

Windemere Township Dog Ordinance

Dogs

1. Definitions. The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the contexts clearly indicate a different meaning.
 - a. **Dog:** Any domesticated dog, male or female, whole or neutered, and will include any cross breed between a wild animal such as a wolf and a dog which has been domesticated.
 - b. **Owner:** any person, firm, partnership, or corporation owning, harboring, or keeping a dog.
 - c. **Kennel:** Means any place, building, tract of land, abode, or vehicle wherein or whereupon dogs are kept, congregated, or confined.
 - d. **At Large:** A dog that is off the premises of the owner and is neither controlled by a leash, cord, chain, or voice command of a competent person nor confined in a vehicle or cage or controlled by an underground pet containment system and/or electronic containment system.
 - e. **Restraint:** A dog that is controlled by an electronic collar or fencing, a leash/chain less than 20 feet in length, voice, or command signal of a competent person, provided the dog will obey such signal, or is within the limits of the owner's property and in the presence of the owner, or is confined with a kennel.
 - f. **Any Potentially Dangerous Dog:** A dog that:
 1. When unprovoked, inflicts a bite on a human or domestic animal on public or private property.
 2. When unprovoked, chases or approaches a person upon the streets, sidewalks, or any public or private 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.
 - g. **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.
 - h. **Public Nuisance Dog:** Shall be intended to mean any dog which:
 1. Is repeatedly found at large.
 2. Damages the property of anyone other than its owner.
 3. Is a "vicious dog" meaning a dog that constitutes 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.
 4. Causes fouling of the air by unreasonable odors.
 5. Causes unsanitary conditions of enclosures or surroundings.
 6. Excessively, habitually, or frequently makes disturbing noises by barking, yelping, howling, crying, or otherwise disturbing the peace.
 7. Molests passer(s)- by or passing vehicles.
 8. Attacks other domestic animals.

9. Has been designated by the Township or law enforcement offices to be a public nuisance dog by virtue of being a menace to the public health, welfare, and safety.
10. Frequents school grounds or parks.
- i. **Running at Large:** "At Large" shall be intended to mean off the premises of the owner and not under the control of the owner or a member of his or her immediate family either by leash, cord, chain or otherwise. No person owning, keeping, or harboring an animal shall permit the animal to run at large. For the purposes of this section, an animal shall be deemed to be running at large:
 - a. When the animal commits damage to the property of anyone other than the owner or injury to the person of anyone other than the owner, except in defense of the animal's owner or the owner's family.
- j. **Township or Town Board:** means the township of Windemere and its duly authorized agents and members of the town board.
- k. **Officer:** Any Law Enforcement Officer and any persons designated by the Township to assist in the enforcement of this ordinance.

10-04-00 Repealed

Text of the regulation to be adopted.

10-04-01 Restraint of dogs. All owners must always keep their dogs under proper restraint.

10-04-02 Running at Large Prohibited. It is unlawful for the owner of any dog to permit such animal to run at large. Dogs must be on a leash or in the direct control of the owner on public property which includes all roads in the township and public areas such as beaches, bicycle, and snowmobile trails, parking lots, etc.

10-04-03 Vaccinations required. Owners must keep their dogs vaccinated against rabies and distemper. A Certificate of Vaccination must be produced on request by any Board member or law enforcement office requesting proof of vaccinations. Owners shall have seven days to present the certificate(s) to the Board member or law enforcement officer.

10-04-04 Food, Water, and Shelter. Owner shall provide their dogs with proper food, potable water, and appropriate weather-related shelter as to sustain them in good health.

10-04-05 Public Nuisance. It is unlawful for the owner of any dog to:

- a. Permit such animal to habitually bark, cry, whimper, howl, whine, yip, or emit any other loud or unusual noises in such a manner as to affect any person in any public place or on the property of another. In the case of a dog or dogs disturbing the peace by excessively, habitually, or frequently barking, yelping, howling, crying, yipping, or making any other noise for a period of five consecutive minutes or intermittently for 15 minutes or more at any time either day or night or otherwise disturbing the peace and tranquility of neighbors or other citizens, such actions will be deemed a nuisance if reported to the Township and the behavior is verified by witnesses, audio recording with date and time stamp, or by a law enforcement officer.

- b. Permit such animal to damage or defecate in or upon public property or the property of another.
- c. Interfere with any law enforcement officer or duly authorized Town agent in the performance of their duties.

10-04-06 Potentially dangerous and dangerous dogs. The provisions of Minn. Statute 347-50-347.55 shall be adopted as reference and are hereby incorporated herein and adopted by reference, including the penalty provisions thereof. Any law enforcement officer, Township officer or employee may declare a dog to be potentially dangerous or dangerous when the officer has probable cause to believe that the dog is potentially dangerous. Written notice will be sent to the owner, and the owner has 3 days to appeal the notice. Immediately upon receipt of the notice declaring the dog dangerous, the owner shall confine the dog in a proper enclosure as defined in Minn. Statute 347.50.

10-04-07 Biting Dogs. Whenever a dog has bitten a person or other animal, the owner, having been so notified, whether orally or in writing, must:

- a. Provide a certificate of current rabies inoculations; and,
- b. Immediately quarantine the dog at the owner's home or other suitable place of confinement as directed by the responsible officer for a period of ten days after occurrence.

10-04-08 Impounding of Animals. The Animal Control Officer, a peace officer and any other authorized agents appointed by the Township Board shall have the authority to seize, impound or restrain any animal maintained in violation of this Code or which bites a person or causes an annoyance to individuals, or which runs at large. All animals seized or restrained pursuant to this subsection shall be impounded and the owner assessed a per diem charge based upon the cost of holding and maintaining the animal. Immediately upon the impounding of an animal, the designated Animal Control Officer shall make every reasonable effort to notify the owner or harbinger of the impoundment, and of the conditions whereby the owner or harbinger may regain custody of the animal. Verbal notice shall be immediately confirmed in writing by the designated Animal Control Officer, any law enforcement officer or agent of the Township.

- a. Any animal so impounded shall be held until claimed by the animal's owner or until it is destroyed. Any animal so impounded shall be kept, with humane treatment and sufficient food and water for its comfort, at least five regular business days, unless the animal is a dangerous animal as defined under M.S. Sections 347.50 to 347.54, as it may be amended from time to time, in which case it shall be kept for seven days, and except if the animal is a cruelly-treated animal under M.S. Sections 343.20 to 343.235, as it may be amended from time to time, or has not been properly inoculated as required herein in which case it shall be kept for ten days to make sure that the animal is free from disease. After that time, it may be destroyed unless properly reclaimed by its owner. The owner will remain liable for all charges incurred by the Township in impounding, holding, or destroying the animal.

10-04-09 Notice to Owner and Redemption. Not later than three days after the impounding any dog, the owner shall be notified, or if the owner of the animal is unknown written notice shall be posted for three days at the Town Hall and the Animal Control Shelter, or designated Veterinarian Hospital used by the Township as a pound, describing the animal and the time and place of taking the impoundment. The owner of any animal so impounded may reclaim the animal upon payment of all fees and additional charges which shall be established by resolution as adopted from time to time by the Town Board as a late fee. In addition, the animal owner shall be responsible to pay for all costs and charges incurred by the Township for impounding and maintenance of the animal. The owner shall be notified that the Veterinarian will inject the impounded animal with rabies shots if the animal is overdue for injection or if the Veterinarian cannot obtain information as to the last date of rabies shots for the animal. The cost of the injection for rabies shots shall be paid for by the owner. The following items are charges that shall be paid to the keeper of the animal or Veterinarian at a cost which shall be established by resolution as adopted from time to time by the Township Board:

- a. Cost of Rabies shot.
- b. Cost for impounding the animal during normal business hours and for impounding a dog after normal business hours (after 6:00 p.m.).
- c. Costs of keeping any animal.
- d. All costs related to the service or giving of notice.

10-04-10 Disposition of Unclaimed or Infected Dogs. It shall be the duty of the Animal Control Officer, or the Animal Shelter as designated by a Township officer or agent to keep all dogs so impounded for a period of five (5) regular business days. If upon the expiration of five (5) regular business days from the date of notice to the owner or the posting of the notice, the dog shall not have been redeemed, it may be destroyed. Any dog which appears to a licensed veterinarian to be suffering from rabies or affected with hydrophobia, mange or other infectious or dangerous disease shall not be released but may be forthwith destroyed with all costs accessible to the owner.

Dogs impounded during the first two days of the proclamation shall, if claimed within four days, be released to the owner, unless infected with rabies, and upon payment of the impounding charges, maintenance and serving of the notice provided in this Section. If unclaimed after that period, the dog may be summarily destroyed.

10-04-11 Rabies Notice. If a dog is believed to have rabies or has been bitten by a dog or other animal suspected of having rabies, the animal shall be confined by a leash or chain on the owner's premises and shall be placed under the observation of a veterinarian at the expense of the owner for a period of two weeks. The owner shall notify the Township of the fact that his or her animal has been exposed to rabies and at his or her discretion the township officer as designated by the Township is empowered to have the animal removed from the owner's premises to a veterinary hospital or designated animal shelter and there placed under observation for a period of two weeks at the expense of the owner.

It shall be unlawful for any person who has reason to know that a dog has rabies to take the animal off his or her premises or beyond the limits of the Township without written permission

of the Township designated township officer or the law enforcement officer. Every owner, or other person, upon ascertaining a dog is rabid shall immediately notify the Township designated animal control officer or a law enforcement officer who shall either remove the animal to the pound or summarily destroy it.

10-04-12 Proceedings for Destruction of Certain Dogs. Upon sworn complaint to the District Court and upon good cause shown that any one of the following conditions exist, the Court may issue an Order to Show Cause why a dog should not be destroyed:

- a. That any dog at any time has destroyed property, attacked a domesticated pet properly on its own premises or has habitually trespassed in a damaging manner on the property of persons other than the owner.
- b. That any dog at any time has attacked or bitten a person outside the owner's premises.
- c. That any dog is vicious or shows vicious habits or molests pedestrians or interferes with vehicles on the public streets; or,
- d. That any dog is a public nuisance as defined herein.

If the Court determines that one of these situations has been established by a showing of good cause, the Judge shall issue a Summons directed to the owner of the dog commanding him or her to appear before the Court to show cause why the animal should not be seized by the animal control officer and/or law enforcement officer or otherwise disposed of in the manner authorized in this Section.

The Summons shall be returnable not less than two (2) nor more than six (6) days from the date thereof and shall be served at least two (2) days before the time of the scheduled appearance. Upon the hearing and finding the facts true as complained of and upon good cause shown, the Court may either order the animal killed or order the owner or custodian to remove it from the Township or may order the owner or custodian to keep it confined to a designated place. If the owner violates the order, the animal control officer and/or any police officer may impound the animal described in the order at the expense of the owner. The provisions of this Section are in addition to and supplemental to other provisions of this Chapter.

10-04-13 Kennels. Persons will be permitted no more than 3 dogs over the age of 3 months at any one time unless they have applied for a variance with the township. The keeping of three or more dogs on the premises, whether owner by the same person or not and for whatever purpose kept, shall constitute a “kennel”; except that a fresh litter of pups may be kept for a period of three months before that keeping shall be deemed to be a “kennel”.

- a. No premises shall be licensed to allow use as dog kennel if any of the buildings or enclosed yards or portions thereof are located closer than 500 feet to the nearest adjacent lot line. No kennel shall be located on less than 5 acres of land. All buildings and dog yards from the kennel shall be enclosed in a secure woven wire fence of not less than six feet height. Every dog kennel shall be operated and maintained in a clean and sanitary condition so as not to endanger the health, comfort, safety, and welfare of the dogs and public.

10-04-14 Waste Removal Required. The Township Board finds and hereby requires that the owners of all pets and animals within the Township owe an obligation to their friends, neighbors, and members of the public to properly pick up and dispose of any animal waste produced by their animal in an expeditious, safe, and proper manner. Every owner (or person in possession) of every dog while that pet or animal is located within the Township shall be required to properly pick up and dispose of any feces produced by the animal immediately or as soon as is practicable so that such animal's waste or feces is not left on the property the dogs reside on, on Township property, or the private property of another.

10-04-15 Penalties. Any animal owner or person found in violation of a provision of this Section shall be guilty of a petty misdemeanor. Each violation of this offense Section shall be considered a separate offense.

- a. The owner of a dog which has been allowed to be in violation of this section shall be subject to a scheduled fine of \$300.00. Said fine shall increase to \$500.00 for each subsequent violation within a 12-month period. After the third violation for the same offense within a 12-month period, the owner would not be allowed to have any dogs on his premises.

10-04-16 Enforcement. The Pine County Sheriff's department will be the enforcing agent. Any violation will be reported to the Sheriff's Department.

10-04-17 Effective Date. This ordinance shall become effective and enforceable on the day following publication. Members of the Town Board and any Town employee are hereby duly authorized agents for purpose of this Ordinance.

Passed by the Town Board of Windemere Township on this ____ day of _____,
20____.

Signatures: _____Chairperson

Attested to by: _____Town Clerk.