

The Town of Chisago Lake
Dog Policies within The Town of Chisago Lake
Ordinance #4

AN ORDINANCE PROVIDING FOR IDENTIFICATION, REGULATION, CONFINEMENT AND DISPOSITION OF DOGS WITHIN THE TOWN OF CHISAGO LAKE AND PRESCRIBING PENALTIES FOR THE VIOLATION THEREOF:

The Board of Supervisors of The Town of Chisago Lake does ordain:

Section 1. DEFINITIONS:

- A. **Animal Shelter:** Any premises designated by the supervisors of the Town for impounding and caring for all dogs found running at large.
- B. **Animal Warden:** Any person, firm, agency or company hired or appointed by the supervisors of the Town to assist and/or enforce this ordinance.
- C. **At Large:** A dog shall be termed to be at large when it is not under "restraint" as defined in this section.
- D. **Attack:** Any unprovoked, threatening aggressive behavior of a dog which puts a reasonable person in fear of immediate bodily harm.
- E. **Biting Dog:** Any dog which has bitten, scratched or caused any other injury to a human being under circumstances where, at the time of the attack, the victim was lawfully conducting himself, including premises owned or controlled by the owner of the animal if such location is commonly open to the public, such as a driveway or boulevard, or the victim was on such premises at the expressed or implied invitation of the owner of the animal.
- F. **Dangerous Dog:** Any dog, that without being provoked, exhibits an "attack" behavior or has bitten one or more persons, may be deemed a dangerous dog.
- G. **Keeper:** The harborer of a dog shall mean any person who has custody of any dog or permits the same to be kept on or about his premises.
- H. **Owner:** Any person, group of persons or corporation, firm or partnership, owning, keeping or harboring a dog or dogs.
- I. **Restraint:** A dog is under restraint within the meaning of this section if it is controlled by a leash not exceeding 15 feet in length; if it is under a voice or signal command of a competent person providing that the dog will obey immediately that person's voice or signal command; if it is within a vehicle being driven or parked on the public streets; if it is within the limits of its owner's premises.
- J. **Stray:** Any unidentified dog, the owner of which is unknown, which is at large within the Town.
- K. **Town:** The Town of Chisago Lake.
- L. **Town Board:** The Town of Chisago Lake's Board of Supervisors

- M. **Vicious:** Any dog that has caused serious bodily injury or disfigurement to any person, or has bitten one or more persons on two or more occasions.

Section 2. IDENTIFICATION: No person shall own, harbor, keep or have custody of a dog over six (6) months of age, after September 1, 2002 within the Town without the dog being identified by a device, tag or plate attached to the dog by a collar, harness or device giving the name and telephone number of the current owner, or a rabies tag stating the name and phone number of the vaccinating agent and an identification number for the dog or a veterinary implanted dog identification tag.

Section 3. RABIES VACCINATION: No person shall own, harbor, keep or have custody of a dog over six months of age, after September 1, 2002 within the Town unless said dog has been vaccinated against rabies and such dog has attached to it's collar, harness or similar device a current rabies vaccination tag stating the name and phone number of the vaccinating agent, and an identification number for the dog.

Section 4. CONFINEMENT: The owner shall confine within a building or secure enclosure any fierce, dangerous or vicious dog, except when under restraint by a competent person. Every female dog in heat shall be confined in a building, secure enclosure, veterinary hospital, or boarding kennel, or shall be controlled on a leash while being exercised.

Section 5. NUISANCE DOGS

No person shall keep or harbor a dog that is a public nuisance. Any dog is a public nuisance that has done any of the following:

- A. Has destroyed property or habitually trespassed in a damaging manner on property of persons other than the owner.
- B. Is a biting dog.
- C. Has shown dangerous or vicious behavior to persons walking, riding, driving, running, bicycling, or riding horseback on the public streets or highways within the Town.
- D. Habitually barks, bays, cries, howls, or makes any other noise continuously or incessantly for a period of 10 minutes or barks intermittently for 30 minutes or more, at any time, either day or night. A dog shall not be deemed a public nuisance if, at the time the dog is barking or making any other noise, a person is trespassing or threatening to trespass upon the private property in which the dog is situated or when the dog is teased or provoked.
- E. A dog which has been found by the animal warden to be at large more than one time.

Section 6. It shall be unlawful for anyone to place upon the ground or in any other manner, any poison, bait or other material intended to harm a dog.

Section 7. IMPOUNDING DOGS

- A. Stray dogs and nuisance dogs may be impounded by the animal warden in such shelter as is designated by the Town Board and there confined in a humane manner for a period of not less than 7 days, and may thereafter be disposed of as provided herein.
- B. Immediately upon impounding a dog, the animal warden shall make a reasonable effort to notify the owner of the dog of the impoundment and inform the owner of the location and conditions under which the owner can regain custody of the dog. (A stray dog is, by definition, an "unidentified" dog.)
- C. Identifiable dogs found running at large for the first time which are not otherwise nuisance dogs under Sec. 5, Subdivisions A thru D may be returned to the owner, at which time the owner shall be given a written warning that if the dog is found at large again, it will be treated as a nuisance dog under the ordinance.

Section 8. RECORDS: The Animal Shelter shall keep proper records of the impoundment and disposition of all animals coming into its custody.

Section 9. REDEMPTION: Any dog may be redeemed by the owner after being impounded within 7 days after seizure of the dog upon payment of an impounding fee of \$35.00 to the Clerk, or to such agent as the Board of Supervisors may designate plus the amount charged by the animal shelter for impounding.

Section 10. DISPOSITION OF UNCLAIMED DOGS.

- A. Any dog that is not claimed within 6 days after impounding shall become the property of the Town and painlessly killed. The Town's ownership interest in unclaimed dogs may be transferred to the animal control warden by contract.
- B. If a dog is diseased, vicious, dangerous, rabid or exposed to rabies, and cannot be impounded after a reasonable effort, or without serious risk to person or property, such dog may be immediately killed.

Section 11. RABIES CONTROL:

DISPOSITION OF CERTAIN DOGS: "Minn. Stat. 347.17 (2001) is hereby adopted by reference and incorporated herein". (A copy enclosed).

Section 12. INVESTIGATION

- A. For the purpose of discharging the duties imposed by this Ordinance and to enforce its provisions, any Animal Warden of the Town or any police officer or town supervisor is empowered to enter upon any premises upon which a dog is kept or harbored and demand exhibition by the owner of the identification tag and rabies tag of such dog.
- B. Any animal warden may enter the premises where any dog is kept in a reportedly cruel or inhumane manner, or is otherwise neglected, may demand to examine such dog, it's shelter and provisions for food and water.
- C. No person shall interfere with, hinder or molest any Animal Warden or police officer of the Town in the performance of any duty of such person under this Ordinance or seek to release any animal in the custody of the Town Board or its Animal Warden except as herein provided.

Section 13. HEARING PROCEDURE.

- A. The Animal Warden shall have initial authority to determine whether a dog is a nuisance. The Animal Warden shall notify in writing to the owner of the dog in question that his/her dog has been declared a nuisance.
- B. The owner shall be notified of the dates, times, places of nuisance incidents and/or parties attacked or bitten and the address of the Town Clerk to whom a hearing can be demanded. If the owner demands a hearing before the Town Board, it must be in writing and received by the town clerk within 14 days of receipt of the nuisance notice. The owner shall be liable to the Town for all costs and expenses imposed by this ordinance, including the cost of disposition of the dog.
- C. The Town Board shall hold a hearing if requested by the Owner. All records of the Animal Warden or police officer of the Town shall be admissible. After considering all evidence pertaining to the temperament of the dog, the Town Board shall make such findings as it deems proper, to-wit: that the dog is not a nuisance; that the dog is a nuisance and that it shall be confined; that the dog is a dangerous, vicious-biting dog and shall be disposed of as provided in this Ordinance.
- D. Penalty for failure to implement the Town Board ruling can lead to criminal prosecution outlined in Section 16. PENALTIES.
- E. The decision of the Board may be appealed by the owner to the District Court within 10 days of the receipt of same. If the decision of the Board is to dispose of the dog, or the dog is found to be a biting or vicious dog, the owner shall file an appeal bond with the court of \$500 for the keeping of the dog, or to assure it is confined by the owner until the appeal is final.

- F. If no hearing is required, the Animal Warden shall take said animal into custody for disposition. The owner of said animal must make said animal available to the Animal Warden upon request. Disposition costs shall be paid by the owner.

Section 14. BITE CASES: It shall be the duty of every physician or any other person to report to the police the names and addresses of persons treated for bites inflicted by animals within the Town of Chisago City, together with such other information as will be helpful in rabies control.

Section 15. EXEMPTIONS TO THIS ORDINANCE:

- A. Hospitals, clinics and other premises operated by licensed veterinarians for the care and treatment of animals are exempt from the provisions of this chapter except where duties are expressly stated to apply to them.
- B. The definition of "dangerous dog" and "vicious – biting dog" shall not apply to a dog under the control of or on duty with a law enforcement officer or to an attack by a dog upon an uninvited intruder who has entered any structure with criminal intent.
- C. The dog identification requirements of this Ordinance shall not apply to any dog currently vaccinated for rabies belonging to a non-resident of the Town and kept within the Town for not longer than 30 days provided that all such dogs, shall, at all times while within the Town, be kept under restraint.

Section 16. PENALTIES:

Any person who violates Section 2, or 3 of this Ordinance shall be guilty of a petty misdemeanor and, upon conviction, shall be punished by a suggested fine of not more than \$100. Each day that a person shall own, harbor, keep or have custody of a dog over six months of age within the Town without identification tag and rabies tag shall be considered a separate violation.

Any person who shall violate any of the terms and provisions of Sections 4, 5, 6, 9, 13 and 14, or a 2nd (or more) violation of Sections 2, or 3 of this Ordinance shall be guilty of a misdemeanor for which a sentence of not more than 90 days or a fine of not more than \$1,000, or both, may be imposed.

In addition, after a finding of a Court of proper jurisdiction that a dog is a public nuisance as defined in Section 5, the Court may order that the dog be destroyed or that the owner or custodian remove it from the Town or keep it confined to a designated place.

Section 17. This ordinance shall take effect and be in force from and after its passage and publication.

Adopted by the Chisago Lake Town Board on this 16th day of April, 2002.

By John A. Nelson Chair
By Jim Johnson Supervisor
By Carol Johnson Supervisor

ATTEST: Eleanor Tripple
Town Clerk

