

Ordinance Number 3

THE TOWN OF MAINE PRAIRIE HEREBY ORDAINS: IN ORDER TO PROVIDE FOR THE HEALTH AND SAFETY OF THE PEOPLE OF THIS TOWN AND IN ORDER TO PROVIDE THE REGULATION AND PROTECTION OF ANIMALS, THE TOWN BOARD OF SUPERVISORS OF THE TOWN OF MAINE PRAIRIE, STEARNS COUNTY, MINNESOTA, HEREBY ADOPTS THESE BY-LAWS.

**Section 1- Dogs and other Animals**

Subd. 1 – (Definitions) Unless the context clearly indicates otherwise, the words, combination of words, terms and phrases as used in Sect 1, et. Seq. shall have the meaning as set forth in the following paragraphs:

- a. PERSON – Shall mean any individual, firm, partnership, or corporation.
- b. ANIMAL WARDEN – Shall mean the County Sheriff or any of his deputies, a town’s constable or the town pound master.
- c. COMMERCIAL KENNEL – Shall mean a place where more than three (3) dogs of over six (6) month of age are kept for the purposes of breeding, sale or boarding.
- d. CITATION – Shall mean a notice or complaint by the Animal Warden to the owner of one or more violations of this ORDINANCE.
- e. AT LARGE – A dog is at large when it is off the property of the person owning, harboring, or keeping said dog, and it is not under restraint.
- f. 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.
- g. UNDER RESTRAINT – A dog is under restraint if it is on the premises of the person harboring or keeping the dog; if it is at heel beside a person having custody of it or obedient to the person’s command; if it is within a private motor vehicle of a person owning, harboring or keeping the dog; or if it is controlled by a leash not exceeding six (6) feet in length.  
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.
- h. OWNER – Shall mean any person owning, keeping, harboring, or acting as custodian of a dog or other domesticated animal.
- i. PREMISES – Shall mean any building, structure, shelter or land whereupon dogs or other animals are kept or confined.
- j. POUND MASTER – Shall mean that person or persons from time to time appointed by the Town Board to carry out the duties of a pound master as defined by Minnesota Statutes or to enforce this Ordinance or both.
- k. PUBLIC NUISANCE ANIMAL OR ANIMALS – Shall mean any animal or animals which:
  - a. If a dog is/are repeatedly at large;
  - b. Damages the property of anyone other than the owner;
  - c. Is/are vicious animal(s);

- d. Causes fouling of the air by odor;
- e. Causes unsanitary conditions 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. Excessively makes disturbing noises;
- h. Molests passer(s) by or passing vehicles;
- i. Attacks other domestic animals;
- j. Has been designated by the Animal Warden to be a public nuisance animal or animals by virtue of being a menace to the public health, safety or welfare.

1. **VICIOUS ANIMAL OR ANIMALS** – Shall mean any animal or animals which constitute a physical threat to human beings or other animals by virtue of one or more attacks of such severity as to cause property damage or physical injury.

**Section 2- ENFORCEMENT** – The provisions of this Ordinance shall be enforced by the Animal Warden pursuant to policies established by the Town Board.

**Section 3- 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.

**Section 4- RECORDS** – It shall be the duty of the Animal Warden to keep the following records, subject to the inspection by the Town Board or their designated agents as set forth in the following paragraphs:

- a. Accurate and detailed records of the licensing, impoundment, and disposition of all animals coming into custody.
- b. Accurate and detailed records of all reported bite cases and investigations for a period of three (3) years.
- c. Accurate records of all citations issued for violations of this Ordinance.
- d. Accurate and detailed records of all money collected and expended in the operation of the functions of his office.

**Section 5- 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:

- a. Confined to the owner's property by training, fencing, or leashing and 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.
- b. While in any public place such as a school, playground, or a 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, and to have and keep said dog under control.
- c. While in other areas such as on a public street or 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 said dog under control.

**Section 6- CONFINEMENT OF ANIMALS WITH A HISTORY OF BITING** – Every fierce, dangerous, or vicious animal, including dogs, that has a history of biting a human or any domestic animal, including dogs, that has a history of biting a human or any domestic animal, shall be confined by the owner within a building or secure, covered enclosure. Such animal shall not be taken out of the building or secure, covered enclosure unless nuzzled and on a leash.

**Section 7- DOGS ON LEASH** – The restriction imposed by Section 5 shall not prohibit the appearance of a dog upon the streets or other public place when such a dog is on a leash or under restraint, except a female dog in season.

**Section 8- ABANDONMENT OF ANIMALS** – It shall be unlawful to abandon any dog or other animal within this Town

**Section 9- IMPOUNDING STRAY DOGS OR ANIMALS**

Subd. 1 – The Animal Warden may seize or impound any dog or animal found to be astray on public property or claimed to be astray by the owner of the premises upon which such animal shall be found provided that the owner of the premises demands such seizure or impoundment and agrees in writing to indemnify and hold harmless the Town for any claim for damages by the owner of said dog or other animal.

Subd. 2 – Upon taking and impounding any dog, the Animal Warden shall within one day thereafter post at the front door of the Town Hall a Notice of Impoundment in the form established by the Town Board. If the owner of the dog is known, a written Notice of Impounding, in lieu of posted notice, shall be given to the owner thereof either by mail or personal service.

**Section 10- PERMITS FOR COMMERCIAL KENNELS, PERMITS FOR KEEPING MORE THAN THREE DOGS OVER THE AGE OF SIX MONTHS.**

Subd 1 – No person shall operate a commercial dog kennel in this Town without first obtaining a permit. Applications for such permits shall be made to the Town Board and shall be accompanied by the permit fee.

Subd 2 – Commercial kennel permits shall be issued on an annual basis, expiring on December 31st following the first effective day of the kennel permit. The commercial kennel permit fee shall be the amount per year or fraction thereof as set forth by the Town Board from time to time.

Subd 3 – Commercial kennels shall be kept in a clean and healthful condition at all times and shall be open for inspection by duly authorized Town officials at any reasonable time. A commercial kennel permit may be revoked by the Town Board by reason of violation of this Ordinance or any health or nuisance order laws or regulations.

Subd 4 – No person shall own, harbor, or keep upon his premises more than three (3) dogs over the age of six (6) months unless in a commercial kennel duly licensed under this section.

## **Section 11 – MAINTENANCE OF ANIMAL QUARTERS OF COMMERCIAL KENNELS.**

Subd 1 – Animal housing facilities and commercial dog kennel facilities shall be structurally sound and maintained in good repair. Indoor housing facilities should be adequately ventilated and have ample light and heat, either natural or artificial.

Subd 2 – The shelter shall include a moisture-proof and wind-proof structure of suitable size to accommodate the dog and allow retention of body heat. It shall be made of durable materials with a solid floor raised at least two (2) inches from the ground and with the entrance covered by a flexible wind-proof material or a self-closing swinging door. The structure shall be provided with a sufficient quantity of suitable bedding materials consisting of hay, straw, cedar shavings blankets or the equivalent, to provide insulation and protection against cold and dampness and promote retention of body heat.

Subd 3 – Dogs kept outside shall be provided with access to shelter to protect them from the sun, rain, and snow, together with adequate bedding when the temperature falls below 50 degrees Fahrenheit.

Subd 4 – If the dogs are confined by chains, such chains shall be so attached that they cannot become entangled with the chains of other dogs or 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. Cable runs with floors constructed of concrete shall be at least twenty-five (25) feet in length.

Subd 5 – The enclosure shall be of sufficient size to allow each dog to turn around fully and stand, sit and lie in a comfortable, normal position. The floors of the enclosure shall be constructed so as to prevent injury to the dog's legs and feet.

Subd 6 – All outdoor exercise pens shall have concrete floors and be at least eight (8) feet wide and twelve (12) feet in length with sufficient height to contain the dog, the mesh shall be of sufficient size as not to harm the dog.

Subd 7 – The temperature for indoor housing facilities shall not be allowed to fall below 50 degrees Fahrenheit for dogs not accustomed to lower temperatures.

Subd 8 – Disposal facilities shall be provided to minimize vermin, infestation, odors and disease hazards. All disposal facilities shall be separate from the disposal systems of any dwelling.

Subd 9 – Adequate storage and refrigeration shall be provided to protect food supplies against contamination and deterioration.

**Section 12- VIOLATIONS** – Any person violating Sections 1-11 of this Ordinance shall be guilty of a misdemeanor and, in addition to any penalty imposed by the Court, shall pay the appropriate costs of prosecution as may be determined by the Court.

**Section 13- DATE AND EFFECT** – These by-laws shall take effect from and after its posting and the Town Clerk is hereby directed to post these By-Laws on the Town Bulletin Board in the Town Hall. These By-Laws supersede and vacate all previous Dog Regulations and By-Laws enacted by the Electors of the Town Board.

Passed and approved this 14th day of May, 2002.

Prepared and drafted by:  
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