

KANABEC COUNTY ORDINANCE NO. \_\_\_\_

This ordinance provides for regulation of dogs at large, and establishes penalties for violations, to provide for the protection of dogs and also for the protection of the health, safety and general welfare of the citizens of Kanabec County.

Subdivision 1. Purpose and Findings. This Dog Control Ordinance (Ordinance) is enacted to: (1) regulate and restrict dogs; (2) protect the public from unvaccinated diseased, stray, roaming 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 Kanabec County.

Subdivision 2. Authority. This Ordinance is enacted pursuant to authority granted by the State of Minnesota under Minnesota Statutes Chapter 347. Minnesota Statute Chapter 347 is hereby incorporated by reference and shall be made part of this ordinance.

Subdivision 3. Jurisdiction. This Ordinance shall be applicable in all areas of the County lying outside the incorporated limits or municipalities.

Subdivision 4. Definitions. For purposes of this Ordinance, the following terms have the following meanings. The definitions contained in this section shall not replace or supersede the definitions or provisions of any other Kanabec County Ordinances.

4.1 “Animal Control Officer” means Kanabec County Sheriff, Deputy Sheriffs, and other persons appointed by the Kanabec County Sheriff to enforce sections of this Ordinance and applicable state laws.

4.2 “Animal Control Facility” means a facility designated for the placement of dogs in accordance with or to enforce the provisions of this Ordinance.

4.3 “At Large” means 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) unaccompanied by a person and the dog does not immediately respond to sound, mechanical, electrical or other command of its accompanied person, subject to the following exceptions:

4.3.1 A dog that is specially trained for and actually working livestock;

4.3.2 A dog that is specially trained for and actually working locating and retrieving wild game in season for a licensed hunter;

4.3.3 A dog that is specially trained for and actually working assisting law enforcement officers;

4.3.4 A dog 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;

4.3.5 A dog within a motor vehicle; or

4.3.6 A dog being trained for any of these specifically enumerated pursuits.

4.4 “Bodily injury” means any physical injury to a human being caused by 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.

4.5 “County: means Kanabec County, State of Minnesota.

4.6 “Citation” means a notice or complaint by the Animal Control Officer to the owner or keeper of one or more violations of this ordinance.

4.7 “Dog” means a canine of either sex, whether domesticated ~~or wild.~~

4.8 “Exposed to Rabies” means an animal or human bitten by or exposed to any animal known or suspected to have been infected with rabies.

4.9 “Harboring a dog” means feeding or sheltering, or both, a dog for seven days or more.

4.10 “Impounded dog” means any dog which is received into custody by an Animal Control Officer or persons appointed by the Kanabec County Sheriff.

4.11 “Leash or lead” means 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.

4.12 “Owner or Keeper” means any person owning, keeping, harboring, or acting as custodian of, a dog.

4.13 “Shelter” means any facility designated by the County for purposes of sheltering any dog lawfully impounded by this Ordinance.

#### Subdivision 5. Rabies Control.

5.1 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 as required consistent with the recommendation of the product used; however, dogs need not be vaccinated before the age of five (5) months. Kanabec County will investigate to determine if impounded dogs have had timely rabies vaccination.

5.2 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.

5.3 An owner or keeper of a dog which does not have an appropriate rabies vaccination and which bites or otherwise exposes a person to rabies virus may be subject to criminal penalties as set forth in Section 9.

Subdivision 6. 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 owner's household or a household visitor permitted the dog to engage in the behavior that is subject to the violation.

6.1 Dogs at Large Prohibited.

6.1.1 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 Kanabec County.

6.1.2 A dog found at large shall be subject to impoundment. The owner of an impounded dog shall be responsible for all fees as set forth in section 7.6, whether the dog is reclaimed or not.

6.1.3 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.

6.2 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 the following:

6.2.1 A dog that:

- a) is a safety or health hazard;
- b) damages or destroys the property of another, including garden and flower beds and trees;
- c) creates offensive odors that materially interfere with or disrupt another person in the conduct of lawful activities at such person's home;
- d) urinates or defecates upon private property not owned or exclusively occupied by the owner or keeper; or
- e) defecates upon public property if the feces deposited by the dog are not immediately removed by the dog's owner or keeper.

6.2.2 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.

6.2.3 A dog that chases or attacks wildlife, including birds<sub>2</sub> 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.

## Section 7. Impoundment and Reclamation.

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

7.2 Authorization for Capture and Impoundment. Animal Control Officers are hereby granted discretionary authority to capture and impound dogs included in the categories listed below. 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.

7.2.1 Dogs at large;

7.2.2 Dogs that constitute a safety or health hazard; and

7.2.3 Dogs left without care as a result of death, injury, arrest, detention, or other incapacitation of the owner or keeper.

7.3 Impound Notice. 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 Kanabec County Courthouse, the Kanabec County Sheriff's Office and on the appropriate websites. 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 rehomed or destroyed if not reclaimed in ten (10) days.

7.4 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.

7.5 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.

7.6 Any dog euthanized per 7.5 will have a sample submitted for rabies evaluation at the expense of the owner.

7.7 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.

Section 8. Enforcement.

8.1 The Kanabec County Sheriff's Office and its appointed Animal Control Officers shall enforce all of the provisions of this ordinance as set forth herein.

8.2 The Animal Control Officer has the authority to determine whether a dog has engaged in the behaviors of a dog at large. 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 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.

8.3 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.

Section 9. Penalty. Any person who violates any provision of this ordinance, whether by acting in a manner declared to be unlawful or by failing to act as required, shall be guilty of a misdemeanor. Any person found guilty of a misdemeanor under this ordinance shall be punished as provided by the Laws of the State of Minnesota for misdemeanor violations.

Section 10. Liability for Accident or Subsequent Disease. The Kanabec County Board of County Commissioners, Kanabec County Sheriff, Animal Control Officers, and agents or employees of Kanabec 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.

Section 11. Safety Clause. The Kanabec 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.

Section 12. Severability. If any section, subsection, sentence, clause, phrase, word, or other portion of this ordinance is, for any reason, held to be unconstitutional or invalid, in whole, or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this ordinance, which remaining portions shall continue in full force and effect.

Section 13. Effective Date. This ordinance shall take effect \_\_\_\_\_, 2018.