

**BEMIDJI TOWNSHIP  
ORDINANCE FOR THE REGULATION OF  
DOGS AND CATS**

**The Board of Supervisors ordains:**

**SECTION I - Definition**

**Owner.** For the purpose of this section, "owner" means a person who owns, harbors, feeds, boards or keeps an animal hereby regulated. The word "animal" in this ordinance refers only to dogs and cats.

**Dangerous dog.** (M.S. 347.50) Dangerous dog means any dog that has:

- 1) Without provocation, inflicted substantial bodily harm on human being on public or private property;
- 2) Killed a domestic animal without provocation while off the owner's property; or
- 3) Been found to be potentially dangerous, and after the owner has notice that the dog is potentially dangerous, the dog aggressively bites, attacks or endangers the safety of humans or domestic animals.

**Potentially dangerous dog.** Potentially dangerous dog means any dog that:

- 1) When unprovoked, inflicts bites on a human or domestic animal on public or private property;
- 2) When unprovoked, chases or approaches a person on public or private property in any apparent attitude of attack; or
- 3) Has known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.

**Proper enclosure.** Proper enclosure means securely confined indoors or in a securely enclosed and locked pen or structure suitable to prevent the animal from escaping and provides 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 the windows are open or in which door or window screens are the only obstacles to prevent the dog from exiting.

**SECTION II - Running at Large**

It is unlawful for any person who is the owner or who is in possession of a dog or cat to permit such animal to run at large; provided, that such animal shall not be deemed to be running at large if it is on a leash or under physical and/or voice control of an accompanying person or if it is upon the property of the owner, or other person in possession.

**SECTION III - Permissible Return of Animals Running at Large**

Notwithstanding the provisions of Section II, if an animal is found running at large and it's owner can be identified and located, such animal need not be impounded, but may, at the discretion of the officer, be taken to the owner. In such case, however, proceedings may be taken against the owner for violation of this ordinance.

**SECTION IV - Nuisance Animals**

The owner or custodian of any animal shall prevent the animal from committing in the township any act which constitutes a nuisance. It is a nuisance for any animal to habitually or frequently bark or cry, to frequent school

grounds, parks or public beaches, to chase vehicles, to molest or annoy any person away from the property of his owner or custodian or to damage, defile or destroy public or private property. Failure of the owner or custodian of the animal to prevent the animal from committing such nuisance is a violation of this ordinance.

## **SECTION V - Dangerous or Potentially Dangerous Dogs**

No person may own a dangerous or potentially dangerous dog in the township unless the dog is registered, licensed or a certificate is obtained pursuant to the governing county law (Minnesota Statute 347.51 & 347.53). This license must be obtained from the County Auditor. An owner of a dangerous or potentially dangerous dog shall keep the dangerous or potentially dangerous dog, while on the owner's property, in a proper enclosure. If the dog is outside the proper enclosure, the dog must be muzzled and restrained by a substantial chain or leash under the physical restraint of a responsible person. The muzzle must be in a manner that will prevent the dog from biting any person or animal but that will not cause injury to the dog or interfere with its vision or respiration.

The owner or caretaker of a dangerous dog shall be required to obtain a surety bond issued by a surety company authorized to conduct business in this state in a form acceptable to the township in the sum of at least \$50,000, 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 \$50,000 insuring the owner of any personal injuries inflicted by the dangerous dog.

The provisions of this section do not apply to dangerous dogs used by law enforcement officials for police work.

Dogs may not be declared dangerous if the threat, injury, or damage was sustained by a person who was committing or attempting to commit a crime.

Any statutory or home rule charter city, or any county, may regulate potentially dangerous dogs. Except as provided in section 347.51, subdivision 8, nothing in sections 347.50 to 347.54 limits any restrictions the local jurisdictions may place on owners of potentially dangerous dogs.

All dangerous or potentially dangerous dogs must have a standardized, easily identifiable tag identifying the dog as dangerous or potentially dangerous affixed on the dog's collar at all times and the collar shall be worn by the dog at all times.

Any premises, public or private, which has a dangerous or potentially dangerous dog residing upon the premises must be marked with a clearly visible warning sign, including a warning symbol to inform children that there is a dangerous or potentially dangerous dog on the property.

The animal control authority having jurisdiction shall immediately seize any dangerous or potentially dangerous dog if:

- 1) 14 days after the owner has received notice that the dog is dangerous or potentially dangerous, the dog is not validly registered pursuant to county law;
- 2) 14 days after the owner has received notice that the dog is dangerous, the owner fails to comply with the township ordinance, county law or other statutory requirements with regard to dangerous or potentially dangerous dogs as set forth in Minnesota Statute 347.51, subd. 2.

## **SECTION VI - Animal Identification**

An owner or custodian of an animal shall have the animal identified by a current rabies registration tag or by owner's name and address tag affixed to the collar and the collar shall be worn by the animal at all times.

## **SECTION VII - Injured and Abandoned Animals**

Unidentified injured and abandoned animal impounded by the animal control officer may be euthemized and disposed of upon examination by a licensed veterinarian.

## **SECTION VIII - Notice of Impounding**

Upon the impounding of any animal, the owner shall be notified or if the owner is unknown, written notice shall be posted for five (5) days at the Impounding Facility or other places to be designated, describing the animal and the place and time of impounding.

## **SECTION IX - Release from Animal Pound**

Animals shall be released to their owners upon payment of all fees, impounding or otherwise, incurred for the period for which the animal was impounded, to include a mandatory current rabies vaccination.

## **SECTION X - Animal Pound**

A. Any animal found running at large within the township either with or without identification may be placed in the Animal Pound, and an accurate record of the time of such placement shall be kept on each animal. Every animal so placed in the Animal Pound shall be held for redemption by the owner for a period of not less than five (5) regular business days.

A "regular business day" is one during which the Pound is open for business to the public for at least four (4) hours between 8:00 A.M. and 7:00 P.M. Impoundment records shall be preserved for a minimum of six (6) months and shall show:

- (1) description of the animal by species, breed, sex, approximate age, & other distinguishing traits;
- (2) the location at which the animal was seized;
- (3) the date of seizure;
- (4) the name and address of the person from whom any animal was received; and
- (5) the name and address of the person to whom any animal was transferred.

If unclaimed, such animal may be humanely destroyed and the carcass disposed of, pursuant to Minnesota Statute, Section 35.71., or the animal may be adopted according the same adoption practice as the local humane society, after the expiration of the five (5) day period.

B. Destruction of an animal shall not eliminate the liability of the owner for impounding fees incurred by the township and such fees are recoverable by the township in a civil cause of action.

C. A dangerous dog seized under the provisions of this ordinance may be reclaimed by the owner of the dog upon payment of impounding and boarding fees, and presenting proof to the appropriate animal control

authority that the requirements governing the possession of dangerous dogs are met. A dog not reclaimed under this subdivision within seven (7) days may be disposed of as provided under M. S. 35.71, subd. 3 and the owner is liable to the animal control authority for costs incurred in confining, impounding and disposing of the dog.

### **SECTION XI - Destruction of Animals**

The Pound Master and all sheriff's deputies of the count are hereby authorized and empowered to destroy any animal taken up and impounded pursuant to the provisions of this ordinance and consistent with other governing laws. The destruction and disposal of such animals shall be according to humane procedures at the owner's expense. No impounding or destruction of any animal shall exempt the owner or keeper of such animal from the penalties provided in this ordinance.

### **SECTION XII - Rabies - Confinement**

In all cases where an animal has bitten a person, the township shall confine such animal for the rabies incubation period of 14 days. If the pound master determines, by standard practices, that the animal should be tested for rabies, then the animal shall be destroyed for that purpose. Cost of confinement, maintenance and testing shall be the responsibility of the owner.

### **SECTION XIII - Fees**

Fees for impoundment, daily care and other costs incurred in the administration of the ordinance and other governing laws, rules and procedures may be established by resolution of the township Board of Supervisors and shall be collected by the respective offices designated and deposited with the township and credited to the General Revenue Fund.

### **SECTION XIV - Enforcement**

The Bemidji Town Board, and its duly authorized agent, such as an animal control officer, has the authority to enforce the provisions of this ordinance by long form complaint or by citation or other procedures specifically listed herein.

### **SECTION XV - Penalty**

Any person, firm or corporation violating any provision of this ordinance shall be guilty of a misdemeanor which carries a maximum penalty of up to \$700 or up to 90 days in jail or both, unless specifically designated. Penalties shall be established by resolution of the Town Board of Supervisors annually. The following violations shall constitute a petty misdemeanor which carries a maximum penalty of a \$200 fine.

- 1) Dangerous or potentially dangerous dog. The owner shall be fined \$200.
- 2) Nuisance animal. The owner shall be fined \$45.
- 3) Dog running at large. The owner shall be fined \$45.

- 4) Failure to obtain a rabies tag or owners identification tag. The owner shall be fined \$45.
- 5) Any repeat offenses within the same category and within twelve (12) consecutive months shall constitute a misdemeanor which carries a maximum penalty of \$700 or 90 days in jail or both.
- 6) Any repeat offenses of three (3) or more times in any one category within a period of twelve (12) consecutive months shall be guilty of a misdemeanor and such offenses shall be abated by the owner of such animal within five (5) days after the owner has been notified that the third offense has occurred. Within this provision, abate means to have the animal permanently removed from the township or destroyed. If within five (5) days after the owner has received notice, the owner has failed to abate the problem of the offending animal, the owner shall receive written notice by registered mail from the township or its authorized agent that the Animal Control Officer is authorized and directed to capture and destroy the animal at the owner's expense.

#### **SECTION XVI - Effective Date**

This ordinance becomes effective on May 10, 2004.