

ORDINANCE 2026-03

CITY OF BALDWIN
SHERBURNE COUNTY, MINNESOTA

AMENDING ORDINANCE 400 REGULATING ANIMALS

The Baldwin City Council hereby ordains:

Section 1. Ordinance 400 (Animals) is hereby repealed in its entirety and amended to read as follows: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: Habitual Barking Prohibited
- 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 City Council for the City of Baldwin, Sherburne County, Minnesota, in order to provide for the health, welfare and safety of the people of the City 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").

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 Sherburne County Ordinance Number 234 (as it may be amended).

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

At large: A dog that is off property of the person owning, harboring, or keeping it and is not: (a) restrained by a leash not exceeding six feet in length; (b) confined within a vehicle or secure enclosure; or (c) under the immediate physical control of a competent person.

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.

City: City of Baldwin, Sherburne County, Minnesota

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

Diseased Dog: Any dog that is reasonably suspected, based on observable symptoms or veterinary diagnosis, of suffering from a contagious or infectious condition that poses a risk to public health, other animals, or persons. This includes, but is not limited to: (a) dogs exhibiting symptoms consistent with rabies, distemper, parvovirus, or other communicable diseases; (b) dogs that have been exposed to rabies or another reportable zoonotic disease as defined by the Minnesota Board of Animal Health; or (c) dogs whose condition has been verified by a licensed veterinarian, Animal Warden, or peace officer as presenting imminent risk of transmission or harm.

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 City. 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, regardless of whether the dog is physically situated in or upon private property, produces audible noise off the premises in the form of barking, whining, yelping, howling, crying, or similar vocalizations that continues for five consecutive minutes or more, with less than one minute between vocalizations. A dog shall not be deemed a "habitually barking dog" for purposes of this Ordinance if it is an on-duty police dog or, at any time the dog is barking when it is being teased or provoked by a non-household member or external stimulus.

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.

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 City.

- 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: The following dogs shall be declared to be a public nuisance if it:

- A. Is found to be at large on two or more occasions within a 12-month period;
- B. Is a habitually barking dog as defined by Section 400-1-2 of this Ordinance;
- C. Causes property damage of at least \$250.00 to property owned by anyone other than its owner;
- D. Any dog that habitually worries, chases, or bothers people traveling peaceably on the public road pursuant to Minn. Stat. §§ 347.04-.07.

400-1-5: DANGEROUS AND POTENTIALLY DANGEROUS DOGS: Minnesota Statutes §§ 347.50 to 347.565 and Sherburne County Ordinance 234 (as may be amended) are hereby incorporated by reference, and shall be enforced by the Animal Warden pursuant to the provisions set forth within those referenced laws and regulations.

400-1-6: HABITUAL BARKING PROHIBITED:

- A. No owner shall keep or harbor a habitually barking dog as defined by Section 400-1-2 of this Ordinance within the City.
- 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 as defined by Section 400-1-2 of this Ordinance within the City.

400-1-8: DISEASED DOGS:

- A. A diseased dog as defined by this Ordinance may be seized at any place or time and shall be confined in the City dog pound, or other appropriate place designated by the City Council, at the expense of the owner, until found to no longer pose a threat to public health, other animals, and persons.
- B. If any dog appears to be diseased 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 City.

400-1-10: IMPOUNDMENT:

- A. The Animal Warden employed or designated by the City 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 City from any claims for damages by the owner of said dog.
- C. The City 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 employed or designated by the City shall post at the front door of the City Hall a Notice of Impoundment in the form established by the City.
 2. If the owner of the dog is known, the Animal Warden employed or designated by the City shall give the owner the Notice of Impoundment by mail or personal service before the date upon which said notice is posted at the City 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 City Hall.
- F. Redemption:
1. The City 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 City.
 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 employed or designated by the City may dispose of the dog in a proper and humane manner.

400-1-11: INTERFERENCE WITH ANIMAL WARDEN OR CONFISCATION PRODECURES:

- 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 release or attempt to release a confiscated dog, 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.

400-1-12: ADMINISTRATION:

- A. The provisions of this Ordinance shall be enforced by the Animal Warden employed or designated by the City, and may be enforced by the Sherburne County Sheriff's Office.
- 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 when exigent circumstances exist, meaning an objectively reasonable belief that immediate entry is necessary to prevent imminent serious injury.
 5. The Animal Warden may pursue a dog running at large onto unenclosed, non-curtilage property (such as

open fields) but shall not enter the curtilage of a dwelling or other private structures without consent, administrative warrant, or court order.

- C. The City 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.

400-1-13: 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. (Ordinance 2024-09, adopted December 16, 2024). In enforcing this Ordinance, the City may seek to recover its costs, including court costs and reasonable attorney's fees, pursuant to Minnesota Statutes §§ 366.012, 429.101, Court order, or any other applicable authority.

400-1-14: 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. Repealer. Any portion of any prior ordinance that conflicts with this ordinance is hereby repealed and replaced by this ordinance.

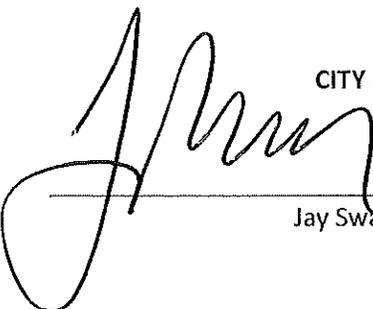
Section 3. Effective Date. This Ordinance shall become effective after passage and publication.

(remainder of page intentionally blank signatures follow)

ADOPTED by the Baldwin City Council this 18th day of March, 2026.

MOTION BY: *Case*
SECONDED BY: *walker*
IN FAVOR: *All*
OPPOSED: *none*

Tom Rush Absent


CITY OF BALDWIN

Jay Swanson, Mayor

ATTEST:



Joan Heinen, City Clerk/Treasurer