

**NEW SCANDIA TOWNSHIP  
ORDINANCE NO. 75**

**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 harborer of a dog shall mean any person who has custody of any dog or permits the same to be kept on or about his or her 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 six (6) feet in length; if it is under the voice or signal command of a responsible person whom the dog will immediately obey; if it is within a vehicle being driven or parked on the public streets; and if it is within the limits of its owner's premises.
- D. **Stray:** Any unidentified dog, the owner of which is unknown and which is at large within the Township.
- E. **Animal Control Authority:** Any person, firm, agency or company hired or appointed by the Township to assist and/or enforce this ordinance or any police officer charged with enforcing 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 in a location where, at the time of the attack, the victim was lawfully conducting himself or herself, 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 has:
    - (a) without provocation, inflicted substantial bodily harm on a human being on public or private property;
    - (b) killed a domestic animal without provocation while off the owner's property; or
    - (c) 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.
  
  - J. Potentially Dangerous Dog: Any dog that:
    - (a) when unprovoked, inflicts bites on a human or domestic animal on public or private property;
    - (b) when unprovoked, chases or approaches 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
    - (c) has a known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.
  
  - K. Substantial Bodily Harm: Bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss of impairment of the function of any bodily member or organ, or which causes a fracture of any bodily member.
- Section 2. IDENTIFICATION: No person shall own, harbor, keep or have custody of a dog over six (6) months of age, 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 (6) months of age, within this Township, unless the dog has been vaccinated against rabies and the dog has attached to its 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 responsible 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. **AT LARGE:** No owner shall permit his/her dog to be at large within the Township.
- Section 6. **PUBLIC NUISANCE:** No person shall keep or harbor a dog which is a public nuisance. A dog is a public nuisance that does any of the following:
- A. Destroys property or habitually trespasses in a damaging manner on property of persons other than the owner.
  - B. Attacks or bites a person outside the owner's or custodian's premises.
  - C. Shows vicious habits or molests pedestrians or persons riding or driving on the public streets or highways.
  - D. Habitually barks, bays, cries, howls, or makes any other noise continuously for a period of 10 minutes or barks intermittently for 30 minutes or more, at any time, either day or night. A dog shall not be deemed a public nuisance if, at the time the dog is barking or making any other noise, a person is trespassing or threatening to trespass upon the private property on which the dog is situated or when the dog is teased or provoked.
- Section 7. **POISONING OF ANIMALS:** It shall be unlawful for anyone to place upon the ground or in any other place, 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 Control Authority 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 Control Authority, such dog need not be impounded, but the Animal Control Authority may at his or her discretion return the dog to its owner and charge the owner or keeper with a violation of this Ordinance.

- C. Immediately upon impounding a dog, the Animal Control Authority shall make a reasonable effort to notify the owner of the dog so impounded and inform the 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 five (5) working days after seizure of the dog upon payment of an impounding fee of \$75.00 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 five (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 Authority by contract.

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

Section 12. RABIES CONTROL: Minnesota health laws and regulations are hereby adopted by reference to govern the possession, testing and disposition of rabid animals 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, the Animal Control Authority 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 the dog.
- B. The Animal Control Authority 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.
- C. No person shall interfere with, hinder or obstruct the Animal Control Authority 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 the Animal Control Authority except as herein provided.

Section 14. REGULATION OF DANGEROUS DOGS:

- A. Requirement: No person may own a dangerous dog unless the dog is registered as provided in this section.
- B. Registration: The Animal Control Authority shall issue a certificate of registration to the owner of a dangerous dog if the owner presents sufficient evidence that:
  - (a) a proper enclosure exists for the dangerous dog and there is posted on the premises a clearly visible warning sign, including a warning symbol to inform children, that there is a dangerous dog on the property;
  - (b) a surety bond issued by a surety company authorized to conduct business in this state in a form acceptable to the Animal Control Authority in the sum of at least \$50,000.00, 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 \$50,000.00, insuring the owner for any personal injuries inflicted by the dangerous dog;
  - (c) the owner has paid an annual fee of not more than \$500.00, in addition to any regular dog licensing fees, to obtain a certificate of registration for a dangerous dog under this section; and
  - (d) the owner has had microchip identification implanted in the dangerous dog as required in Section C below.
- C. MICROCHIP IDENTIFICATION: The owner of a dangerous or 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 Animal Control Authority. If the microchip is not implanted by the owner, it may be implanted by the Animal Control Authority. Once implanted, no one, except a licensed veterinarian, shall remove a microchip from a dangerous dog. All costs related to the purchase and implantation of the microchip must be borne by the dog's owner.
- E. DANGEROUS DOGS; ADDITIONAL REQUIREMENTS:
  - (a) 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.

- (b) An owner of a dangerous dog must renew the registration of the dog annually until the dog is deceased. If the dog is removed from the jurisdiction, it must be registered as a dangerous dog in its new jurisdiction.
- (c) An owner of a dangerous dog must notify the Animal Control Authority in writing of the death of the dog or its transfer to a new jurisdiction within 30 days of the death or transfer, and must, if requested by the Animal Control Authority, 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.
- (d) The Animal Control Authority may require a dangerous dog to be sterilized at the owner's expense. If the owner does not have the animal sterilized, the Animal Control Authority may have the animal sterilized at the owner's expense.
- (e) 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 that person owns a dangerous dog that will reside at the property.
- (f) A person who sells a dangerous dog must notify the purchaser that the Animal Control Authority has identified the dog as dangerous. The seller must also notify the Animal Control Authority in writing of the sale and provide the Animal Control Authority with the new owner's name, address and telephone number.

F. CONFISCATION:

(a) Seizure:

- (1) The Animal Control Authority shall immediately seize any dangerous dog if:
  - (i) 14 days after the owner has notice that the dog is dangerous, the dog is not validly registered pursuant to Sections 14A and B herein;

- (ii) 14 days after the owner has notice that the dog is dangerous, the owner does not secure the property liability insurance or surety coverage required by Section 14B herein;
  - (iii) the dog is not maintained in the proper enclosure; or
  - (iv) the dog is outside its proper enclosure and not under the physical restraint of a responsible person as required by Section 14E herein.
- (2) 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.
- (b) Reclaimed: A dangerous dog seized under this Section may be reclaimed by the owner of the dog upon payment of impounding and boarding fees, and presenting proof to the Animal Control Authority that the requirements of this Section will be met. A dog not reclaimed under this Subdivision within seven days may be disposed of as provided in Minn. Stat. §35.71, Subd. 3, and the owner is liable to the animal control authority for costs incurred in confining and disposing of the dog.
- (c) Subsequent offenses; seizure. If a person has been convicted of a misdemeanor for violating a provision of this section and the person is charged with a subsequent violation relating to the same dog, the dog shall be seized by the Animal Control Authority. 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 shall pay the cost of confining and destroying the animal. If the person is not convicted of the crime for which the dog was seized, the owner may reclaim the dog upon payment to the Animal Control Authority of a fee for the care and boarding of the dog. If 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 as provided in Minn. Stat. §35.71, Subd. 3, and the owner is liable to the Animal Control Authority for the costs incurred in confining, impounding, and disposing of the dog.

Section 15. BITE CASES: It shall be the duty of every physician to report to the Animal Control Authority the names and addresses of persons treated for bites

inflicted by animals within the Township, together with such other information as will aid in rabies control.

Section 16. EXEMPTIONS TO THIS ORDINANCE:

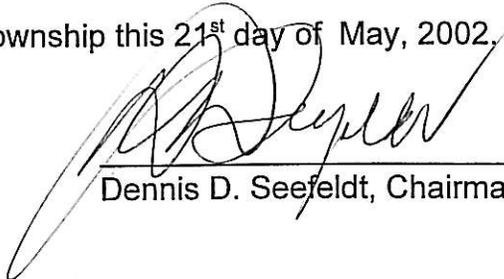
- A. Hospitals, clinics and other premises operated by licensed veterinarians for the care and treatment of animals are exempt from the provisions of this chapter except where duties are expressly stated to apply to them.
- B. The definition of "dangerous dog" and "biting dog" shall not apply to a dog 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 violate sections 2 or 3 of this Ordinance shall be guilty of a petty misdemeanor. Each day that a person shall own, harbor, keep or have custody of a dog over six months of age within this Township without an 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, 14 and 15 of this Ordinance shall be guilty of a misdemeanor. In addition, after a finding of a court of proper jurisdiction that a dog is a public nuisance as defined in Section 6, the Court may order that the dog be destroyed or that the owner or custodian remove it from the Township or keep it confined in a designated place.

Section 18. REPEALER: Ordinances numbered 31 and 47 are hereby repealed in their entirety.

Section 19. EFFECTIVE DATE: 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 21<sup>st</sup> day of May, 2002.

  
Dennis D. Seefeldt, Chairman

ATTEST:

  
Dolores Peterson, Clerk