

**CLEAR LAKE TOWNSHIP
SHERBURNE COUNTY, MINNESOTA**

Ordinance No. ORD-2002-002

**Regulation of Dogs and Other
Domestic Animals Ordinance**

The Town Board of the Township of Clear Lake, County of Sherburne, State of Minnesota, ordains as follows:

In order to provide for the health and safety of the people of this township and in order to provide for the regulation and protection of animals, the Board of Supervisors of the Township of Clear Lake, Sherburne County, State of Minnesota, does hereby adopt the following ordinance:

SECTION 100.00 Dogs and Other Animals

100.01 Definitions

1. "Persons" shall mean any individual, firm, partnership, corporation or any other legal entity.
2. "Animal Warden" shall mean the Township Pound Master, County Sheriff or any of his deputies or any other person designated by the Town Board.
3. "At large" – Any dog or animal is at large when it is off the property of the person owning, harboring or keeping the dog and it is not under restraint.
4. "Veterinary Hospital" shall mean a place for the treatment, hospitalization, surgery, care and boarding of animals or birds, which place is owned and operated by a licensed veterinarian.
5. "Under Restraint" – Any dog or animal is under restraint if it is on the premises of the person harboring or keeping the animal or dog; it is at heel beside a person having custody of it or obedient to that person's command; if it is within a private motor

vehicle of a person owning, harboring or keeping the animal or dog; or if it is controlled by a leash not to exceed six (6) feet in length.

6. "Dog Kennel" shall mean any place, building, tract of land, boat or vehicle wherein or whereupon dogs are kept, congregated or confined; such dogs having been obtained from municipalities, dog pounds, dog auction or by advertising for unwanted dogs or dogs abandoned or stolen.

7. "Owner" shall mean any person owning, keeping, harboring or acting as custodian of a dog or other domesticated animal.

8. "Premises" shall mean any building, structure, shelter or land whereon dogs or other animals are kept or confined.

9. "Pound Master" shall mean that person or persons from time to time appointed by the Clear Lake Township Board to carry out the duties of a pound master as defined by Minnesota Statutes or to enforce this ordinance or both.

10. "Public Nuisance Animal or Animals" shall mean in addition to the definition provided in Minnesota Statutes Section 347.04, any animals or animals which:

- a. If the dog(s) or animal(s) are repeatedly found at large;
- b. Damages the property, lawn or garden of anyone other than its owner;
- c. Is/are vicious animal(s);
- d. Causes fouling of the air by odor;
- e. Causes unsanitary condition of enclosures or surroundings;
- f. By virtue of number of types of animals maintained are offensive or dangerous to the public health, safety or welfare;
- g. Makes disturbing noises;
- h. Molests passer(s)by or passing vehicles or passing bicycles;
- i. Has been designated by the Animal Warden to be a public nuisance animal(s) by virtue of being a menace to the public health, welfare and safety;
- j. Any potentially dangerous or dangerous dog as defined under Minnesota Statutes Section 347.50.
- k. Habitual barking: It shall be unlawful for any person to keep or harbor a dog which habitually barks or cries. Habitual barking shall be defined as barking for repeated intervals of at least 15 minutes with less than one minute of

interruption. Such barking must also be audible off the owner's or caretaker's premises.

11. "Vicious Animal or Animals" shall mean any animal or animals which constitutes a physical threat to human beings or other animals by virtue of one or more attacks of such severity as to cause property damage, physical injury or places an individual in reasonable apprehension of bodily harm.

100.02 Enforcement

The provisions of this ordinance shall be enforced by the Animal Warden pursuant to policies established by the Township Board of Supervisors.

100.03 Right of Entry

The Animal Warden shall have the right to enter upon any premises at all reasonable times for the purpose of discharging the duties imposed by this ordinance where there is a reasonable belief that a violation of this ordinance has been committed.

100.04 Records

It shall be the duty of the Animal Warden or Township Clerk as designated by the Township Board to keep the following records, subject to inspection by the Township Board of Supervisors or their designated agents as set forth in the following paragraphs:

1. Accurate and detailed records of the impounding and disposition of all animals coming into custody.
2. Accurate and detailed records of all reported bite cases and investigations for a period of three (3) years.
3. Accurate records of all citations issued for violations of this ordinance.
4. Accurate and detailed records of all moneys collected and expended in the operation of the functions of this office.

100.05 Running at Large Prohibited

No dog shall be allowed by its owner to run at large and every owner of a dog shall cause the same to be:

1. Confined to the owner's property by training, fencing or leashing. Females in heat shall be confined in an enclosure and so kept and confined therein during such entire period and until such dogs shall not attract other dogs on account thereof.
2. While in any public place such as a school, playground or park, to be on a leash, chain or cord of not more than six (6) feet in length and in the custody of a person of sufficient age to adequately control the dog at all times.
3. While in all other areas such as on a public street in an automobile, to be in the custody of a person of sufficient age to adequately control the dog at all times and to have and keep said dog or animal under control.

100.06 Dog/Animal on a Leash

The restriction imposed by 100.05 shall not prohibit the appearance of a dog/animal upon the streets or other public place when such dog/animal is on a leash or under restraint, except a female dog in season.

All dog/animals off the owner's property must comply with the identification requirements under Minnesota Statutes Section 346.50.

100.07 Confinement of Vicious Animals/Dogs with History of Biting

Every vicious animal/dog shall be confined by the owner within a building or secure, covered enclosure. Such animal shall not be taken out of such building or secure covered enclosure unless muzzled and on leash. This provision is in addition to the requirements for dangerous dogs outlined in Minnesota Statutes Section 347.50, et. seq.

100.08 Abandonment of Animals

It shall be unlawful to abandon any dog or other animal within the Township.

100.09 Rabies Shots Required

No person shall keep any animal/dog within the Township limits without securing a rabies shot and tag. This rabies shot may be obtained through any authorized veterinary clinic. Rabies shots must be obtained according to the following schedule:

1. Within thirty (30) days after the expiration of the two (2) year period that the previous shot is effective; or
2. Within sixty (60) days after the dog/animal reaches the age of six (6) months or
3. Within sixty (60) days after moving inside the Township limits providing no previous shot was obtained.
4. Proof of rabies shot must be provided to the Animal Warden or Pound Master when requested, along with description of the dog/animal and other information as may reasonably be required.

100.10 Impounding Stray Dogs or Animals

1. The Animal Warden may seize or impound any dog or animal found astray on public property or claimed to be astray by the owner of the premises upon which such animal may be found provided that the owner of the premises demands such seizure or impound and agrees in writing to indemnify and hold harmless the Township from any claim for damages by the owner of said dog or other animal.
2. Upon taking and impounding any dog/animal, the Animal Warden shall within one (1) day thereafter post three (3) notices within the Township a Notice of Impounding in the form established by the Township Board. If the owner of the dog/animal be known a written Notice of Impounding, in lieu of posted notice, shall be given the owner thereof either by mail or personal service.
3. Disposition of such impounded stray shall thereafter be pursuant to the provisions of Section 100.11 herein.

100.11 Disposition of Certain Diseased or Dangerous Dogs or Other Animals

1. Any dog or other animal displaying symptoms of being rabid must be seized and secured by the owner on his/her premises until found free from rabies. If the owner

requests the animal or dog be placed in the Township contracted dog pound he/she assumes full responsibility for the animal or dog.

2. If any dog or other animal appears to be diseased, vicious, dangerous, rabid, or has been exposed to rabies, and such dog or other animal cannot be taken up and impounded without serious risk, such dog or other animal may be killed if reasonably necessary for the safety of any person or persons.

3. When any dog or other animal has bitten any person, wherein the skin has been punctured or the services of a doctor are required, a report of the incident shall be made to the Township by the owner or custodian of the biting dog or animal, and the person bitten or his parent or guardian within twenty-four (24) hours of the bite.

100.12 Redemptions of Dogs and Other Animals

1. The Township, upon the impounding of any dog or other animal, may condition redemption of said dog from impounding upon payment of the required impounding fee as duly set by the Township Board from time to time, plus the cost of boarding for each day said dog or other animal has been confined in said pound and all other costs incurred by the Township.

2. If at the end of five (5) days after said impounding the dog or other animal has not been redeemed, it may be sold to private sale, or the keeper of the pound may dispose of the dog or other animal in a property and humane manner.

100.13 Animals Disturbing the Peace

It shall be unlawful for any person to own, keep, have in his possession, or harbor a Public Nuisance Animal. It shall also be unlawful for any person to own, keep, have in his possession or harbor a dog/animal which by frequent and habitual howling, yelping, barking or otherwise, shall cause serious annoyance or disturbance to personal or to the neighborhood. No person shall be convicted under the provisions of this ordinance except under the evidence from fifty percent (50%) of the adult residents living within two thousand (2000) feet of the residence of the animal complained of or from four (4) persons each of a different household, whichever is less, and no warrant shall be issued except after written notice has been mailed or delivered to the occupant of the premises where such animal is kept or harbored advising that a complaint has been made about the animal and calling attention to the provisions of this ordinance.

100.14 Maintenance of Animal Quarters

1. Animal housing facilities shall be structurally sound and maintained in good repair.
2. Dogs kept outside shall be provided with access to shelter to protect them from the sun, rain and snow, together with adequate bedding.
3. If dogs are confined by chains, such chains shall be so attached that they cannot become entangled with the chains of other dogs or any other objects. Chains shall be of a size commonly used for the size of dogs involved and shall be attached to the dog by means of a well-fitted collar. Such chains shall be at least three times the length of the dog as measured from the tip of its nose to the base of its tail.
4. Enclosure shall be of sufficient size to allow each dog to turn around fully and stand, sit, and lie in a comfortable normal position.
5. Disposal facilities shall be provided to minimize vermin, infestation, odors and disease hazards.

100.15 Dog/Animal Waste

An owner shall not allow their dog/animal to leave bodily wastes on property owned by another.

100.16 Violations

Any person violating Sections 100.00 through 100.15 of this ordinance shall be guilty of a misdemeanor and in addition to any penalty imposed by the Court shall be the appropriate costs of prosecution as may be determined by the Court.

100.17 Commercial Dog Kennels

This ordinance does not regulate commercial dog kennels which operate under conditional use permit from the County and are licensed by the State of Minnesota.

100.18 Adoption of Ordinance

This ordinance shall take effect immediately upon enactment and publications.

Dated: January 27, 1998

Jack Gallagher
Town Board Chairman

Debra Seeley
Town Clerk

HISTORY: According to Ordinance No. ORD-2013-007 adopted September 17, 2013:

Ordinance No. 98-100 REGULATION OF DOGS AND OTHER DOMESTIC ANIMALS adopted January 27, 1998 and Ordinance No. 100.01 AMENDMENT TO DOG ORDINANCE adopted June 18, 2002 shall be combined and designated Ordinance No. ORD-2002-002.

This combined and renumbered ordinance has been reviewed and approved by the Town Board of Clear Lake Township this 17th day of September, 2013.

By: [Signature]
Chairman of the Board
Gary Gray



Attest: [Signature]
Clear Lake Township Clerk
Mary Mathison

Passed by the Clear Lake Township Board this 17th day of September, 2013.

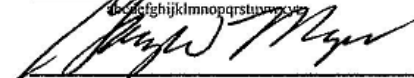
Published in the Sherburne County Citizen the 28th day of September, 2013.

Affidavit of Publication

SHERBURNE COUNTY CITIZEN
Becker Minnesota 55308
State of Minnesota
County of Sherburne

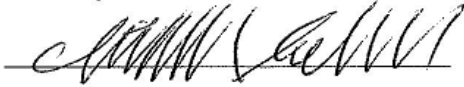
Gary Meyer, being duly sworn on oath says: that he is now and during all the time herein stated has been Gary Meyer, the publisher and printer of the newspaper known as the *Sherburne County Citizen*, and has full knowledge of the facts herein stated. That for more than one year prior to the publication therein of CLEAR LAKE TOWNSHIP NOTICE OF ADOPTED ORDINANCE NO. ORD-2013-007 printed here-to attached, said newspaper was printed and published in the English language from its known office of publication within the County of Sherburne, State of Minnesota, on Saturday of each week in the column and sheet form equivalent in space of 450 running inches of single column 2 inches wide; has been issued from a known office established in said place of publication equipped with skilled workers and the necessary material for preparing and printing the same: The *Sherburne County Citizen* has had in its makeup not less than twenty-five (25) percent of its news column devoted to local news of interest to said communities and purports to serve, the press work of which has been done in its known place of publication, has contained general news, comments and miscellany; has not duplicated any other publication; has not been entirely made up of patents, plate matter and advertisements; has been circulated at and near its said place of publication to the extent of 500 copies regularly distributed without charge to local residents; that herein has been on file with the office of the Minnesota Secretary of State the affidavit of a person having firsthand knowledge of the facts constituting its qualification as a newspaper for publication of legal notices; and that its publishers have complied with all demands of said office for proofs of its said qualification. A copy of each issue has been filed with the State Historical Society, St. Paul, Minnesota. That the printed CLEAR LAKE TOWNSHIP NOTICE OF ADOPTED ORDINANCE NO. ORD-2013-007 hereto attached as a part hereof was cut from the columns of said newspaper, was published therein in the English language once a week for ONE successive weeks; that it was first published on the 28 day of SEPTEMBER 2013 and thereafter on Saturday of each week to and including the 28 day of SEPTEMBER 2013 and that the following is a copy of the lower case alphabet which is acknowledged to have been the size and kind of type used in the publication of said CLEAR LAKE TOWNSHIP NOTICE OF ADOPTED ORDINANCE NO. ORD-2013-007.

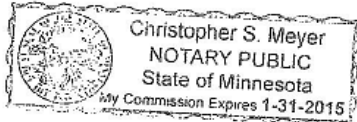
abcdefghijklmnopqrstuvwxyz



Gary Meyer, Publisher

Subscribed and sworn to me this 30 day
of September, 2013





**CLEAR LAKE TOWNSHIP
ORDINANCE NO. ORD-2013-007
COMBINE, RENUMBER AND/OR
REPEAL PREVIOUS ORDINANCES**
On September 17th, 2013, the Clear Lake Town Board adopted Ordinance No. ORD-2013-007 which is an ordinance to combine, renumber, and/or repeal previous ordinances. Copies of this ordinance are available on the website: <http://www.clearlaketownship.org/ordinances.html> or during any regular Town Board meeting held on the third Tuesday of every month at 7:00 pm.
Mary Mathison
Clear Lake Township Clerk
(Published in the *Sherburne County Citizen*: 09/28/13.)