law enforcement officer or to an attack by a dog upon an uninvited intruder who has entered any structure with criminal intent.
- C. The dog identification requirements of this Ordinance shall not apply to any dog belonging to a nonresident of the Township and kept within the Township for not longer than 30 days provided that all such dogs, shall, at all times while within the Township, be kept under restraint.

Section 17. PENALTIES: Any person who shall violates Section 2 or 3 of this Ordinance shall be guilty of a petty misdemeanor and, upon conviction, shall be punished by a fine of not more than \$100.00. Each day that a person shall own, harbor, keep or have custody of a dog over six months of age within this Township without identification tag and rabies tag shall be considered a separate violation. Any person who shall violate any of the terms and provisions of Sections 4, 5, 6, 7, 10 and 15 of this Ordinance shall be guilty of a misdemeanor and, upon conviction shall be punished by a fine of not more than \$300.00 or by imprisonment not to exceed 90 days, or both. In addition, after a finding of a Court of proper jurisdiction that a dog is a public nuisance as defined in Section 5, the Court may order that the dog be destroyed or that the owner or custodian remove it from the Township or keep it confined to a designated place.

Section 18. This ordinance shall take effect and be in force from and after its passage and publication.

Adopted by the Town Board of New Scandia Township this 16th day of January, 1989.
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BY Russell Jackson
Russell Jackson, Chairman

ATTEST:

Dolores Peterson
Dolores Peterson, Clerk