

Ordinance 85-1 For Regulation of 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 Big Lake, Sherburne County, State of Minnesota, do hereby adopt the following ordinance:

100.00 - Dogs and Other Animals.

100.01 - Definitions. Unless the context clearly indicates otherwise, the words, combination of words, terms and phrases as used in Section 100.01 et seq. shall have the meanings as set forth in the following paragraphs:

1. "Persons" shall mean any individual, firm, partnership or corporation.
2. "Animal Warden" shall mean the Township Pound Master. Township Supervisor, County Sheriff or any of his deputies.
3. "Commercial Kennel" shall mean a place where more than three (3) dogs of over six (6) months of age are kept for the purpose of breeding, sale, boarding, hunting, show training and/or exhibition purposes.
4. "Citation" shall mean a notice or complaint issued by the Animal Warden to the owner of any animal apprising said owner of one or more violations of this ordinance.
5. "At Large" any dog or animal is at large when it is off the property of the person owning, harboring, or keeping said animal, and is not under restraint.
6. "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.

7. "Under Restraint" any dog or animal is under restraint if it is on the premises of the person harboring or keeping the animal or dog; if it at heel beside a person having custody of it or obedient to that person's command; 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. The Town of Big Lake does not recognize "invisible" fences.
8. "Dog Kennel" shall mean any place, building, tract of land, boat or vehicle wherein or whereupon dogs are kept, congregated or confined; such dogs or animals having been obtained from municipalities, dog pounds, dog auction, or by advertising for unwanted animals, or animals abandoned or stolen.
9. "Owner" shall mean any person owning, keeping, harboring or acting as custodian of any animal.
10. "Premises" shall mean any building, structure, shelter or land whereon dogs or other animals are kept or confined.
11. "Pound Master" shall mean that person or persons from time to time appointed by the Big Lake Township Board to carry out the duties of a pound master as defined by Minnesota Statutes or to enforce this ordinance or both.
12. "Public Nuisance Animal or Animals" shall mean any animals or animals which:
 - A. If the dog/dogs or animal/animals is/are repeatedly found at large;
 - B. Damages the property, or garden of anyone other than its' owner;
 - C. Is/are vicious animal(s);
 - D. Causes unsanitary conditions of enclosures or surroundings;
 - F. By virtue of number of types of animals maintained are offensive or dangerous to the public health, safety or welfare;
 - G. Makes disturbing noises; audible off of the owner's or caretaker's premises for repeated intervals of at least five minutes with less than one minute of interruption.
 - H. Molests passers by or passing vehicles;
 - I. Attack other domestic animals;
 - J. 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.
13. "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, injury, or places an individual in reasonable apprehension of bodily harm.

14. "Agricultural Uses" shall mean the use of land for keeping or producing of livestock and livestock products and poultry. The term shall not include feedlots. Uses would also include wild game farm operations.
15. "Domestic Animals" shall include domestic animals defined as traditional house pets such as dogs, cats and birds which can be contained within a principal structure, throughout the entire year, provided that containment can be accomplished without special modification to the structure requiring a building permit from the County. Domestic animals also include birds and rabbits normally sheltered outside the home.
16. "Agricultural Animals" shall include animals which are used for the production of food or other products. Agricultural animals shall include cattle, hogs, sheep, goats, chickens, turkeys, horses and other animals commonly accepted as farm animals in the State of Minnesota.
17. "Dangerous Animals" shall include mammals, bird or large or poisonous reptiles with a propensity to be dangerous to the safety and welfare of any person, property or other domestic animal. Examples of such dangerous animals include but are not limited to, bears, lions, wolves, coyotes, cougars, tigers, panthers, apes, alligators, crocodiles, large snakes (greater than six [6] feet) and poisonous snakes, badgers, and ocelots. Dangerous animals shall also include any animal that has attacked or bitten any person when said attack or bite was unprovoked. Animals cross-bred with dangerous animals shall also be considered dangerous animals, such as dogs and coyotes and dogs and wolves.
18. "Nontraditional or Exotic Animals" shall include animals that are not normally considered to be domesticated but are not dangerous animals as defined herein.
19. "Animal Unit" shall be a unit of measure to compare differences in production of animal wastes which has as a standard the amount of waste produced on a regular basis by a slaughter steer, heifer or horse.
20. "Feedlot" shall be a confined area used for housing or feeding poultry or livestock where substantial amounts of animal waste will be generated, but not including barns or pens which are accessory uses incidental to a farming operation. For the purpose of this ordinance, feedlots shall include only those operations with more than ten (10) animal units.

100.02 - Enforcement. The provisions of this ordinance shall be enforced by the Animal Warden pursuant to policies established by the Township Board of Supervisors.

100.03 - 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.

100.04 - Records. It shall be the duty of the Animal Warden to keep the following records, subject to inspection by the Township Board of Supervisors or their designated agents as set forth in the following paragraphs:

1. Accurate and detailed records of the licensing, impounding and disposition of all animals coming into custody.
2. Accurate and detailed records of all reported bite cases and investigations for a period of three (3) years.
3. Accurate records of all citations issued for violations of this ordinance.
4. Accurate and detailed records of all moneys collected and expended in the operation of functions of this office.

100.05 - 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:

1. 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. The Town of Big Lake does not recognize "invisible" fencing.
2. While in any public place such as school, playground or park to be on a leash, chain or cord of not more than six (6) feet in length and in custody of a person of sufficient age to adequately control the dog all times. The owner will be responsible for proper removal and disposal of all waste material generated by their dogs.
3. 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.
4. That any dog at any time has destroyed property or habitually trespasses in a damaging manner on the property of persons other than the owner.

100.06 - Confinement of animals/dogs with history of biting. Every fierce, dangerous or vicious animal/dog that has a history of biting a human or any domestic animal, shall be confined by the owner within a building or secure covered enclosure unless muzzled and on a leash.

100.07 - Dog/Animal on a leash. The restriction imposed by 100.05 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.

100.08 - Abandonment of Animals. It shall be unlawful to abandon any dog or other animal within the Township.

100.09 - No person shall own, harbor or keep a dog over six (6) months of age within the Township of Big Lake unless a current license has been obtained.

100.10 - Dog License Fee Application. It shall be required of each person owning, keeping or harboring a dog to pay a license fee to the Township as imposed by this section, except as provided in Section 100.20 herein. The license for any dog shall be computed at the rate duly set the Township Board from time to time. Each application for such license shall include a statement signed by the person applying for the license, which certifies that the dog has been inoculated for rabies not more than twenty-four (24) months preceding the date of application.

100.11 - Unauthorized Use of Dog License Receipts, Tags of Inoculation Certificates. It shall be unlawful for any person to use for any dog a license receipt, license tag or rabies inoculation certificate issued to another person or dog.

100.12 - Dog Tags. The Township shall procure a sufficient number of metallic tags for delivery of one such tag to the person paying the license fee. It shall be the responsibility of the owner of dog for which said tag is not transferable to any other dog or to a new owner of the dog. If a tag is lost or stolen, the owner may obtain a new tag by surrendering the license receipt for the first tag and by paying an additional fee as duly set by the township Board of Supervisors from time to time. All dogs in the Town of Big Lake must wear a collar to which the required license is securely attached.

100.13 Rabies Shots Required. No person shall keep any 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.

1. Within sixty (60) days after a dog reaches the age of six (6) months, or
2. Within sixty (60) days after moving inside the Township limits providing no previous shot was obtained;

3. Proof of rabies shot must be provided to the Animal Warden or Pound Master within two (2) weeks of the above schedule, along with description of the dog and other information as required for record keeping at which time rabies tag will be provided.

100.14 - Impounding Dogs. The Animal Warden shall seize and impound any dogs found in the Township without the tag provided for by this ordinance, or dogs/animals running at large in violation of Section 100.05. To enforce this ordinance, said Animal Warden may enter upon any private premises in pursuit of animals. Persons who interfere with the Animal Warden when engaged in taking an animal hereunder for impounding an animal or refuse to surrender a dog to the Animal Warden for confinement will be in violation of this ordinance.

100.15 - Impounding Stray Dogs or Animals.

1. 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 premises demands such seizure or impoundment 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.
2. Disposition of such impounded stray shall thereafter be pursuant to the provisions of Section 100.17 herein.

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

1. Any dog or other animal displaying symptoms of being rabid must be seized and secured by the owner on his/her premises until found free of rabies. If the owner requests the animal or dog be placed the Township contracted dog pound he/she assumes full responsibility for the animal or dog.
2. 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 serious risk, such dog or other animal may be killed if reasonably necessary for the safety of any person or persons.
3. 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 the Township by the owner of custodian of the biting dog or animal, and the person bitten or his parent or guardian within twenty-four (24) hours of the bite.

100.17 - Redemption of Dogs and Other Animals.

1. The Township, upon the impounding of any dog or other animal, may condition redemption of said dog from impounding upon payment of the required impounding fee as duly set by the Township Board from time to time, plus the cost of boarding for each day said dog or other animal has been confined in said pound, together with the payment for a current license for said dog if no current license has been issued.
2. If at the end of ten (10) days after said impounding, the dog or other animal has not been redeemed, it may be sold at private sale, or the keeper of the pound may dispose of the dog or other animal in a humane manner or pursuant to the terms of the Minnesota Statutes, Section 35.71.

100.18 - Possession of Nuisance Animals. No person shall keep, own, harbor or otherwise possess within the Township an animal which is a public nuisance animal or vicious animal as defined in Section 100.01.

100.19 - Animals Disturbing the Peace. It shall be unlawful for any person to own, keep, have in possession, or harbor any animal which by is a frequent habitual howler, yelper, barker or otherwise, shall cause serious annoyance or disturbance to persons or to neighborhood, provided, however, that the provisions this ordinance shall not apply to duly authorized hospitals or clinics established and operation for the treatment of small animals. 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 five hundred (500) feet of the residence of the animals complained of or from four (4) persons each of a different household, which ever 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 provision of the ordinance.

100.20 - Regulations.

1. Agricultural Animals. The keeping of agricultural animals in the A-1 zoning district is a permitted use and shall be limited to unplatted parcels which are four (4) acres or larger.
 - A. The number suggested of animals permitted shall be limited to one animal per acre of pasture land as outlined and defined in Sherburne County's Zoning Ordinance Section 5, Definitions and Rules of Language Construction; Subd. 2: Definitions - Animal Unit (AU).

- B. Stables and barns. All agricultural animals shall be provided a shelter under roof appropriately sized to accommodate the specific animal in a humane manner. No stable or barn in which agricultural animals are kept or maintained shall be located within 300 feet of a neighboring dwelling or platted area. In addition stables, barns or beehives shall meet normal structure setbacks from property lines.
- C. Fences. Agricultural animals shall be enclosed in a pen or corral. Fences for pens, corrals, pasture or similar enclosures must be of sufficient height and strength to retain such animals. No fence shall be located within 200 feet of a neighboring dwelling.
- D. Sanitation and health. Manure management shall be regulated by the State.

100.21 - Permits for commercial dog kennels and permits for keeping more than three dogs over the age of six months.

- 1. No person shall operate a commercial dog kennel in this Township without first obtaining a permit. Applications for such permit shall be made to Sherburne County and shall be accompanied by the permit fee, if any.
- 2. Commercial kennels must comply with all Sherburne County and Minnesota State regulations as required by Sherburne County permitting process.
- 3. No person shall own, harbor or keep upon his/her premises more than three (3) dogs over the age of six (6) months unless in a commercial kennel duly licensed under this section.

100.22 – Keeping of certain animals absolutely prohibited.

- 1. Any animal or species prohibited by federal or Minnesota law.
- 2. Any exotic animal or species when kept in such numbers or in such a way as to constitute a likelihood of harm to the animals themselves, to human beings or to the property of human beings, or which constitutes a public or private nuisance.
- 3. Any skunk, whether captured in the wild, domestically raised, descended or not descended, vaccinated against rabies or not vaccinated against rabies.

4. Any large cat or members of the family Felidae, such as lions, tigers, jaguars, leopards, cougars and ocelots, except commonly accepted domesticated cats.
5. Any member of the family Canidae, such as wolves, dingoes, coyotes and jackals, except domesticated dogs.
6. Any crossbreed such as the crossbreed between dogs and coyotes and dogs and wolves.
7. Any raccoon.

Any person keeping any prohibited animal identified above may have it seized immediately by animal control.

100.23 - Any person violating sections 100.00 through 100.21 of this ordinance shall be guilty of a misdemeanor and in addition to any penalty imposed by the Court shall by the appropriate costs of prosecution as may be determined by the Court.

100.24 - This Ordinance shall take effect from and after this publication and posting. The Township Clerk is hereby directed to post this Ordinance on the Township Bulletin Board in the Town Hall.

100.25 -This ordinance adopts by reference Minnesota State statutes as adopted by Sherburne County.

- §347.51 Dangerous dogs; registration.
- §347.52 Dangerous dogs; requirements.
- §347.53 Potentially dangerous dogs.
- §609.226 Harm caused by a dog.

Ordinance #85-1 As Amended this date the 8th day of October 2014 and Posted.
For the Regulation of Animals

The undersigned Board of Supervisors and Township Clerk for the Township of Big Lake in the County of Sherburne, State of Minnesota does hereby certify that the foregoing Ordinance was publicly heard and duly passed and adopted at the Regular Monthly Board Meeting of the Township of Big Lake.

Adopted by the Big Lake Town Board of Supervisors this 10th day of December, 2014.

Robert Hofer, Chairman of the Board

Laura Hayes, Town Clerk

The motion for adoption of the foregoing resolution was duly moved by Supervisor Pfleghaar seconded by Supervisor Leslie. After discussion thereof and upon a vote taken thereon, the following number of supervisors voted in favor 4; against 0; abstained 0 whereupon said resolution was declared duly passed and adopted.

STATE OF MINNESOTA
SS
COUNTY OF SHERBURNE

On this 10th day of December, 2014 Notary Public, within and for said County, personally appeared Robert L. Hofer and Laura Hayes, to me personally known, being each duly sworn, did say that they are respectfully the Chairman of the Board and Town Clerk, of the Town of Big Lake, the municipal Township named in the foregoing instrument, was signed and sealed on behalf of said Township authority of its Town Board and they acknowledged said instrument to be the free act and deed of said municipal Township.

SEAL

NOTARY PUBLIC

Drafted By: Town of Big Lake
21960 County Road 5
PO Box 75
Big Lake, MN 55309