

The County Board of Isanti County Hereby Ordains

AN ORDINANCE ESTABLISHING REGULATIONS OF DOGS WHICH IS NECESSARY TO PROVIDE FOR THE PROTECTION OF DOGS AND ALSO THE HEALTH, SAFETY AND GENERAL WELFARE OF THE CITIZENS OF ISANTI COUNTY, STATE OF MINNESOTA.

Section 1.0 General Provisions

1.1 Purpose and Intent:

Pursuant to authority granted by the State of Minnesota under Minnesota Statutes Chapter 347, this dog Control Ordinance (Ordinance) is enacted to: 1) regulate, restrict, or prohibit if necessary, dogs; 2) protect the public from unvaccinated diseased, stray, roaming, dangerous, potentially dangerous, and nuisance dogs; 3) make unlawful the acts of dog owners or keepers that allow their dog(s) to interfere with the enjoyment of property and peace and safety in Isanti County; and 4) regulate kennels with Isanti County Conditional Use Permits as authorized by the Minnesota State Animal Board of Health, Minnesota Statute §347.32 through §347.40.

The definitions & provisions of this ordinance shall not replace or supersede the definitions or provisions of any other Isanti County Ordinances.

1.2 Jurisdiction:

This Ordinance shall be applicable in all areas of the County lying outside the incorporated limits or Municipalities.

1.3 Minnesota State Statute Chapter 347:

Minnesota Statute Chapter 347 is hereby incorporated by reference and shall be made part of this ordinance.

1.4 Definitions:

For the purpose of this Ordinance, the following words and phrases are defined and shall be construed as set out below.

(a) ANIMAL CONTROL OFFICERS:

Isanti County Sheriff, Deputy Sheriffs, and other persons appointed by the Isanti County Board of Commissioners to enforce all sections of this Ordinance and applicable State Laws.

(b) ANIMAL CONTROL FACILITY:

A Facility designated for the placement of dogs in accordance with or to enforce the provisions of this Ordinance.

(c) AT LARGE:

(i) A dog that is: 1) not physically controlled by a human being by means of a leash or lead held by the human being; or 2) at all times accompanied by a person and the dog does not immediately respond to sound, mechanical, electrical or other command of its accompanied person.

(ii) Exceptions exist for a dog that is specially trained and/or:

(1) actually working livestock (2) locating and retrieving wild game in season for a licensed hunter, (3) assisting law enforcement officers, (4) within the confines of the real property of its owner or keeper or other real property that the owner or keeper has permission to use, (5) within a motor vehicle, or (6) being trained for any of these specifically enumerated pursuits.

(d) BODILY INJURY:

Any physical injury to a human being caused by a dog, including but not limited to: injuries wherein the skin is broken: interior or exterior bleeding or bruising occurs; or where bone, tissue, or muscle damage occurs.

(e) COUNTY:

Isanti County, State of Minnesota

(f) CITATION:

A notice or complaint by the Animal Control Officer to the owner or keeper of one or more violations of this ordinance.

(g) DOG:

A domestic canine of either sex.

(h) DANGEROUS DOG:

The definition set forth in Minnesota Statutes §347.50, subd 2, (1996) and any amendment or remodification thereto is incorporated herein by reference.

(i) EXPOSED TO RABIES:

An animal or human bitten by or exposed to any animal known or suspected to have been infected with rabies.

(j) HARBORING A DOG:

A dog fed or sheltered by a person for seven days or more.

(k) IMPOUNDED:

Any dog which is received into custody by an Animal Control Officer or persons appointed by the Isanti County Board of Commissioners.

(l) KENNEL:

Any structure of premises on which four (4) or more dogs over four (4) months of age are housed.

(m) LEASH OR LEAD:

A thong, cord, rope, chain, or similar tether which holds a dog in restraint and which is not more than six (6) feet in length. A leash or lead longer than six (6) feet in length or a retractable lead of variable length may be used when exercising or training a dog provided that the use of the leash does not allow the dog to interfere with public access to, or use of, public areas.

(n) OWNER OR KEEPER:

Any person owning, keeping, harboring, or acting as custodian of a dog.

(o) PROVOCATION:

Threatening, teasing, or striking a dog: or striking the dog's owner in the presence of the dog either on or off the dog owner's property. Provocation shall not include any actions on the part of an individual that pertain to reasonable efforts of self defense. Provocation must be clearly established.

A person who was committing, at the time, a willful trespass or other tort upon the premises occupied by the owner of the dog.

A person who was provoking, tormenting, abusing or assaulting the dog or who can be shown to have repeatedly, in the past, provoked, tormented, abused, or assaulted the dog.

A person who was committing or attempting to commit a crime against the dog's owner or keeper of family members or guests of the owner or keeper or against that person's property..

(p) **POTENTIALLY DANGEROUS DOG:**

The definition set forth in Minnesota Statutes §347.50, Subd. 3, and any amendment or remodification thereto is incorporated herein by reference.

(q) **PREMISES:**

A definite portion of real estate where the dog's owner or keeper resides, including land with it's appurtenances, a building or part of a building.

(r) **SHELTER:**

Any facility designated by the County for purposes of sheltering any dog lawfully impounded by this Ordinance.

(s) **TORTURE, CRUELTY:**

Every act, omission or neglect which causes or permits unnecessary or unjustifiable pain, suffering or death.

## SECTION 2.0

### 2.1 **KENNEL LICENSE:**

A kennel permit or license is required pursuant to the provisions of Minnesota Statute §347.40 and any amendments or remodification thereto & also as required by Isanti County Zoning Ordinance as well as amendments or modifications thereof

**EXCEPTION:** Licensed Veterinarians at their office as defined in Minnesota Statute 347.40.

## 2.2 RABIES CONTROL:

### (a) Rabies Vaccination Required;

Whoever owns, keeps, or harbors a dog within the County for a period of more than thirty (30) days shall have such dog properly vaccinated or immunized against rabies and revaccinated every three years, however, dogs need not be vaccinated before the age of five (5) months. Isanti County will investigate to determine if impounded dogs have had timely rabies vaccination.

### (b) Vaccination Tag;

Any dog vaccinated as required by this article may have a tag securely fastened to the collar worn by the dog which indicates the year of vaccination and the record number of such vaccination. An owner or custodian of a dog which does not have vaccination tags fastened to a collar or other device worn by the dog shall produce current vaccination records, at the request of the Animal Control Officer, including the year of vaccination and the record number of such vaccination.

An owner or custodian of a dog which does not have an appropriate antirabies vaccination and which bites or otherwise exposes a person to rabies virus may be penalized for a petty misdemeanor.

## 2.3 REPORTING ANIMAL BITES: CONFINEMENT:

(a) Any person having knowledge that a dog has bitten a human shall immediately report the incident to the Isanti County Sheriff's Department.

(b) Any dog which has bitten a human for which its owner is unable to provide proof of current rabies vaccination shall be confined and observed for a period of ten (10) days at an Animal Control Facility or, if authorized by the Isanti County Control Officer, the confinement may be at a hospital or kennel under the supervision of a veterinarian of the owner's choice. The confinement wherever located shall be at the owner's expense. During the confinement period no rabies vaccination shall be administered.

(c) A dog ascertained by a doctor, of veterinary medicine licensed in the state of Minnesota, as having rabies shall be summarily destroyed by euthanasia.

## 3.1 CONTROL OF DOGS:

For the purposes of this section, unless otherwise limited, the owner is ultimately responsible for the behavior of his or her dog regardless of whether the owner or keeper

or another member of the owners's household or a household visitor permitted the dog to engage in the behavior that is subject to the violation.

(a) Dogs at Large Prohibited:

All dogs shall be kept under restraint. It shall be unlawful for the owner or keeper of any dog to permit such dog to be at large in the unincorporated area of Isanti County. A dog found at large shall be subject to impoundment. The owner of an impounded dog shall be responsible for all fees spelled out in section 3.2 (c) whether the dogs are reclaimed or not.

(b) Public Nuisance Prohibited:

It shall be unlawful for any owner or keeper of a dog to fail to exercise proper control of the owner or keeper's dog so as to have it become a public nuisance. For the purpose of this section a public nuisance includes a dog:

1.
  - a) that is a safety or health hazard,
  - b) that damages or destroys the property of another including garden and flower beds and trees,
  - c) that creates offensive odors that materially interfere with or disrupt another person in the conduct of lawful activities at such person's home,
  - d) that urinates or defecates upon private property not owned or exclusively occupied by the owner or keeper, or
  - e) that defecates upon public property if the feces deposited by the dog are not immediately removed by the dog's owner or keeper.
2. A dog at large that: a) jumps on, harasses, or attempts to herd a person; or b) runs after joggers, pedestrians, other dogs walked on a leash by an owner, bicyclists, or any vehicle driven upon the roads or any public ground except the private property of dog's owner or keeper.
3. A dog that chases or attacks wildlife, including birds, or livestock on property not owned or exclusively occupied by the owner or keeper, whether or not the dog injures or destroys the wildlife or livestock.

(c) Dangerous Dog, Potentially Dangerous Dog:

The County Animal Control Officer has the authority to enforce the provisions covering a dangerous dog or a potentially dangerous dog as described in Minnesota Statute §347.50 through §347.55 and any amendments or

remodification thereto.

(d) Improper Care or Treatment Prohibited:

It shall be unlawful for a person to physically mistreat any dog either by abuse or neglect or failure to furnish minimum care.

(e) Impoundment and Reclamation:

Authorization for Capture and Impoundment.

Animal control officers are hereby authorized to capture and impound dogs included in the categories listed below.

- (a) Dogs at large;
- (b) Dogs that constitute a safety or health hazard; or including dangerous dogs and potentially dangerous dogs;
- (c) Dogs left without care as a result of death, injury, arrest, detention, or other incapacitation of the owner or keeper.

Such officers may use a tranquilizer dart if necessary in order to capture a dog which appears to be vicious or where the officer is not able to capture the dog in any other humane manner. The officer may destroy such dog if necessary to avoid a physical threat to human being.

3.2 IMPOUNDED NOTICE:

- (a) When any dog has been seized and impounded, the Animal Control Officer shall give notice to the dog's owner or keeper, if such owner or keeper is known, that such dog has been impounded and that it will be placed for adoption or destroyed if not redeemed in ten (10) days. If the owner or keeper is not known to the Animal Control Officer, the officer shall post a notice in the front lobby of the Isanti County Law Enforcement Center (Sheriff's Department). The notice shall describe the dog and the place where seized and shall advise the unknown dog owner or keeper that such dog will be sold or destroyed if not reclaimed in ten (10) days.

(b) ADOPTION OR DISPOSAL OF UNCLAIMED DOGS:

Any dog not reclaimed by its owner or keeper within ten (10) days after impoundment shall become the property of the County or its designated animal control facility and shall be placed for adoption in a suitable home or humanely put to death by euthanasia.

(c) MINIMUM TIME FOR IMPOUNDMENT FOR UNCLAIMED DOGS:

Unclaimed dogs shall be kept at the Animal control Facility or other appropriate location for not less than ten (10) days after impoundment unless euthanasia prior to that time is deemed necessary or appropriate by a veterinarian advising the Animal Control Officer.

(d) RECLAIMING FEES:

Any owner or keeper reclaiming an impounded dog shall pay all veterinary cost plus the required penalty or fine and an impound fee, plus a daily boarding fee as established by the County Commissioners, upon recommendation from the boarding facility.

3.3 ENFORCEMENT:

- (a) Animal control officers shall enforce all of the provisions of this ordinance as set forth herein.

The County Animal Control Officer has the authority to determine whether a dog has engaged in the behaviors of a nuisance dog, dog at large, dangerous dog, or a potentially dangerous dog. This determination may be based upon an investigation that includes observation of and statements of witnesses about the dog's behavior, including the dog's upbringing and the owner's or keeper's control of the dog, and other relevant evidence as determined by the officer. These observations and statements of witnesses can be provided by Isanti County Animal Control Officers or by other witnesses who personally observed the behavior. The Animal Control Officer or witnesses shall sign a written statement attesting to the observed behavior and agree to provide testimony regarding the dog's behavior if necessary.

- (b) Whenever a violation of the Ordinance has occurred as determined by the Animal Control Officer, a written order, citation, warning, or summons, will be given or mailed to the dog's owner or keeper, or a written order may be posted at the owner or keeper's premises when none of the above people can be found on the premises.

1. A written order shall be signed by the Animal Control Officer and shall give the person or persons to whom it is directed, no more than five (5) working days not including holidays or weekends, to comply with such notice.

2. Any party served a written order by an Animal Control Officer pursuant to this Ordinance may appeal the Animal Control Officer's written order to Isanti County Board of Commissioners by submitting a written notice of appeal and a \$25.00 hearing fee to the Isanti County Board of Commissioners. Within the time frame as provided in #1 above.
3. If the time limit given to comply with the notice has passed, the Isanti County Board of Commissioners may order the impoundment of the dog and assess the cost of impoundment, in addition to the penalties for the violation, by suit or other means against the owner or keeper of the dog, or the owner occupant, person in possession, person in charge, or person in control of the premises where the dog is located.

(c.) No person shall knowingly: 1) interfere with, impede, or obstruct any Animal Control Officer who is attempting to discharge or who is in the course of discharging an official duty, or 2) fail to obey the lawful order of an Animal Control Officer. Persons who violate this section shall be subject to the penalties spelled out in Section 3.5

#### 3.4 RIGHT OF ENTRY GRANTED:

Animal Control Officers are hereby authorized to enter upon any premises, as authorized by Federal and State law, in Isanti County area for the purpose of impounding dogs which they are authorized herewith to impound, or for other purpose authorized by this ordinance.

#### 3.5 PENALTIES:

Any person found guilty of violating any provision of this ordinance, whether by acting in a manner declared to be unlawful or by failing to act as required, shall be punished as follows:

- a. Any person who violates any provision of Minnesota Statute §347.51 or §347.52 regarding dangerous dogs, is guilty of a misdemeanor.
- b. Any person who violates any provision of Minnesota Statute 347.53 regarding a potentially dangerous dog, is guilty of a petty misdemeanor.
- c. Any person who violates any provision in Section Two of this ordinance, Rabies Control, is guilty of a petty misdemeanor.

- d. Any person who violates any provision in Section Three of this ordinance, Control of Dogs, shall be penalized as follows:

First Offense - written warning by Animal Control Officer.

Any subsequent offense occurring within one year after a written warning by the Animal Control Officer may result in a citation being issued and referral to the Isanti County District Court.

4.0 LIABILITY FOR ACCIDENT OR SUBSEQUENT DISEASE:

The Isanti County Board of County Commissioners, Animal Control Officers, and assistants or employees of Isanti County or any other person authorized to enforce the provisions of this ordinance concerning dog control shall not be held responsible for any damage, accident, or subsequent disease that may occur in connection with the administration of this ordinance.

4.1 SEVERABILITY:

Should any section, clause sentence, or part of this ordinance be adjusted by any Court of competent jurisdiction to be unconstitutional or invalid, the same shall not affect, impair, or invalidate this ordinance as a whole or any part thereof, other than the part so declared to be invalid.

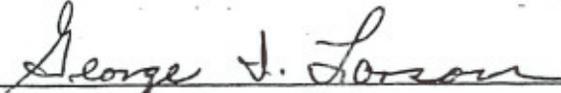
4.2 SAFETY CLAUSE:

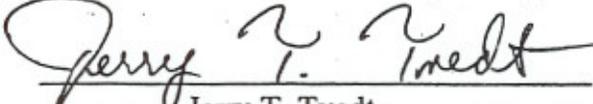
The Isanti County Board of Commissioners hereby finds, determines, and declares that this ordinance is necessary for the immediate preservation of the public welfare, health and safety.

4.3 EFFECTIVE DATE:

This Ordinance shall be published and posted according to law and shall take effect and be in force in 30 days after its passage and adoption.

Adopted this 5<sup>th</sup> day of February, 2003.

  
George Larson, Chairman  
Isanti County Board

  
Jerry T. Tvedt,  
Isanti County Coordinator