

TOWN OF GREY CLOUD ISLAND
ORDINANCE NO. 56 ANIMALS

**AN ORDINANCE REPLACING TOWN OF GREY CLOUD ISLAND
ORDINANCE NO. 13, ORDINANCE NO. 24, ORDINANCE NO. 28, AND
ORDINANCE NO. 45 IN THEIR ENTIRETY.**

State Law reference—Authority to regulate the keeping of animals, MSA § 412.21, subd.21.

I. ANIMALS—IN GENERAL

- A. Definitions Adopted. Except otherwise specifically provided in this chapter, the provision of M.S.A. §§ 347.50–347.56 and as it may be amended from time to time, relating to the definition, dangerous dog registration, dangerous dogs requirements, potentially dangerous dogs, confiscation, microchip identification, and penalty, are adopted and made a part of this ordinance as if fully set out herein.
- B. Authority to Issue Citations. The duly appointed animal control officer of the town is authorized to issue a citation in lieu of arrest or continued detention for violation of any provision of this chapter.
- C. Livestock may be raised or bred without a permit provided there are less than five (5) animal units on the property.

The following equivalents shall apply when determining animal units:

	Animal Units
1. one mature dairy cow	1.40
2. one slaughter steer or heifer	1.00
3. one horse	1.00
4. one swine over 55 lbs.	0.50
5. one goose, duck or other fowl	0.10
6. one goat or sheep	0.10
7. one swine under 55 lbs.	0.05
8. one turkey	0.05
9. one chicken	0.05

For animals not listed above, the number of animal units shall be defined as the average weight of the animal divided by one thousand (1,000) pounds.

- 1. A minimum of two (2) grazable acres shall be provided for each animal unit or its equivalent.
- 2. The keeping of livestock in greater density than allowed as stated above shall require a conditional use permit. To obtain such permit, the applicant must demonstrate that facilities are present and appropriate practices are being employed to preclude surface or ground water contamination, excessive manure accumulation, odor, noise and other nuisances.

II. CHICKENS

A. Limited Keeping of Chickens.

1. *Intent and purpose.* It is the intent and purpose of this section to set standards of the limited keeping of chickens in urban settings as a noncommercial hobby.
2. *Conditions.* The limited keeping of chickens may be permitted as an accessory use to a legally established single-family residence subject to the following:
 - a. The property shall be occupied with a single-family home. The owner of the chickens shall live in the dwelling on the property.
 - b. Chickens shall be kept within a separate enclosed accessory building and/or fenced outdoor containment area subject to the following:
 - 1) The accessory building shall be less than 120 square feet in size.
 - 2) The accessory building shall comply with all setbacks and other standards for accessory buildings, unless otherwise stated herein.
 - 3) Any outdoor containment areas shall be screened from view from all neighboring properties and rights-of-way. Outdoor containment areas shall not exceed 20 square feet per bird.
 - 4) Any accessory building or containment area shall be located in the rear yard only and shall be at least 50 feet from adjacent habitable structures on neighboring properties.
 - 5) Fencing used to contain chickens shall comply with applicable conditions of the town ordinances.
 - 6) Chickens shall not be kept within the dwelling unit or garage.
 - 7) The accessory building and/or containment area shall be maintained in good repair, in a clean and sanitary manner, free of vermin, and free of objectionable odors.
 - 8) Chickens shall remain in the accessory building from sunset to sunrise each day to prevent nuisance noise and the attraction of vermin and predators.
 - 9) An accessory building for chickens less than 120 square feet is allowed.
 - c. Feces and discarded feed shall be regularly collected and only stored temporarily on site in a leak-proof container with a right-fitting cover to prevent nuisance odors and the attraction of vermin.

III. DOGS

A. Generally.

1. Running at large is prohibited. No dog shall be permitted to run at large within the corporate limits of this town.
2. Dogs on leash. The restriction imposed by Section III.A.1. shall not prohibit the appearance of any dog upon streets or public property when such dog is under the control of the owner or a member of his immediate family, either by leash or otherwise.

3. License required.
 - a. *Application; term; fee.* No person shall keep any dog within the city without first securing a license therefore from the town clerk, who shall issue a metal tag for each license and who shall keep a record of the license number and description of the dog so licensed, including name, sex, color and breed, and the name, address, and telephone numbers of the owner or keeper. All renewal licenses shall be issued for a period of one, two, or three years. The license fee is set forth in the fee schedule of Grey Cloud Island Township. Licenses shall not be transferable. Every application shall be accompanied by a certificate of rabies vaccination as provided in Subsection b. of this section. In the event of loss, license tags may be replaced for a fee of \$1.50. No refund of license fee shall be made if the licensed dog dies or leaves the town before expiration of the license period.
 - b. *Vaccination required.* No license shall be granted for a dog whose rabies certificate of vaccination at the time of application is not current. All dogs in the town over the age of six months shall be vaccinated for rabies and revaccinated at least once every three years. Vaccination shall be performed only by a doctor qualified to practice veterinary medicine in the state in which the dog was vaccinated. A veterinarian who vaccinated the dog to be licensed in the town shall complete a certificate of vaccination, one copy of which shall accompany the license application.
 - c. *Exceptions.*
 - 1) A certificate of vaccination as provided in Subsection b. of this section shall not be required if the application is accompanied by the certificate of a licensed veterinarian stating that because of health reasons the dog, for which the license is applied, should not, in the opinion of such veterinarian, be vaccinated against rabies.
 - 2) The certificate of vaccination described in subsection (b) of this section shall not be required for any dog less than six months of age, provided, however, that such license shall automatically expire when such dog shall attain the age of seven months unless, prior thereto, the certificate of vaccination described in Subsection b. of this section shall have been filed with the town clerk.
4. *Affixing Tags.* The owner or keeper shall cause the license tag required by Section III.3. to be affixed by a permanent metal fastening to the collar of the dog so licensed in such a manner that the tag may be easily seen by the officers of the town. The owner shall see that the tag is worn constantly by such dog.
5. *Impounding.*
 - a. Every dog within the corporate limits of the town not restrained or confined as provided in this article, or running at large, shall be immediately impounded. Every dog so impounded having no duly issued and current license tag affixed or attached to it shall be impounded for a period of 120 hours, and if not redeemed as provided in subsection (b) of this section, within such period, by the owner or keeper thereof, such dog shall be destroyed in a proper or humane manner, or otherwise disposed of. When any dog having a duly issued, current license tag attached to or affixed to it is so impounded, the owner thereof, if he be known or can be ascertained by reasonable effort, shall be promptly notified personally or by United States mail that such dog has been impounded and setting forth the

terms of redemption as provided in Subsection b. of this section. If such owner does not redeem such dog within 120 hours after such notice, then such dog shall be disposed of in the manner provided for unlicensed dogs impounded. The time to redeem such dog shall begin to run with personal notice to the owner, or upon depositing such notice in the United States mail. The pound master shall house and feed in a humane manner any dog held at the pound.

- b. Any animal may be redeemed from the animal shelter where impounded by the owner, within the time as provided in Subsection a. of this section, by the payment to the town of the impounding fee and such boarding fees as may be charged by the animal shelter.
- c. The owner of any dog not redeemed within 120 hours as set forth in Subsection a. of this section shall be personally responsible for the cost of disposal of such dog.

- 6. Muzzling proclamation. Whenever the prevalence of hydrophobia renders such action necessary to protect public health and safety, the town board shall issue a proclamation ordering every person owning or keeping a dog to confine it securely on his premises unless it is so muzzled that it cannot bite. No person shall violate such proclamation, and any unmuzzled dog running at large during the time fixed in the proclamation shall be killed by the police without notice to the owner.
- 7. Civil liability for damage. All owners or keepers of dogs allowing such dogs to run at large upon the premises of another person in the town shall be liable for any damage committed by such dogs, and nothing in this chapter shall be construed as limiting the right of citizens to recover the value of such damages in any action at law.
- 8. Barking dogs. It shall be unlawful for any person to own, keep or harbor any dog which is a barking dog as defined herein. A barking dog is any dog that barks, bays, cries, howls, or makes any other noise continuously or incessantly for a period of ten minutes or barks intermittently for 30 minutes or more at any time either day or night. A dog shall not be deemed a barking dog if, at the time that the dog is barking or making any other noise, a person is trespassing or threatening to trespass upon the private property upon which the dog is situated or when the dog is teased or provoked.
- 9. Removal of dog excrement from property not of owner. It shall be unlawful for any person to cause or permit a dog under his ownership or control to be on any property, public or private, not owned by such person, unless such person shall have in his possession a device for the removal of any excrement which might be deposited by such dog. Any person who owns or controls a dog which deposits excrement upon a property, public or private, shall promptly remove such excrement to a proper receptacle located on property owned or possessed by such person. This provision shall not apply to blind or physically handicapped persons while walking with their guide dog.

B. Potentially Dangerous and Dangerous Dogs.

- 1. Definitions. The following words, terms, and phrases, when used in this division, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

Animal control authority means the agency of the municipality which is responsible for animal control operations in its jurisdiction.

Dangerous dog means any dog that has

- Without provocation, inflicted substantial bodily harm on a human being on public or private property;
- Killed a domestic animal without provocation while off the owner's property; or
- 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.

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.

Potentially dangerous dog means any dog that:

- When unprovoked, inflicts bites on a human or domestic animal on public or private property;
- When unprovoked, chases or approaches a person, including a person on a bicycle, upon the streets, rights-of-way, or any public or private property, other than the dog owner's property, in an apparent attitude of attack; or
- Has a known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.

Proper enclosure means securely confined indoors or in a securely enclosed and locked pen or structure suitable to prevent the animal 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.

Provocation is an act that an adult could reasonably expect may cause a dog to attack or bite.

Substantial bodily harm has the meaning given it under M.S.A. § 609.02, subd. 7a.

2. Regulations regarding potentially dangerous and dangerous dogs.
 - a. *Adoption of state law.* Except as otherwise provided in this division, the regulatory and procedural provisions of M.S.A. § 347.50 through 347.56 are hereby incorporated herein and adopted by reference.
 - b. *Declaration of potentially dangerous or dangerous dog.* The animal control authority having jurisdiction may determine that a dog is a potentially dangerous dog or dangerous dog. Except as provided in M.S.A. § 347.51, subd. 8, noting in M.S.A. §§ 347.50 to 347.56 limits any restrictions the local jurisdictions may place on owners of potentially dangerous and dangerous dogs.
 - c. *Determination of potentially dangerous dog.* The animal control authority having jurisdiction may determine that a dog is potentially dangerous if the officer believes, based upon probable cause, that a dog:
 - 1) When unprovoked, inflicts bites on a human or domestic animal on public or private property;
 - 2) When unprovoked, cases or approaches a person, including a person on bicycle, upon the streets, rights-of-way, or any public or private property, other than the dog owner's property, in an apparent attitude of attack; or

- 3) Has a known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.
- d. *Determination of dangerous dog.* The animal control authority having jurisdiction may determine that a dog is dangerous if the officer believes, based upon probable cause, that a dog:
- 1) Without provocation, inflicted substantial bodily harm on a 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.
- e. *Notice of declaration.* If a dog is declared potentially dangerous or dangerous, the animal control authority shall give notice, by delivering or mailing to the owner of the dog, the intent to declare the dog potentially dangerous or dangerous. The notice shall include the following:
- 1) A description of the dog deemed to be potentially dangerous or dangerous;
 - 2) The factual and statutory basis for the determination, and seizure (if applicable);
 - 3) The identity of the animal control authority that has made the determination;
 - 4) If being declared a dangerous dog, a statement as to whether or not the dog's destruction is being sought by the town; the owner may prevent disposition of the dog by posting security in an amount sufficient to provide for the dog's actual costs of care and keeping; and the security may be posted within seven days of the seizure inclusive of the date of the seizure;
 - 5) If the dog was seized the reason why along with the contact information where the dog is being kept;
 - 6) If the dog was seized, a statement that all actual costs of the care, keeping, and disposition of the dog are the responsibility of the owner, except to the extent that a court or hearing officer finds that the seizure or impoundment was not substantially justified by law;
 - 7) An order that the owner provide the animal control authority with written notice of any relocation of the dog from its current residence, providing any new owner's full name, address, contact phone numbers, and the relocation address within ten days of any such relocation or new ownership;
 - 8) The owner's right to request an administrative appeal hearing concerning the potentially dangerous dog or dangerous dog declaration, and failure to do so within 14 days of the date of the notice of declaration will terminate the owner's right to a hearing under this section;

- 9) If the owner files a request for an appeal, they must pay a deposit fee as set forth in the fee schedule of Grey Cloud Island Township towards the cost of the hearing;
 - 10) A statement that in the event the potentially dangerous or dangerous dog declaration is upheld by the hearing officer, the actual expenses of the hearing, up to a maximum amount as set forth in the fee schedule of Grey Cloud Island Township, will be the responsibility of the owner;
 - 11) A form by which an owner may appeal the determination that the dog is potentially dangerous or dangerous;
 - 12) An explanation of the appeal and hearing process;
 - 13) A statement that if the hearing officer affirms the potentially dangerous or dangerous dog declaration, the owner will have 14 days from receipt of that decision to comply with all requirements of Section III.B.3. and III.B.4., and M.S.A. §§347.51, 347.515, and 347.52, other than Section III.B.4.f. which allows 30 days; and
 - 14) The criminal penalties for violation of the requirements pertaining to potentially dangerous and dangerous dogs.
- f. *Receipt of notice to declare dog potentially dangerous or dangerous.* Upon receipt of notice, whether an appeal is sought or not, the owner must do the following:
- 1) At all times keep the dog either confined in a proper enclosure as defined in Section III.B.1. or muzzled 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;
 - 2) Have a microchip implanted in the dog for identification and provide the animal control authority with the name of the microchip manufacturer and the serial identification number of the microchip within 14 days of the date of service of the notice; and
 - 3) Provide the animal control authority with written notice of the death of the animal or any relocation of the dog from its current residence and provide any new owner's full name, address, phone numbers, and relocation address with ten days of relocation.
- g. *Request to appeal declaration of potentially dangerous dog or dangerous dog.*
- 1) Within 14 days after service of the notice to declare a dog potentially dangerous or dangerous the owner may request an appeal of that declaration by completing and serving upon the town a written request for appeal of the potentially dangerous or dangerous dog declaration on the form provided along with the notice, including, at a minimum, the following information:
 - i. The full name, address, telephone numbers of the person requesting an appeal;
 - ii. The full name and address of all the dog's owners
 - iii. The ownership interest of the person requesting the appeal;
 - iv. A list and copies of all exhibits to be presented at the hearing; and

- v. A summary statement as to why the dog should not be declared potentially dangerous or dangerous.
- 2) The request for an appeal shall be delivered to the town clerk with a deposit fee as set forth in the fee schedule of Grey Cloud Island Township towards the cost of the hearing;
 - 3) Failure to timely submit a completed request for an appeal and the required fee shall be deemed a waiver of the right to appeal and consent to the designation of the animal as potentially dangerous or dangerous under state law and of this division. The animal control authority will then issue a declaration of potentially dangerous or dangerous dog to the owner and the owner must immediately comply with all applicable requirements set forth in this division, and M.S.A. §§ 347.50 to 347.56, or cause the dog to be humanely destroyed or removed from the town;
 - 4) If an owner files a timely appeal and pays the designated fee, a hearing shall be held within 14 days after the town's receipt of the appeal request;
 - 5) This appeal process also applies in cases where it is determined that destruction of the dog is necessary as provided for in M.S.A. § 347.56.
- h. Hearing procedure. The owner of a potentially dangerous or dangerous dog has the right to a hearing by an impartial hearing officer, who shall be retained by the town to conduct the hearing. A hearing shall be held within 14 days of the receipt by the town of the appeal request and a deposit fee as set forth in the fee schedule of Grey Cloud Island Township.
- 1) An owner's right to appeal or otherwise contest a potentially dangerous or dangerous dog declaration shall be deemed waived if the owner fails to serve a written request for appeal and pay the deposit fee toward the cost of the hearing, as required herein, or fails to appear at the scheduled appeal hearing date.
 - 2) The hearing shall be conducted by a hearing officer at the Grey Cloud Island Township Town Hall.
 - 3) The appeal hearing shall be conducted in an informal manner, and the Minnesota Rules of Civil Procedure and Rules of Evidence shall not be strictly applied. The hearing need not be transcribed, but may be transcribed at the sole expense of the party who requests transcription;
 - 4) At the hearing, the owner of the dog shall have an opportunity to present evidence and testimony to support the appeal of the potentially dangerous or dangerous dog declaration. The hearing officer may receive evidence from the animal control authority regarding the initial potentially dangerous or dangerous dog declaration.
 - 5) Upon receiving the evidence and testimony, the hearing officer shall uphold or rescind the potentially dangerous or dangerous dog declaration;
 - 6) Within ten days after the hearing, the hearing officer, or designee, shall make written findings of fact and conclusion as to whether the dog is a potentially dangerous or dangerous dog. The decision must be delivered to the owner by hand or registered mail and a copy must be provided to the animal control authority;

- 7) In the event that the potentially dangerous or dangerous dog declaration is upheld by the hearing officer, the town shall, within 45 days of the decision, serve an invoice (by mail or in person) to the owner for the full actual costs of the hearing, including staff time spent attending the hearing, above and beyond the deposit fee required in Section III.B.2.e.9 up to a maximum amount as set forth in the fee schedule of Grey Cloud Island Township. In the event that the potentially dangerous or dangerous dog declaration is not upheld by the hearing officer, the deposit fee shall be returned to the owner.
 - 8) The decision by the hearing officer is final without any further right of administrative appeal. An aggrieved party may obtain review thereof by petitioning the Minnesota Court of Appeals for a writ of certiorari not more than 30 days after service of the hearing officer's written decision.
 - i. *Law enforcement exemption.* The provisions of Section III.B.1 to III.B.9. do not apply to dogs used by law enforcement officials for police work.
 - j. *Other exemptions.* Dogs may not be declared potentially dangerous or dangerous if the threat, injury, or damage was sustained by a person:
 - 1) Who was committing, at the time, a willful trespass or other tort upon the premises occupied by the owner of the dog;
 - 2) 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
 - 3) Who was committing or attempting to commit a crime.
3. Potentially dangerous dog and dangerous dog registration.
 - a. *Required.* No person may own or keep a potentially dangerous dog or dangerous dog within the town unless the dog is currently registered as provided in this section. Registration must be completed within 15 days from the owner's receipt of Notice of Declaration of Potentially Dangerous Dog or Notice of Declaration of Dangerous Dog unless a timely appeal has been filed.
 - b. *Issuance of certificate.* The town shall issue a certificate of registration to the owner of a potentially dangerous dog or dangerous dog only if the owner meets the requirements in Section III.B.4. of this division.
 - c. *Fees.* Payment shall be made for the annual potentially dangerous dog or dangerous dog registration fee set forth in the town fee schedule. This is in addition to any regular annual dog licensing fees.
 - d. *New Resident.* If any dog comes into residency in the town and has been previously declared potentially dangerous or dangerous by another agency or jurisdiction, the owner shall report this to the town clerk within ten days of taking up residency in the town. The owner must comply immediately with all requirements in Section III.B.4. and register the dog per this Section III.B.3.
 4. Potentially Dangerous Dog and Dangerous Dog Requirements. Upon determination after a hearing that the animal is declared potentially dangerous or dangerous: 1) under this division or state law, 2) upon the expiration of the 14-day appeal period where no owner serves upon the town animal control authority a timely and completed request for appeal and fee of the potentially dangerous or dangerous dog designation, or

3) upon the relocation of a dog to this town from another location where the dog was previously declared potentially dangerous or dangerous under either state law or local law similar to this chapter: It shall be the joint responsibility of each owner of the potentially dangerous dog or dangerous dog kept or harbored within the town to strictly comply with the following requirements:

- a. *Proper enclosure.* Keep the animal in a proper enclosure as defined in Section III.B.1. of this Ordinance and state law or, if the dog is outside the proper enclosure the animal must be muzzled and restrained by a substantial chain or leash not longer than six feet and under the physical restraint of a responsible adult. The muzzle must be made in a manner that will prevent the animal from biting any person or animal but that will not cause injury to the animal or interfere with its vision or respiration.
- b. *Posting of warning sign.* The owner of a potentially dangerous dog or dangerous dog must post a warning sign or multiple warning signs (to be determined by the animal control authority), including a warning symbol to inform children, that there is a potentially dangerous dog or dangerous dog on the property. The warning sign(s) will be provided to the owner by the animal control authority at the owner's cost.
- c. *Registration.* Register the dog annually, until deceased or relocated out of the town, as a potentially dangerous or dangerous dog with the town in accordance with state law and Section III.B.3, paying fees set forth in Section III.B.3.
- d. *Surety bond or insurance.* Provide a surety bond issued by a surety company authorized to conduct business in this state in a form acceptable to the town in the sum of at least \$300,000.00, payable to any person injured by the potentially dangerous dog or dangerous dog, or proof of a policy of liability insurance issued by an insurance company authorized to conduct business in this state in the amount of at least \$300,000.00, insuring the owner for any personal injuries inflicted by the potentially dangerous dog or dangerous dog.
- e. *Microchip identification.* A potentially dangerous dog and dangerous dog shall be microchipped as required under M.S.A. § 347.515 and as it may be amended from time to time.
- f. *Sterilization.* Cause the animal to be sterilized at the owner's expense and provide the town animal control authority with proof thereof, including the name, address, and telephone number of the veterinarian who performed the procedure, within 30 days of the date the dog was determined to be potentially dangerous or dangerous or upon failure to do so, allow the town animal control authority to seize the animal and have it sterilized at the owner's expense.
- g. *Tag.* Maintain affixed to the dog's collar at all times a standardized, easily identifiable tag identifying the dog as a potentially dangerous dog or dangerous dog displaying the uniform dangerous dog symbol. The commissioner of public safety shall provide by rule for the design of the tag.
- h. *Notification of changes.* The owner shall notify the animal control authority in writing if the dog has died, is relocated from its current address, or is being given or sold to another person. Notification must be given in writing within 30 days after the change in ownership or location or the dog's death. If requested by the animal control authority, the owner must execute an affidavit under oath setting forth the circumstances of the dog's death and disposition of the dog, or the

complete name, address, and contact information of the person to whom the dog has been transferred, whichever the case may be.

- i. *Rental property.* A person who owns a potentially dangerous or dangerous dog and who rents property from another where the dog will reside must disclose to the property owner prior to entering the lease agreement and at the time of any lease renewal that the person owns a potentially dangerous or dangerous dog that will reside at the property. The dog owner, who is currently renting property, must notify the property owner within 14 days of the city notification if the dog is newly declared as potentially dangerous or dangerous and the owner keeps the dog on the property.
5. Potentially dangerous dog and dangerous dog declaration review. Beginning 12 months after the dog is declared to be a potentially dangerous dog or dangerous dog if a period of one year has passed without any further incidents the owner may request, in writing, for a review. The owner must present evidence to the animal control authority that the dog's behavior has changed due to the dog's age, neutering environment, completion of obedience training that includes modification of aggressive behavior, or other factors. Within 14 days of the receipt of the request, the animal control authority shall make a determination in writing as to whether or not to rescind the potentially dangerous dog or dangerous dog declaration. If a dangerous dog declaration is rescinded, the dog shall nonetheless continue to be considered potentially dangerous and subject to the requirements of Sections III.B.3. and III.B.4.
 6. Confiscation and reclamation of potentially dangerous and dangerous dogs.
 - a. *Seizure generally.* The animal control authority having jurisdiction shall immediately seize any potentially dangerous or dangerous dog if:
 - 1) After 14 days the owner has notice that the dog is declared potentially dangerous or dangerous, the dog is not validly registered under Section III.B.3.
 - 2) After 14 days the owner has notice that the dog is declared potentially dangerous or dangerous, the owner does not secure the proper liability insurance or surety coverage as required under Section III.B.4.d. and M.S.A. § 347.51, subd. 2.
 - 3) The dog is not maintained in the proper enclosure;
 - 4) The dog is outside the proper enclosure and not muzzled and under physical restraint of a responsible adult as required under this section;
 - 5) The owner fails to sterilize the dog within 30 days of its declaration as a potentially dangerous or dangerous dog.
 - b. *Subsequent offenses, seizure.* If a person has been convicted of a misdemeanor for violating a provision of Section III.B.4., M.S.A. § 347.51 or 347.52, and the person is charged with a subsequent violation relating to the same dog, the dog must be seized by the animal control authority having jurisdiction. If the owner is convicted of the crime for which the dog was seized, the court shall order that the dog be destroyed in a proper and humane manner and the owner pay the cost of confining and destroying the animal. If the person is not convicted of the crime for which the dog was seized, the owner may reclaim the dog upon payment to the animal control authority of a fee for the care and boarding of the dog. If the dog is not reclaimed by the owner within seven days after the owner has been

notified that the dog may be reclaimed, the dog may be disposed of, and the owner is liable to the animal control authority for the costs incurred in confining, impounding, and disposing of the dog.

- c. *Reclamation.* A potentially dangerous or dangerous dog seized under this section, not subject to destruction, 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 of Section III.B.3. and Section III.B.4., and M.S.A. §§ 347.51 and 347.52 were met. A dog not reclaimed under this subdivision within seven days may be disposed of as provided under M.S.A. 347.56, and the owner is liable to the animal control authority for costs incurred in confining and disposing of the dog.

- 7. **Destruction of Dog in Certain Circumstances.** Where the animal control authority seeks to destroy a dog it has declared as dangerous, it must provide the owner with specific notice, in writing, of its intent to destroy the animal and provide the owner with a full and fair opportunity for a hearing on this issue in the context of the appeal of the dangerous dog declaration in Section III.B.2.g. and h.

- a. *Destruction.* The animal control authority may destroy a dog in a proper and human manner, with the owner being responsible for the costs of confiscation, boarding, and destruction, if:
 - 1) The dog inflicted substantial or great bodily harm on a human on public or private property without provocation
 - 2) The dog inflicted multiple bites on the victim or bites on multiple victims on public or private property without provocation;
 - 3) The dog bit multiple human victims on public or private property in the same attack without provocation;
 - 4) The dog bit a human on public or private property without provocation in an attack where more than one dog participated in the attack;
 - 5) The owner of the dog has demonstrated an inability or unwillingness to control the dog in order to prevent injury to persons or other animals; or
 - 6) Unless the animal is destroyed another unprovoked attack on a human being is likely and therefore the destruction of the animal is necessary to protect the public health, safety and welfare

- 8. **Restrictions on Dog Ownership.**

- a. *Dog ownership prohibited.* Except as provided in Subsection b. of this section, no person, or any other member of that person's household may own a dog in the town if the person has been:

- 1) Convicted of a third or subsequent violation of Section III.B.3. or Section III.B.4. or of M.S.A. §§ 347.51, 347.515, 347.52, as they may be amended from time to time;
- 2) Been convicted of a violation of M.S.A. § 609-226, subd 1, as it may be amended from time to time;
- 3) Been convicted of a violation of M.S.A. § 609.226, subd 2, as it may be amended from time to time

- 4) Had an animal ordered euthanized under Section III.B.7, and been convicted of one or more violations of M.S.A. §§ 347.51, 347.515, 347.52, or 609.226, subd. 2, as they may be amended from time to time or town ordinances Section III.B.3. and Section III.B.4.
 - b. *Dog ownership prohibition review.* Beginning three years after a confiscation under Subsection a. of this section that prohibits a person from owning a dog, and annually thereafter, the person may request in writing to the animal control authority to review the prohibition. The animal control authority may consider such facts as the seriousness of the violation or violations that led to the prohibition, any criminal convictions or other factors the animal control authority deems relevant. The prohibition may be rescinded entirely or with limitations of conditions. Failure to comply with state conditions or limitations or if the person is convicted of an offense listed in Subsection a. above or any dog violation involving unprovoked bites or animal attacks, the animal control authority may permanently prohibit the person from owning an animal.
9. Penalties. Any person violating the provisions of this division, or of M.S.A. § 347.52 or 347.52 as they may be amended from time to time shall upon conviction thereof, be guilty of a misdemeanor and shall be subject to penalties specified for misdemeanor in M.S.A. § 609.03. Each day that a violation exists shall constitute a separate offense.

IV. VICIOUS ANIMALS

- A. Keeping of Vicious Animals. No person shall keep or allow to be kept in the town:
1. Any animal of a vicious nature or with a propensity, tendency or disposition to attack, to cause injury or to otherwise endanger the safety of human beings or domestic animals; or
 2. Any animal which attacks a human being or a domestic animal on two or more occasions without provocation or on a single occasion where substantial bodily harm on a human being is inflicted without provocation; or
 3. Any non-domesticated animal not naturally tame or gentle, but which is of wild nature or disposition, including any of the following:
 - a. Any animal or species prohibited by federal or Minnesota law.
 - b. Any non-domesticated animal or species, including, but not limited, to the following:
 - 1) Any skunk, whether captured in the wild, domestically raised, de-scented or not de-scented, vaccinated against rabies or not vaccinated against rabies.
 - 2) Any large cat of the family Felidae such as lions, tigers, jaguars, leopards, cougars, and ocelots, except commonly accepted domesticated cats.
 - 3) Any member of the family Canidae, such as wolves, foxes, coyotes, dingoes, and jackals, except commonly accepted domesticated dogs.
 - 4) Any native venomous snake or pit viper such as rattlesnake, coral snake, water moccasin, copperhead, or exotic venomous or constrictor snake such as cobra, bushmaster, boa constrictor or python.
 5. Any raccoon.
 - 6) Any other animal which is not listed explicitly above but which can reasonably be defined by the terms in Section III.B.7. of this Ordinance,

including bears, badgers, primates including, but not limited to monkeys and apes.

- B. Impounding of Wild Animals. Any wild animal kept in violation of this article may be impounded by the town. The animal may be destroyed or sold five days following notice to the owner of such animal of its impoundment and the provisions of this article. Any person reclaiming any such animal shall pay the costs of impounding and boarding the animal at the time of its release.
- C. Existing Wild Animals. Anyone keeping or maintaining any wild animal at the time this article is adopted has 30 days in which to comply with the provisions of this article.

TOWN OF GREY CLOUD ISLAND

Chair, Town Board of Supervisors

ATTEST:

Town Clerk