ORDINANCE 136

STILLWATER TOWNSHIP
WASHINGTON COUNTY, MINNESOTA

AN ORDINANCE AMENDING ORDINANCE NOS. 96 AND 114 REGARDING DANGEROUS DOGS/ANIMAL CONTROL

THE BOARD OF SUPERVISORS OF THE TOWN OF STILLWATER ORDAINS:

Section 1. Ordinance Nos. 96 and 114 are hereby amended to read in its entirety as follows:

A. Definitions:

DANGEROUS DOG:

1. Any dog that has:

   (a) Without provocation, inflicted substantial bodily harm on a human being on public or private property;
   (b) Killed a domestic animal without provocation while off the owner's property; or
   (c) 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.

2. A dog shall not be declared a "dangerous dog" if the threat, injury, or damage was sustained by a person:

   (a) Who was committing, at the time, a willful trespass or other tort upon the premises occupied by the owner of the dog;
   (b) 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
   (c) Who was committing or attempting to commit a crime.

POTENTIALLY DANGEROUS DOG: 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.

B. Registration Required: All dangerous dogs must be registered with the Township. The Township shall issue a certificate of registration to the owner of a dangerous dog if the owner presents sufficient evidence that:

1. A proper enclosure exists for the dangerous dog as required under this Section and a posting on the premises with a clearly visible warning sign as required under this Section, including a warning symbol to inform children that there is a dangerous dog on the property; and

2. A surety bond issued by a surety company authorized to conduct business in this State in a form acceptable to the Township in the sum of at least fifty thousand dollars ($50,000.00), 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 fifty thousand dollars ($50,000.00), insuring the owner for any personal injuries inflicted by the dangerous dog. Such insurance policy shall provide that no cancellation of the policy will be made unless ten (10) days' written notice is first given to the Township Clerk.

   At the time of registration, the Township shall provide to the owner of the dangerous dog for posting on the owner's property a copy of a warning symbol to inform children that there is a dangerous dog on the property.

3. Notice of Dangerous Dog. Upon a determination that a dog is dangerous pursuant to Minnesota Statutes, Section 347.50, subdivision 2, and this Chapter, the Township shall provide a Notice of Dangerous Dog to the owner of such dog by personally serving the owner or a person of suitable age at the residence of such owner. The notice shall describe the dog deemed to be dangerous. The notice shall also inform the owner of the right to appeal the determination by requesting a hearing within fourteen (14) days after receipt of the notice. Immediately upon receipt of the notice, the owner shall confine the dog in a proper enclosure or shall muzzle the dog whenever outside. If no timely appeal is received by the Township, the owner of the dangerous dog shall comply with the requirements set forth in Minnesota Statutes, including but not limited to the registration of the dangerous dog with the County Auditor. The Hearing Officer shall make such order as the officer deems proper including, but not limited to, destruction of the Animal, if consistent with

state and federal law, transfer of the Animal to a zoo or other facility, and reimbursement by the Owner of the reasonable costs of temporary impoundment and transportation of the Animal. After the Owner of an Animal is given notice and an opportunity for a hearing as provided in this subsection, the Police Chief is authorized to order the destruction or disposition of any Animal which is determined to be a Dangerous Animal. The Police Chief may order the Animal Control Officer to take the Animal into custody for destruction in which case the Owner shall immediately make the Animal available to the animal control officer.

C. Fees:

1. Registration: The Township shall charge an annual registration fee, in addition to any regular dog licensing fees, which amount shall be set by resolution of the Town Board from time to time.

2. Warning Symbols: The Township shall charge a fee for warning symbols provided to owners of dangerous dogs for posting on their property, which amount shall be set by resolution of the Town Board from time to time.

D. Requirements: Owners of dangerous dogs within the Township shall comply with the following:

1. Tag: A dangerous dog must have a standardized, easily identifiable tag identifying the dog as dangerous and containing the uniform dangerous dog symbol required by the Township affixed to the dog's collar at all times.

2. Confinement: All dangerous dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as required under this Section. Such pen, kennel, or structure must have secure sides and a secure top attached to the sides. All structures used to confine dangerous dogs must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than two feet (2'). All structures erected to house dangerous dogs must comply with all zoning and building regulations of the Township. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.

3. Leash and Muzzle: No person shall permit a dangerous dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than four feet (4') in length. No person shall permit a dangerous dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. Such dogs may not

be leashed to inanimate objects such as trees, posts, buildings, and the like. In addition, all dangerous dogs on a leash outside the animal's kennel or pen must be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.

4. Confinement Indoors: No dangerous dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such dog may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.

E. Law Enforcement Exemption: The provisions of this Section do not apply to dangerous dogs used by law enforcement officials for police work.

F. Confiscation:

1. Seizure: The Township shall immediately seize any dangerous dog if:

(a) After fourteen (14) days after the owner has notice that the dog is dangerous, the dog is not validly registered under this Section;
(b) After fourteen (14) days after the owner has notice that the dog is dangerous, the owner does not secure the proper liability insurance or surety coverage as required under this Section;
(c) The dog is not maintained in the proper enclosure; or
(d) The dog is outside the proper enclosure and not under physical restraint of a responsible person as required under this Section.

2. Reclaimed: An owner may reclaim a dangerous dog seized under this Section, by paying impounding and boarding fees and presenting proof to the Township that the requirements of this Section have been met. The Township may dispose of a dog that is not reclaimed within seven (7) days and the owner is liable to the Township for costs incurred in confining and disposing of the dog.

3. Subsequent Offenses: The Township shall seize any dog where a person has been convicted of a misdemeanor for violating MSA 347.51 or 347.52, and the person is charged with a subsequent violation relating to the same dog. If the person is convicted of the crime for which the dog was seized, the Township will destroy the dog in accordance with the order of the court and the owner shall pay the cost of confining and destroying the animal. If the person is not convicted of the crime for which the dog was seized, the dog may be reclaimed pursuant to subsection (F)2 of this Section or disposed of within seven (7) days if unclaimed.

Section 2. This Ordinance shall be effective immediately upon its passage and publication.

ADOPTED by the Board of Supervisors of Stillwater Township this 10 day of August, 2006.

STILLWATER TOWNSHIP

By: _____

Its Chairperson

ATTEST:

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Pat Bantli, Township Clerk