

ROSEAU COUNTY ORDINANCE # 37 REGULATED ANIMAL ORDINANCE

WHEREAS, the statutes of the State of Minnesota grant authority to the County Boards of the State to adopt ordinances for the purpose of regulating the keeping of animals, restraining animals from running at large, and authorizing the impounding and sale or summary destruction of animals; and

WHEREAS, the proper exercise of the police power of the County of Roseau requires that dangerous animals, animals running at large and prohibited animals be regulated; now

THEREFORE, County of Roseau does hereby ordain as follows:

I. DEFINITIONS

Dangerous Dog. "Dangerous dog" means any dog that has: (1) without provocation, inflicted substantial harm on a human being on public or private property; (2) killed a domestic animal without provocation while off the owner's property; or (3) 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.

Potentially Dangerous Dog. "Potentially dangerous dog" means any dog that: (1) when unprovoked, inflicts bites on a human or domestic animal on public or private property; (2) 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 (3) has a known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.

Unprovoked. "Unprovoked" means the condition in which the dog is not purposely excited, stimulated, agitated or disturbed. It is a rebuttable presumption that any attack on a child fourteen years of age or younger for which a reasonable person connotes an intent to inflict bodily harm will be considered to be unprovoked unless the child is engaged in the commission of a crime or illegal activity, including activities classified under Minnesota Statute 343 as cruelty to animals.

Proper Enclosure. "Proper enclosure" means securely confined indoors or in a securely enclosed and locked pen or structure suitable to prevent the dog from escaping and providing protection from the elements for the dog. A proper enclosure does not include a porch, patio, or any part of a house, garage, or other structure that would allow the dog to exit of its own volition, or any house or structure in which windows are open or in which door or window screens are the only obstacles that prevent the dog from exiting.

Owner. "Owner" means any person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having care, custody, or control of a dog.

Substantial Bodily Harm. "Substantial bodily harm" has the meaning given it under Minnesota Statute Section 609.02, subdivision 7a.

Great Bodily Harm. "Great bodily harm" has the meaning given it under Minnesota Statute Section 609.02, subdivision 8.

Animal Control Officer. "Animal Control Officer" means the agency or person under contract with Roseau County to provide animal control services.

II. SCOPE

1. Animals Running at Large Unlawful. It shall be unlawful for the owner of any animal to permit any dangerous dog, prohibited animal or domestic animal of any kind to run at large.
2. Dangerous Animals May Be Destroyed. The members of the Roseau County Sheriff's Office or any other law enforcement officer in Roseau County is authorized to kill any dangerous dog, domestic animal or prohibited animal when reasonably necessary for the protection of persons or property.
3. Animal Control Officer. The Roseau County Sheriff is hereby designated as the Animal Control Officer for Roseau County. The Roseau County Sheriff, or his or her designee, shall enforce this ordinance and the statutes of the State of Minnesota regulating dangerous dogs, codified as M.S. 347.50, et seq., and as they may be modified or amended.
4. Nuisance. Any dog, domestic animal or prohibited animal found running at large in the County or acting in a manner prohibited herein is hereby declared to be a nuisance and may be impounded and abated as herein provided. The Sheriff of Roseau County or his designee may impound any such animal running at large in violation of the provisions of this ordinance if public safety so requires.
5. Dangerous Dogs. No dangerous dog or dog sick with or liable to communicate rabies or other contagious or infectious disease shall be permitted to run at large in the County. No person may own a dangerous dog in Roseau County unless the dog is registered as provided in M.S. 347.51. The Roseau County Sheriff, or his or her designee, shall act as the animal control authority to issue certificates of registration to the owner of a dangerous dog if the owner presents sufficient evidence of compliance with M.S. 347.51. The fee for the certificate of registration for a dangerous dog in Roseau County shall be \$500.
6. Disturbing the Peace. No person owning or caring for any dog or prohibited animal shall permit such dog or prohibited animal to disturb the peace and quiet

of other persons by excessive barking, growling, howling, or other loud noises, or by running through or across private property belonging to others.

7. Waste Control. It shall be unlawful for any person owning or having control or custody of any dog or prohibited animal to permit the dog or prohibited animal to defecate upon the private property of another. If such does occur the person shall immediately remove the feces and properly dispose of it; provided, however, that nothing herein contained authorizes such person to enter upon the private property of another without permission.
8. Menacing Dogs or Prohibited Animals. It shall be unlawful for the owner or person caring for any animal to permit a dog or prohibited animal to menace or attack persons on public property or on private property not belonging to the owner. It shall be unlawful for any owner to fail to restrain any dangerous dog or prohibited animal which menaces another person as provided herein and upon notification that the dog or prohibited animal has menaced other individuals, the dog or animal shall be restrained by being tied securely or kenneled in an enclosure on the owner's property in such a manner as to render it incapable of harming or threatening others.
9. Bites. Whenever any dog or prohibited animal bites or attacks any person, the owner of the dog or prohibited animal shall immediately notify the Sheriff who shall order the dog or prohibited animal held in a secure enclosure on the owner's premises. If the owner does not keep the dog in a secure enclosure as directed or the Sheriff has reason to believe the owner will not do so, the Sheriff shall have it impounded for a period of ten (10) days. If the owner is not present or cannot be identified the person attacked or any other person may also notify the Sheriff, who shall then order impoundment for a period of ten (10) days. The dog or prohibited animal shall be examined by a licensed veterinarian immediately after it is impounded and again at the end of the ten (10) day period. If, at the end of ten (10) days the veterinarian is convinced that the animal is free from rabies it may then be released from quarantine or impoundment as the case may be and returned to the owner. If the animal dies during the period of quarantine or impoundment, the head of the animal shall be removed by a veterinarian and sent to the State Department of Health or other authority for examination for rabies. The owner of such animal shall be responsible for all costs of examination and shall pay such costs within 30 days of billing by the Sheriff's Office or the examining authority.
10. Animals Impounded – How Redeemed. The owner of any dog, domestic animal or prohibited animal impounded hereunder may redeem the same by paying all the costs, charges and penalties, if any, that have accrued up to the time of making the redemption, and when the same are paid to the Roseau County Sheriff he or she shall release the dog, domestic animal or prohibited animal from impoundment and remit the same to the owner thereof.
11. Enclosure. The enclosure for any dangerous dog or prohibited animal shall consist of confinement of the dog or prohibited animal in a securely enclosed and locked pen or structure suitable to prevent the entry of children, and to

prevent the animal from escaping. Such pen or structure shall have secure sides and a secure top and shall also provide protection from the elements for the dog or prohibited animal. If the enclosure has no bottom secured to the sides, the sides must be embedded at least two feet into the ground. It shall be constructed of such material as will prevent a dog or prohibited animal housed therein from breaking, tearing, or otherwise penetrating the material in order to escape.

12. Unclaimed animals. Any animal impounded by the Sheriff shall be held for a minimum of five (5) business days. Thereafter, any animal not claimed by the owner may be euthanized by a veterinarian after the following procedure: a. If the owner of the dog or prohibited animal has been identified, the sheriff shall cause notice of destruction of the animal to be sent to the last known address of the owner by certified mail, or personally served upon the owner. The notice shall provide that the owner may claim the animal and pay applicable impoundment fees within five days of the date of the notice or the animal may thereafter be destroyed or otherwise disposed of. b. If the owner of the animal has not been identified, the sheriff shall cause notice of the destruction of the animal to be posted at the Roseau County Courthouse and published once in the official newspaper of the County, advising that if the animal is not claimed within five days of the date of publication, and impound fees paid, the animal may be destroyed or otherwise disposed of. c. If the animal is not claimed after notice as provided above, the animal may be humanely destroyed or otherwise disposed of. d. The owner of an impounded animal shall pay the cost of impoundment, publication of notice, veterinary care and humane destruction of the animal regardless of whether the animal is claimed by the owner. e. The County Attorney is authorized to take such action as is reasonably necessary to collect unpaid costs.
13. Penalty. Any person found in violation of this ordinance shall be guilty of a misdemeanor and shall be punished by a maximum term of 90 days in jail or a fine up to \$1,000 or both. A second or subsequent violation shall be punished by a minimum fine of \$500 and a term of jail not less than 1 day.
14. Other Remedies Available. The other remedies available at law, including Minnesota Statutes Chapter 346, pertaining to stray animals and Minnesota Statutes Chapter 347, pertaining to dogs and cats, are also applicable to the subject matter of this ordinance, and the use of such alternative remedies shall be discretionary with the Roseau County Sheriff and the Office of the Roseau County Attorney.
15. Taxation of Costs. The Roseau County Board of Commissioners, after notice and opportunity to be heard, may direct that all costs associated with the actions and remedies available in this ordinance for the impoundment, abatement, examination, or control of any animal be charged against the real property of any person determined to be the owner of the animal as a special assessment to be collected as provided by law.

16. Effective Date. This ordinance shall be effective upon adoption by the Roseau County Board of Commissioners.

III. DESIGNATION OF A POTENTIALLY DANGEROUS DOG

- a. The Animal Control Officer shall designate any dog as a potentially dangerous dog upon receiving evidence that the dog, when unprovoked, has bitten, attacked, or threatened the safety of a person or a domestic animal as stated above.
- b. The Animal Control Officer will cause one owner of the potentially dangerous dog to be notified in writing that the dog is potentially dangerous. The written notice will include dates, times and places of parties bitten or chased in an attitude of attack.
- c. The Animal Control Officer may impound any dog determined to pose a threat to public safety pending a final dangerous dog designation.
- d. The Animal Control Officer shall quarantine any dog without proof of current rabies vaccination upon receiving evidence that the dog has bitten any person or domestic animal.
- e. The owner of a potentially dangerous dog shall have a microchip implanted in the dog for identification. The owner shall provide the name of the microchip manufacturer and identification number of the microchip to the Animal Control Officer within fourteen (14) days of the designation.
- f. If the owner of a potentially dangerous dog fails to implant a microchip in the dog within fourteen (14) days, the Animal Control Officer may implant the microchip and assess all related costs to the dog's owner.

IV. APPEAL OF A POTENTIALLY DANGEROUS DOG

- a. Within five (5) business days after receiving notice of a potentially dangerous dog designation by the Animal Control Officer, the owner or custodian of the dog may request a review of the designation by requesting review in writing on a form provided by the Animal Control Officer and submitting written evidence that disputes the declaration to the Animal Control Officer. The Animal Control Officer shall make a final decision within seven (7) days following the receipt of the written request, based upon the written submissions only.
- b. After a dog is finally declared potentially dangerous, the owner or custodian of the dog may request that the Animal Control Officer review the designation annually. An administrative hearing fee of one hundred dollars (\$100.00) shall be required prior to such a review. At the review, the owner or custodian must provide evidence that the dog's behavior has changed. If the Animal Control Officer finds sufficient evidence that the dog's behavior has changed, the Animal Control Officer may rescind the potentially dangerous dog designation.

V. DESIGNATION OF A DANGEROUS DOG

- a. The Animal Control Officer shall designate any dog a dangerous dog upon receiving evidence that the dog has, when unprovoked, inflicted substantial harm on a person or killed a domestic animal as stated in 3(a) above.
- b. The Animal Control Officer shall designate any dog a dangerous dog upon receiving evidence that a dog, which has previously been declared a potentially

dangerous dog, has again bitten, attacked or threatened the safety of a person or domestic animal as stated in 3(a) above.

- c. The Animal Control Officer may impound any dog determined to pose a threat to public safety pending a final dangerous dog designation order.
- d. The Animal Control Officer shall quarantine any dog without proof of current rabies vaccination upon receiving evidence that the dog has bitten any person or domestic animal.
- e. The Animal Control Officer will cause one owner of the dog to be notified in writing that the dog is dangerous. The written notice will include dates, times and places of parties bitten.
- f. The Animal Control Officer will also provide one owner of the dog with a Dangerous Dog Registration form.
- g. Within fourteen (14) days of a declaration that a dog has been deemed a dangerous dog, the owner or custodian of the dog shall complete the Dangerous Dog Registration form and file it with the Roseau County Auditor with evidence showing that:
 - (1) a proper enclosure exists for the dangerous dog and the premises are posted with a clearly visible warning sign, including a warning symbol to inform children, that there is a dangerous dog on the property;
 - (2) a surety bond has been issued by a surety company authorized to conduct business in this state in the sum of at least \$300,000, 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 \$300,000, insuring the owner for any personal injuries inflicted by the dangerous dog and payable to the injured person(s);
 - (3) the owner has paid an annual fee of \$500, in addition to any regular dog licensing fees, to obtain a certificate of registration;
 - (4) the dog has had a microchip identification implanted;
 - (5) the dog has an easily identifiable tag with the uniform dangerous animal symbol affixed to its collar at all times; and
 - (6) the dog is current in all vaccinations.

VI. APPEAL OF A DANGEROUS DOG DESIGNATION

- a. Within five (5) business days after a dangerous dog designation is made by the Animal Control Officer, the owner or custodian of the dog may request a hearing to contest the designation. The request for a hearing shall be made in writing on a form provided by the Animal Control Officer.
- b. The hearing shall be held before the Roseau County Administrator or by an independent hearing examiner selected by the Roseau County Administrator, not more than fifteen (15) days after receipt of the request for hearing. The hearing officer will make findings of fact and will either affirm or reject the Animal Control Officer's dangerous dog designation or may impose other sanctions as warranted. The hearing officer shall make a final decision within seven (7) days of the hearing.
- c. If the hearing officer confirms the dangerous dog designation, the owner or custodian of the dog shall complete the Dangerous Dog Registration form and file it with the Roseau County Auditor with evidence as set forth in Section 6(g) above within fourteen (14) days of final decision.

- d. After a dog is finally declared dangerous, the owner or custodian of the dog may request that the Animal Control Officer review the designation annually. An administrative hearing fee of one hundred dollars (\$100.00) shall be required prior to such a review. At the review, the owner or custodian must provide evidence that the dog's behavior has changed. If the Animal Control Officer finds sufficient evidence that the dog's behavior has changed, the Animal Control Officer may rescind the dangerous dog designation.

VII. DESTRUCTION OF DOG

- a. If no appeal is filed, the dangerous dog designation will stand and the Animal Control Officer may order the animal destroyed.

VIII. VIOLATION OF DANGEROUS DOG REGISTRATION

- a. The Animal Control Officer shall immediately seize a dangerous dog if: (1) the dog is not maintained in a proper enclosure; (2) the dog is outside the proper enclosure and not under the physical restraint of a responsible person; (3) the dog is not validly registered within 14 days after the owner has notice that the dog is dangerous; or (4) the owner does not secure the proper liability insurance or surety coverage within 14 days after the owner has notice that the dog is dangerous.
- b. The owner or custodian may reclaim the dog upon payment of impounding and boarding fees, and presenting proof to the Animal Control Officer that the requirements of Minnesota Statute Sections 347.51 and 347.52 have been met.
- c. A dangerous dog not reclaimed under this section within fourteen (14) days may be disposed of as provided by law and the owner is liable to the Animal Control Authority for costs incurred in confining and disposing of the dog.

IX. EXEMPTIONS

- a. The provisions of this section do not apply to police K-9 dogs used by law enforcement officials for police work. b. Dogs may not be declared dangerous if the threat, injury, or damage was sustained by a person: (1) who was committing, at the time, a willful trespass or other tort upon the premises occupied by the owner of the dog; (2) 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; or (3) who was committing or attempting to commit a crime.

X. CRIMINAL PENALTY

- a. The owner of a dog declared dangerous or potentially dangerous who fails to comply with the requirements of this section shall be guilty of a misdemeanor, with penalties as provided under Minnesota law.

XI. RABIES QUARANTINE

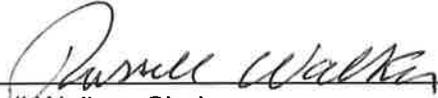
Whenever any dog without proof of current rabies vaccination has bitten any person or domestic animal, the owner or custodian of the dog, upon being notified by the Animal Control Officer or local law enforcement, will immediately cause the dog to be quarantined with the Animal Control Authority or by a veterinarian licensed to practice in the State of Minnesota, for a period of ten (10)

days after the person has been bitten. Within 24 hours of impoundment, a veterinarian will observe the animal and examine the animal if necessary to ascertain whether symptoms of rabies exist. If at the end of ten days the veterinarian diagnoses the dog to be free of the signs of rabies, the dog will be released from quarantine. If the dog dies, the head will be sent to the State Department of Health for examination for rabies. The owner of the dog is responsible for the cost of quarantine and examination by the veterinarian. c. Whenever any dog with proof of current rabies vaccination has bitten any person or domestic animal, the owner or custodian of the dog, upon being notified by the Animal Control Officer or local law enforcement, will immediately cause the dog to be quarantined in their home for a period of ten (10) days after the person has been bitten. If at the end of ten days, the dog appears to be free of rabies, the home quarantine shall end. If the dog becomes ill or dies during the period of home quarantine, the owner shall immediately notify the Animal Control Officer for examination.

This ordinance shall be in full force and effect upon adoption pursuant to Minnesota law.

Dated this 26th day of June, 2012.

ROSEAU COUNTY BOARD OF COMMISSIONERS

By  _____
Russell Walker, Chair
Roseau County Board of Commissioners

ATTEST:

By  _____
Jeff Pelowski
Roseau County Interim Coordinator