

**CITY OF BALDWIN
SHERBURNE COUNTY
ORDINANCE NO. 2024-09
AN ORDINANCE AMENDING ANIMAL CONTROL ORDINANCE NO. 400-1**

The City Council of the City of Baldwin, Minnesota, does hereby ordain as follows:

Section 1. Section 400-1-5: Dangerous and Potentially Dangerous Dogs is hereby amended to read as follows:

A. Dangerous and potentially dangerous dogs.

Except as otherwise provided in this section, the regulation and procedural provisions of Minn. Stats. §§ 347.50—347.565 are adopted by reference as if they were fully set forth herein.

B. Definitions.

1. Potentially Dangerous Dog. “Potentially Dangerous dog” means any dog that:
 - (a) when unprovoked, inflicts bites on a human or domestic animal on public property;
 - (b) 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 dogs owner’s property, in an apparent attitude of attack; or
 - (c) has a known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.
2. Dangerous Dog. “Dangerous dog” means any dog that has:
 - (a) without provocation, inflicted substantial harm on a human being on public or private property;
 - (b) killed a domestic animal without provocation or while off the owner’s property; or
 - (c) been found to be potentially dangerous.
3. 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.
4. 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.

5. 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.
6. Substantial Bodily Harm. "Substantial bodily harm" has the meaning given it under Minnesota Statute Section 609.02, subdivision 7a.
7. Great Bodily Harm. "Great bodily harm" has the meaning given it under Minnesota Statute Section 609.02, subdivision 8.
8. Animal Control Officer. "Animal Control Officer" means the agency or person under contract with the City of Baldwin to provide animal control services.

C. Designation of a potentially dangerous dog.

1. 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.
2. 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.
3. Pursuant to Minn. Stat. § 347.541, the owner a dog deemed to be a potentially dangerous dog may appeal such designation of "potentially dangerous" upon a proper request for a hearing if their dog is deemed a dangerous dog in the future.

D. Designation of a dangerous dog.

1. 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.
2. 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.
3. The Animal Control Officer may impound any dog determined to pose a threat to public safety pending a final dangerous dog designation order.
4. 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.
5. 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.
6. The Animal Control Officer will also provide one owner of the dog with a Dangerous Dog Registration form.
7. 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 Scott County Auditor with evidence showing that:

- (a) 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;
- (b) 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);
- (c) the owner has paid an annual fee of \$105, in addition to any regular dog licensing fees, to obtain a certificate of registration;
- (d) the dog has had a microchip identification implanted;
- (e) the dog has an easily identifiable tag with the uniform dangerous animal symbol affixed to its collar at all times; and
- (f) the dog is current in all vaccinations.

E. Appeal of dangerous dog designation.

1. 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.
2. The hearing shall be held before the City of Baldwin Mayor or by an independent hearing examiner selected by the City of Baldwin Mayor, 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.
3. 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 City of Baldwin Clerk with evidence as set forth in Section D (7) above within fourteen (14) days of final decision.
4. 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 (\$1,000.00) 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.

F. Destruction of dog.

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

G. Violation of dangerous dog registration.

1. The Animal Control Officer shall immediately seize a dangerous dog if:
 - (a) the dog is not maintained in a proper enclosure;
 - (b) the dog is outside the proper enclosure and not under physical restraint of a responsible person;
 - (c) the dog is not validly registered within 14 days after the owner has notice that the dog is dangerous; or
 - (d) 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.
2. 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.
3. 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.

H. Exemptions.

1. The provisions of this section do not apply to police K-9 dogs used by law enforcement officials for police work.
2. Dogs may not be declared dangerous 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.

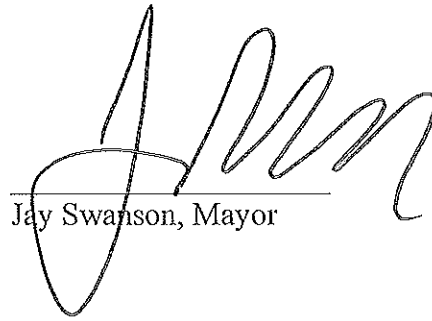
I. Violations; penalty.

1. Any violation of this chapter is a misdemeanor, unless determined to be a petty misdemeanor by the city, punishable in accordance with state law.
2. Any violation of this chapter may be subject to civil penalties.
3. This section is not intended to prohibit a private property owner from seeking additional penalties or remedies.

This ordinance shall be effective upon passage and publication in the official City newspaper as required by law.

Passed by the City Council of the City of Baldwin this 18th day of November, 2024.


Joan Heinen, City Clerk


Jay Swanson, Mayor