

ORDINANCE NO.: 400-1

**BALDWIN TOWNSHIP
SHERBURNE COUNTY, MINNESOTA**

AN ORDINANCE AMENDING THE ANIMAL CONTROL ORDINANCE.

THE BOARD OF SUPERVISORS OF BALDWIN TOWNSHIP DOES HEREBY ORDAIN:

Section 1. Ordinance 400 is hereby repealed in its entirety and amended to read as follows:

**Ordinance 400
ANIMAL CONTROL**

SECTION:

- 400-1-1: Purpose
- 400-1-2: Definitions
- 400-1-3: Keeping Animals
- 400-1-4: Public Nuisances
- 400-1-5: Dangerous and Potentially Dangerous Dogs
- 400-1-6: Disturbing the Peace
- 400-1-7: Running at Large Prohibited
- 400-1-8: Diseased Dogs
- 400-1-9: Abandonment
- 400-1-10: Impoundment
- 400-1-11: Interference with Officers
- 400-1-12: Administration
- 400-1-13: Penalty
- 400-1-14: Severability

400-1-1: PURPOSE: 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 368.01, Subd. 13 and 19, and such other law as may apply.

400-1-2: DEFINITIONS: For the purposes of this Ordinance, the following terms shall have the definitions given to them in this section.

Animal Control Authority: Sherburne County 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).

Animal Warden: Town staff, Sherburne County Sheriff's Office, or other person(s) designated by the Town Board to administer and enforce the provisions of this Ordinance.

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

Citation: 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.

Dangerous Dog: A dog defined by the meanings given by Minnesota Statutes, section 347.50 subdivision 2.

Domestic Animals: House pets such as dogs, cats, traditional and typical animal pets, and birds (not including pigeons, chickens, geese, turkeys or other domestic fowl) which can be contained within a principal structure throughout the entire year; provided, that the containment can be accomplished without special modification to the structure requiring a building permit from the Town. In addition, the term includes rabbits normally sheltered outside the home.

Farm Animals: Cattle, hogs, bees, sheep, goats, chickens, turkeys, horses and other animals traditionally and commonly accepted as farm animals in the State of Minnesota.

Habitually Barking Dog: 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 one 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.

Kennel, Commercial: Any place where four or more dogs over six months of age are owned, kept, boarded, bred and/or offered for sale.

Kennel, Private: Any place where four or more dogs over six months of age are owned or kept for private enjoyment.

Kennel Run: Enclosed area, indoor or outdoor to allow animals to exercise.

Large Animal: 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.

Owner: Any person owning, harboring or keeping a dog or other animal.

Person: Any individual, firm, partnership or corporation.

Potentially Dangerous Dog: A dog defined by the meanings given by Minnesota Statutes 347.50 Subd. 3.

Premises: Any building, structure, shelter or land whereupon animals are kept or confined.

Public Nuisance: An act or failure to act as defined by Minnesota Statutes 609.74.

Town: Baldwin Township, Sherburne County, Minnesota.

Under Restraint: 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 feet in length.

400-1-3: KEEPING ANIMALS: The size, number, species, facilities for and location of keeping animals, including dogs, shall be maintained so as not to cause a nuisance or endanger the health, safety, or general welfare of the community and shall be in compliance with this Ordinance and all other applicable ordinances of the Town.

A. Animals allowed:

1. The keeping of domestic animals shall be an allowed use in all zoning districts established by the Zoning Ordinance.
2. The keeping of farm animals shall be only as allowed within the individual zoning districts established by the Zoning Ordinance.
3. The keeping of animals other than those defined as domestic animals or farm animals is prohibited.

B. Facilities for housing animal(s) shall be:

1. Constructed of such material as is appropriate for the animal(s) involved.

2. Maintained in good repair.
 3. Controlled as to temperature, ventilated, and lighted compatible with the health and comfort of the animal(s).
 4. Of sufficient size to allow each animal to make normal postural and social adjustments with adequate freedom of movement; Inadequate space may be indicated by evidence of malnutrition, poor condition of debility, stress, or abnormal behavior patterns.
 5. Cleaned as often as necessary to prevent contamination of the animal(s) contained therein and to minimize disease hazards and reduce odors
 6. Subject to approval of a building permit by the Building Official, as may be required by the Building Ordinance.
- C. Farm animals or large animals shall only be kept on a lot or parcel if such activities are authorized in the zoning district where the animals are to be located and in compliance with the lot requirements established by the Zoning Ordinance.
- D. Commercial Use:
1. Animals may only be kept for commercial purposes if such activities are authorized in the zoning district where the animals are to be located.
 2. Animals kept in pet shops or kennels shall be kept in accordance with regulations for pet shops and kennels in addition to the regulations provided by this Ordinance.
- E. Kennels:
1. The private kennels shall be an allowed accessory use in all zoning districts established by the Zoning Ordinance.
 - a. Up to 10 dogs over six months of age shall be kept on the kennel property, including no more than 10 unsterilized female dogs over six months of age.
 - b. Keeping more than 10 dogs over six months of age within a private kennel shall require approval of an interim use permit subject to the performance standards of a commercial kennel as provided for by the Zoning Ordinance.

2. Commercial kennels shall be only as allowed within the individual zoning districts established by the Zoning Ordinance.

400-1-4: PUBLIC NUISANCES:

- A. The following dogs shall be declared to be a public nuisance:
 1. Is repeatedly found at large;
 2. Is habitually barking.
 3. Damages the property of anyone other than its owner;
 4. Is a vicious animal(s);
 5. Causes fouling of the air by odor;
 6. Causes unsanitary conditions of enclosures or surroundings;
 7. Is offensive or dangerous to the public health, safety or welfare;
 8. Excessively makes disturbing noises;
 9. Molests passer(s) by or passing vehicles;
 10. Attacks other domestic animals; or
 11. 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.
- B. No person shall keep, own, harbor or otherwise possess within the Town a dog that is a public nuisance animal as declared by this Ordinance.

400-1-5: DANGEROUS AND POTENTIALLY DANGEROUS DOGS: Sherburne County shall be the animal control authority for the Town pursuant to Minnesota Statutes 347.50, subd. 7.

400-1-6: DISTURBING THE PEACE:

- A. No owner shall keep or harbor a habitually barking dog within the Town.
- B. 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.

400-1-7: 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 animals.
- 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 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 road or in an automobile, to be in the custody of a person of sufficient age to adequately control the dog at all times.

400-1-8: DISEASED DOGS:

- A. Any dog 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 appears to be diseased, vicious, rabid, or has been exposed to rabies, and such dog cannot be impounded without serious risk, such dog may be euthanized if reasonably necessary for the safety of any person or persons.

400-1-9: ABANDONMENT: It shall be unlawful to abandon any dog within the Town.

400-1-10: IMPOUNDMENT:

- A. The Animal Warden may seize and impound any at-large dog for violation of this Ordinance.
- B. If the owner of the premises on which an at-large dog is found demands impoundment, the owner of the premises must agree in writing to indemnify and hold harmless the Town from any claims for damages by the owner of said dog.
- C. The Town shall not be responsible for any extraordinary medical expenses related to an impounded dog.
- D. Notice:
 - 1. Within one 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.

2. If the owner of the dog is known, the Animal Warden shall give the owner the Notice of Impoundment by mail or personal service before the date upon which said notice is posted at the Town Hall.
- E. Any dog impounded under the provisions of this Ordinance shall be kept in a pound, fed, and treated in a humane manner for a period of at least 10 days after a notice of such impounding has been posted in the Town Hall.
- F. Redemption:
1. The Town may condition redemption of a dog from impounding upon payment of the required impounding fee, the cost of boarding for each day the dog was confined, and any medical fees incurred to care for the animal to be paid directly to the Town.
 2. If the dog needs a rabies vaccination, then payment for the vaccination must also be paid before the dog or animal may be redeemed.
- G. Disposition: If at the end of the redemption period, the dog has not been redeemed, it may be sold at a private sale, or the Animal Warden may dispose of the dog in a humane manner or pursuant to the terms of Minnesota Statutes 35.71, but not using any methods prohibited by Minnesota Statutes 343.27 or 343.37.

400-1-12: INTERFERENCE WITH OFFICERS:

- A. It is unlawful for any person to interfere with the Animal Warden when engaged in the discharge of duties under this Ordinance, including pursuit or impounding of a dog or to refuse to surrender such dog to the Animal Warden.
- B. 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.

400-1-13: ADMINISTRATION:

- A. The provisions of this Ordinance shall be enforced by the Animal Warden or the Animal Control Authority.
- B. 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:

1. The consent of the property owner to enter the property;
 2. An administrative search warrant allowing entry onto the property;
 3. A court order allowing entry onto the property.
 4. If the Animal Warden does not have consent, an administrative warrant, or a court order allowing entry, the Animal Warden shall only enter private property in an emergency situation.
 5. The Animal Warden may enter upon private property in pursuit of a dog running at large.
- C. The Town shall keep the following records related to administration of this Ordinance in accordance with record retention requirements:
1. Accurate and detailed records of the impoundment, and disposition of dogs(s) coming into custody;
 2. Accurate records of all citations issued for violations of this Ordinance; and
 3. Accurate and detailed records of all money collected and expended in the operation of the functions of their office.

400-1-14: 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.

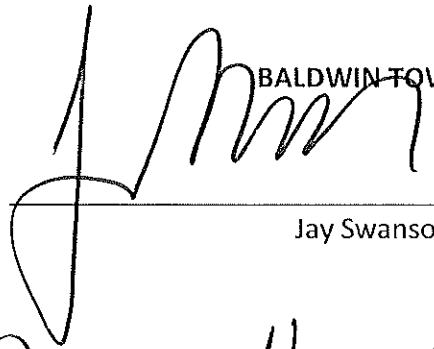
400-1-15: SEPARABILITY: If any court of competent jurisdiction shall adjudge any provision of this ordinance to be invalid, such judgment shall not affect any other provisions of this ordinance not specifically included in said judgment.

Section 2. This Ordinance shall become effective after passage and publication.

ADOPTED by the Board of Supervisors of Baldwin Township this 19th day of September, 2023.

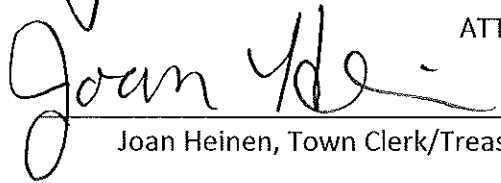
MOTION BY: Lawrence
 SECONDED BY: Holm
 IN FAVOR: Lawrence, Holm, Swanson
 OPPOSED: Rugh

BALDWIN TOWNSHIP



Jay Swanson, Chair

ATTEST:



Joan Heinen, Town Clerk/Treasurer