TOWN OF BALDWIN
SHERBURNE COUNTY, MINNESOTA
ORDINANCE NO. 400

ANIMAL CONTROL ORDINANCE

The Board of Supervisors of the Town of Baldwin ordains:

The Town Board for the Town of Baldwin, Sherburne County, Minnesota, in order to provide for the health, welfare and safety of the people of the Town of Baldwin and in order to provide for the regulation and protection of dogs and other animals, hereby adopts this animal control ordinance (this "Ordinance") pursuant to its authority under Minnesota Statutes, section 368.01, subdivisions 13 & 19, and such other law as may apply.

Section 1. Definitions. For purposes of this Ordinance, the following terms shall have the definitions given to them in this section.

A. "Animal Control Authority" means Baldwin Township for the purposes of administering and enforcing regulations related to dangerous dogs and potentially dangerous dogs pursuant to state law and County Ordinance Number 150 (as it may be amended).

B. "Animal Warden" means the governmental subdivision or person(s) designated by the Town or with whom the Town has contracted to enforce the provisions of this Ordinance.

C. "At large" means a dog that is off the property of the person owning, harboring, or keeping said domestic pet and it is not under restraint.

D. "Citation" means 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.

E. "Commercial Kennel" means a place where more than three (3) dogs of over six (6) months of age are kept for purposes of breeding, sale or boarding.

F. "Dangerous Dog" and "Potentially Dangerous Dog" have the meanings given by Minnesota Statutes, section 347.50 subdivisions 2 and 3, respectively.

G. "Habitually Barking Dog" means any dog that does any of the following when the noises it creates are audible off of the premises where the dog is being kept: i) barks, whines, yelps, howls, cries or makes other similar noises for a period of five minutes or more, with less than 1 minute intervals between noises; or ii) that barks, whines, yelps, howls, cries or makes other similar noises between the hours of 10:00 p.m. and 7:00 a.m., regardless of frequency.

H. "Large Animal" means any equine animal (including, but not limited to, a horse, stallion, mare, gelding, filly, colt, or mule), any species of the bovine family (including, but not limited to, any cow, calf, steer, or bull), any llama, sheep, ram, ewe, lamb, and any goat, billy, nanny, or kid, or an emu, ostrich, or rhea.

I. "Owner" means any person owning, harboring or keeping a dog or other

domesticated animal.

J. "Person" means any individual, firm, partnership or corporation.

K. "Premises" means any building, structure, shelter or land whereupon animals are kept or confined.

L. "Public Nuisance Animal" means any domestic pet that:

1. Is repeatedly found at large;
2. Damages the property of anyone other than its owner;
3. Is a vicious animal(s);
4. Causes fouling of the air by odor;
5. Causes unsanitary conditions of enclosures or surroundings;
6. Is offensive or dangerous to the public health, safety or welfare;
7. Excessively makes disturbing noises;
8. Molests passer(s) by or passing vehicles;
9. Attacks other domestic animals; or
10. 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.

K. "Town" means Baldwin Township, Sherburne County, Minnesota.

L. "Under Restraint" means a dog that is: on the premises of the Owner or the person harboring or keeping the dog; at heel beside a person having custody of it or obedient to that person's command; within a private motor vehicle of a person owning, harboring or keeping the dog; or, controlled by a leash not exceeding six (6) feet in length.

M. "Vicious Animal" means any animal, other than a dog, posing a 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.

Section 2. Noisy Animals/Disturbing the Peace. Habitually Barking Dogs are hereby declared to be a public nuisance. No owner shall keep or harbor a Habitually Barking Dog within the Town. This section does not apply to on-duty police dogs or to duly authorized hospitals or clinics established and operating for the treatment of dogs. No citation shall be issued except after written notice has been mailed or delivered to the occupant of the premises where such dog is kept or harbored advising that a complaint has been made about the dog and calling attention to the provisions of this Ordinance.

Section 3. Dangerous and Potentially Dangerous Dogs. "Dangerous Dogs" and "Potentially Dangerous Dogs" are defined and regulated by Minnesota Statutes, sections 347.50 through 347.565. With regard to dangerous dogs and potentially dangerous dogs, Sherburne County is the "Animal Control Authority" for the Town pursuant to Minnesota Statutes, section 347.50, subdivision 7 and Sherburne County Ordinance Number 150. The Town will contact the Animal Control Authority when it learns of dangerous or potentially dangerous dogs.

Section 4. Running at Large Prohibited. No Owner shall permit a dog to be at large within the Town and every owner of a dog shall cause the same to be:

A. Confined to the owner's property by training, fencing, or leashing. Females in heat shall be confined in an enclosure until they no longer attract other dogs.

B. While in any public place such as a school, playground, or a park to be on a leash, chain or cord of not more than six (6) feet in length and in the custody of a person of sufficient age to adequately control the dog at all times.

C. 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.

Any dog at large may be impounded by the Town as provided in this Ordinance and may be destroyed if not timely redeemed as provided in Section seventeen (17) below.

Section 5. Leash and Control. The restrictions imposed by Section 4 shall not prohibit a dog upon the streets or other public property when such dog is on a leash or under restraint.

Section 6. Enforcement. The provisions of this Ordinance shall be enforced by the Animal Warden or the Animal Control Authority, if applicable, under Section 3 of this Ordinance.

Section 7. Right of Entry. The Animal Warden shall have the right to enter upon any private property at all reasonable times for the purpose of discharging the duties imposed by this Ordinance, provided that the Animal Warden has the consent of the property owner to enter the property; an administrative search warrant allowing entry onto the property; or a court order allowing entry onto the property. If the Animal Warden does not have consent, a warrant or a court order allowing entry, the Animal Warden shall only enter private property in an emergency situation.

Section 8. Records. The Animal Warden must keep the following records, subject to inspection by the Town Board or its designated agents:

A. Accurate and detailed records of the licensing, impoundment, and disposition of dog(s) coming into custody;

B. Accurate and detailed records of all reported bite cases and investigations for a period of three (3) years;

C. Accurate records of all citations issued for violations of this Ordinance; and

D. Accurate and detailed records of all money collected and expended in the operation of the functions of his/her office.

Section 9. Impoundment Notice. Any dog impounded under the provisions of this Ordinance shall be kept in a pound for a period of at least five (5) days after a notice of such impounding has been posted in the Town Hall. If the owner of the dog is known, then the Township shall make reasonable effort to notify the owner of the impoundment. All impounded dogs shall be fed and treated in a humane manner.

Section 10. Confinement of Vicious Animals. Vicious animals must be confined within a building

or secure covered enclosure. Such animals shall not be taken out of such building or secure covered enclosures unless under control of the owner or custodian of the animal.

Section 11. Abandonment. It shall be unlawful to abandon any dog or other animal within the Town.

Section 12. Impounding Dogs or Other Animals.

A. The Animal Warden may seize and impound any at-large dog or other animal. The Animal Warden may enter upon private premises in pursuit of a dog or animal running at large.

B. It is unlawful for any person to interfere with the Animal Warden when engaged in the pursuit or impounding of a dog or other animal or to refuse to surrender such dog or animal to the Animal Warden.

C. If the owner of the premises on which an at-large dog or animal is found demands impoundment, the owner must agree in writing to indemnify and hold harmless the Town from any claims for damages by the owner of said dog.

D. The Town shall not be responsible for any extraordinary medical expenses related to an impounded animal.

E. Within one (1) day of impounding a dog, the Animal Warden shall post at the front door of the Town Hall a Notice of Impoundment in the form established by the Town Board. If the owner of the dog is known, the Animal Warden must give the owner the Notice of Impoundment by mail or personal service.

F. Disposition of an impounded dog or animal shall thereafter be handled pursuant to the provisions of Section 17 of this Ordinance.

Section 13. Diseased Dogs and Other Animals.

A. Any dog or other animal displaying symptoms of being rabid may be seized at any place or time and shall be confined in the Town dog pound, or other appropriate place designated by the Town Board, at the expense of the owner, until found to be free from rabies.

B. If any dog or other animal appears to be diseased, vicious, rabid, or has been exposed to rabies, and such dog or animal cannot be impounded without serious risk, such dog or animal may be killed if reasonably necessary for the safety of any person or persons.

C. When any dog or other animal has bitten any person, wherein the skin has been punctured or the service of a doctor is required, a report of the incident shall be made to the Town by the owner or custodian of the biting dog or animal, or the person bitten or his/her parent or guardian within twenty-four (24) hours of the bite.

Section 14. Nuisance Animals. No person shall keep, own, harbor or otherwise possess within the Town a dog or other animal which is a public nuisance animal as defined in this Ordinance.

Section 15. Redemption of Dogs and Other Animals. The Town may condition redemption of a dog or other animal from impounding upon payment of the required impounding fee, the cost of boarding for each day the dog or animal was confined, any medical fees incurred to care for the animal. Fees will be paid directly to the Township. If the dog or other animal needs a rabies vaccination, then payment for the vaccination must also be paid before the dog or animal may be redeemed. If at the end of five (5) days after impounding, the dog or other animal has not been redeemed, it may be sold at a private sale, or the Animal Warden may dispose of the dog or animal in a humane manner or pursuant to the terms of Minnesota Statutes, section 35.71, but not using any methods prohibited by Minnesota Statutes, sections 343.27 or 343.37.

Section 16. Interference with Officers. It shall be unlawful for any unauthorized person to break open the pound or attempt to do so, or to take or let out any dogs therefrom, or to take or attempt to take from any officer or agent, any dog taken up in compliance with this Ordinance or in any manner to interfere with or hinder such officer or agent in the discharge of duties under this Ordinance.

Section 17. Minimum Lot Size for Keeping Large Animals. No person shall house a Large Animal unless the lot or parcel on which the animal is kept contains at least one acre of land (excluding buildings) for each Large Animal kept on the lot or parcel.

Section 18. Penalty. Any person violating any of the provisions of this Ordinance shall be guilty of a misdemeanor punishable by up to the maximum sentence allowed by law for such offense.

Section 19. Repealer. This Ordinance supersedes and replaces the previously adopted By-Laws for the Regulation of Dogs, which is hereby repealed, and any other Town ordinances or regulations to the extent they are inconsistent with the provisions of this Ordinance.

Section 20. Effective. This Ordinance shall be effective upon adoption and the first day of publication.

Adopted this 17th day of January, ~~2011~~ 2012.

BY THE TOWN BOARD

Town Chairperson

Cathy Stevens

Town Clerk-Treasurer

AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA)
COUNTY OF MILLE LACS) SS

Jeffrey Hage, being duly sworn on oath says that he is the editor of the newspaper known as the **PRINCETON UNION-EAGLE**, and has full knowledge of the facts which are stated below:

(A) The newspaper has complied with all of the requirements constituting qualifications as a qualified newspaper, as provided by Minnesota Statue 331A.02, 331A.07 and other applicable laws, as ammended.

(B) The printed , which is attached was cut from the columns of said newspaper and was printed and published once a week for one week; it was first published on Thursday, the 7th day of February, 2013, and was therefore printed and published on every Thursday to and including Thursday, the 7th day of February, 2013, and printed below is a copy of the lower case alphabet from A to Z, both inclusive, which is hereby acknowledged as being the size and kind of type used in the composition and publication of the notice

BALDWIN TOWNSHIP
ORDINANCE #400
Ordinance #400 amends Baldwin Township's Bylaws for the Regulation of Animals. A complete copy of the ordinance may be viewed on our website or at the town hall during normal business hours. Adopted by the Baldwin Town Board January 17, 2012.
Cathy Stevens
Baldwin Township Clerk/ Treasurer
Published 2/7/13
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Editor

Subscribed and sworn to before me on
this 7th day of February, 2013

LINDA D. DEGLMANN
Notary Public-Minnesota
My Commission Expires Jan 31, 2014

Notary Public

RATE INFORMATION

(1) Lowest classified rate paid by commercial users for comparable space	$ 9.30 (line, word or inch rate)
(2) Maximum rate allowed by law for the attached	$ 9.30 (line, word or inch rate)
(3) Rate charged for the attached	$9.30 (line, word or inch rate)

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