

Mille Lacs County Code of Ordinances
Chapter 2 – Public Safety
Article 3 - Animals

DIVISION 1 - DOGS

Subdivision 1 In General

Sec. 3-300 Purpose and Intent

Pursuant to authority granted by the State of Minnesota under Minnesota Statutes Chapter 347, (1966), this Ordinance is enacted to:

- (1) regulate ownership of dogs;
- (2) protect the public from stray, roaming, dangerous, potentially dangerous, and nuisance dogs;
- (3) make it unlawful for owners to allow the actions of their dogs to interfere with the enjoyment of peace, property, and safety in Mille Lacs County; and
- (4) regulate kennel operations.

Sec. 3-301 Jurisdiction

The regulations herein governing dog ownership shall apply to all areas of the County, except those held in trust by the United States on behalf of the Mille Lacs Band of Ojibwe, lying outside the incorporated limits of municipalities.

Sec. 3-302 Minnesota State Statute Chapter 347

Minnesota Statute Chapter 347 with all of its amendments is hereby incorporated by reference and shall be made part of this Ordinance.

Sec. 3-303 Definitions

For the purpose of this Ordinance, the following words and phrases are defined and shall be construed as set out below.

Animal Control Officer

Any person appointed by the Mille Lacs County Board of Commissioners to enforce this Ordinance and the referenced Minnesota State Statutes

At-Large

A dog that is:

- (1) not physically controlled by a human being by means of a leash or lead; or
- (2) not at all times accompanied by a person, and the dog does not at all times immediately respond to the commands (sound, mechanical, electrical, or other) of its person.

Exceptions to this provision include dogs that are:

- (1) working livestock;
- (2) locating and retrieving wild game in season for a licensed hunter;
- (3) assisting law enforcement officers;
- (4) on the real property of its owner or keeper, or other real property that the owner or keeper has permission to use;
- (5) within a motor vehicle; or
- (6) being trained for (1)-(3) above.

Bodily Injury

Any physical injury to a human being caused by a dog, including but not limited to: injuries wherein the skin is broken; interior or exterior bleeding or bruising occurs; or where bone, tissue or muscle damage occurs.

County

Mille Lacs County, State of Minnesota

Dog

A domestic canine of either sex

Dog Owning, Private

Keeping three or fewer dogs over the age of six (6) months. Such dogs would traditionally be deemed “family pets” but may be working dogs for agricultural operations or for hunting.

Dog Classifications –

The sizes of dogs regulated in the County based on the AKC accepted classifications:

- Toy: up to 10 pounds
- Small: 11 to 25 pounds
- Medium: 26 to 50 pounds
- Large: 51 to 75 pounds
- Very Large: over 76 pounds

Dangerous Dog

As defined by Minnesota Statutes Section 347.50 subd. 2. “Dangerous Dog” means any dog that has”

- (1) inflicted bodily harm on a human being without provocation;
- (2) killed a domestic animal without provocation while off the owner’s

property; or

- (3) been found to be potentially dangerous and aggressively bites, attacks, or endangers the safety of humans and domestic animals.

Exposed to Rabies

An animal or human bitten by or exposed to any animal known or suspected to have been infected with rabies.

Exercise Area

A fenced area, either within or outside of a structure where dogs are allowed to run and play under supervision. The Exterior Confinement Area may be located within this area. The exercise area fence must meet the structure setbacks for the zoning district within which it is located.

Amended December 20, 2011

Exterior Confinement Area

An area outside of a structure where a kennel or kennels are located. Amended

December 20, 2011

Interior Confinement Area

An area within a dwelling or accessory structure where a kennel or kennels are located. The structure must meet the setback requirements for the zoning district within which it is allowed. Accessory structures used for interior confinement areas must be insulated to residential structure standards or they will be considered an exterior confinement area. Amended

December 20, 2011

Kennel

A shelter for a dog. Individual kennels, cages, or enclosures for dogs must be sized to comply with MS 346.39 Amended December 20, 2011

Kennel, Commercial

Any premises where four (4) or more dogs over six (6) months of age are boarded, bred, or trained for compensation or are offered for sale.

Amended December 20, 2011

Kennel, Recreational

Any premises where four (4) or more dogs over six (6) months of age are kept for hobbies such as racing or field trial participation or for the purposes of fostering on behalf of a rescue shelter licensed by the MN Board of Animal Health per MN Statute 347.32. Amended December 21, 2011

Leash or Lead

A thong, cord, rope, chain, or similar tether which holds a dog in restraint and is not more than six feet in length. A longer leash or lead may be used when exercising or training a dog, provided that its use does not allow the dog to interfere with public access to, or use of, public areas.

Owner or Keeper

Any person owning, keeping, harboring, or acting as a custodian of a dog.

Provocation

Threatening, teasing, or striking a dog; or striking the dog's owner either on or off the dog owner's property. Provocation shall not include any actions on the part of an individual

that pertain to reasonable efforts at self defense. Provocation must be clearly established.

Potentially Dangerous Dog

As defined by Minnesota Statutes section 347.50, subd 3. "Potentially Dangerous Dog" means any dog that:

- (1) When unprovoked, inflicts bites on a human or domestic animal;
- (2) When unprovoked, chases or approaches a person on any public or private property, other than the 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.

Premises

A definite portion of real estate, including land with its appurtenances; a building; or part of a building.

Public Nuisance Dog

A public nuisance dog is:

- (1) A dog which is a safety or health hazard, damages property of another, creates offensive odors, urinates or defecates on public or private property; or
- (2) A dog that chases or attacks wildlife, including birds, or livestock on property not owned or exclusively occupied by the owner or keeper, whether or not the dog injures or destroys the wild life or livestock.

Rescue Shelter

Any premises where four (4) or more dogs over six (6) months of age are kept temporarily. Dogs kept in a rescue shelter may not be kept for more than six (6) months. Rescue shelters must be licensed by the MN Board of Animal Health per MN Statute 347.32.

Shelter

Any facility designated by the County for purposes of sheltering any dog lawfully impounded by this Ordinance.

Subdivision 2 Regulations for Keeping Dogs

Sec. 3-310 Private Dog Owning:

The keeping of three dogs over six (6) months of age is an allowed accessory use in the Agricultural Preservation, Residential and Shoreland Districts.

Amended December 20, 2011

For private dog owning, the owner must comply with the remainder Ordinance, and if outside kennels or runs are provided they must:

- (1) Be located to the rear of the dwelling and may not be setback any closer to the side property line than the dwelling or attached garage. The rear setback must be at least 100 feet.
- (2) Be screened from adjacent residential dwellings through the use of a five foot tall berm, fence, or landscaping or a combination thereof, provided the screening is opaque all year round.

- (3) Provide shade and adequate protection for the dogs from the elements in all seasons.
- (4) Meet the minimum size requirement noted in Minnesota §346.39 subd 4 based on the size of the dog, and provide sufficient space to allow each animal to turn around freely and to easily stand, sit and lie in a normal position.
- (5) Be kept clean and sanitary. Waste shall be properly disposed of and not allowed to accumulate.

Sec. 3-311 Recreational and Commercial Kennels and Rescue Shelters

For the purposes of this Ordinance, kennel operators are considered the owner or keeper of the dogs within their care, and, as such, must comply with all provisions of this Ordinance.

A kennel license is required to operate either a recreational or commercial kennel, or rescue shelter subject to the following standards:

- (1) Commercial, or recreational kennels or rescue shelters shall be located in the Agricultural, Residential, Shoreland, and Commercial Districts. Amended February 1, 2011
- (2) The minimum parcel width shall be 660 feet. Amended February 1, 2011; December 20, 2011
- (3) The number of dogs allowed shall be based on parcel acreage and dog classification, with the following minimum number of acres per dog including family pets:

- a. Toy: ¼ acre per dog
- b. Small: ½ acre per dog
- c. Medium: ¾ acre per dog
- d. Large: 1 acre per dog
- e. Very Large: 1 ¼ acres per dog

Amended December 20, 2011

The maximum number of adult dogs may not exceed 35 except for the following on parcels of sufficient size to allow the increase:

a. Tier I Increases:

Breeding operations that offer training of dogs purchased from the operation or boarding of dogs, the maximum number of dogs may be increased by fifty (50) percent in order to accommodate dogs that are on the premises temporarily for boarding or training. Breeding operations that offer training or boarding must submit monthly rosters of dogs present on site to the Land Services Office annually; unless the County Board determines that the operator has demonstrated compliance with this limitation.

b. Tier II Increases:

Kennel operations that provide completely enclosed shelter and training facilities with central heating and air conditioning, kennel floors that are washable, and provide on-site 24/7 staffing may increase the maximum number of dogs to 70. The enclosed shelter and training facility must be in place prior to

operation of the kennel.

c. Rescue Shelters

Rescue Shelters may be allowed to exceed the parcel/dog size calculation limit up to fifty (50) percent provided the following standards are met:

- i. The dogs are kept in an enclosed shelter of sufficient size to allow internal runs,
- ii. The enclosed shelter is in place prior to dogs arriving on site,
- iii. Dogs stay at the shelter for no more than 30 days,
- iv. Each dog is spayed or neutered, and
- v. The shelter operator shall provide detailed intake and placement records of each dog on demand of the Land Services Office staff. Annual reports of intake and placement shall be provided to the Land Services Office.

The more restrictive of the dog per acre/parcel size or the above calculations shall be applied to the parcel. Amended

February 1, 2011

- (4) Exterior confinement areas shall be a minimum of two hundred feet (200) from the side and rear property lines and must be located to the rear of the dwelling, if one is present. They must also be a minimum of 500 feet from adjacent residential dwellings,

- except that for each increase in dog size beginning with Medium, the distance to adjacent residential dwellings shall increase by 50 feet (650 feet maximum distance). The minimum setback shall be based on the largest dog in the kennel.
- (5) Staff shall evaluate the layout of the exterior confinement area in relation to adjacent residential properties, existing vegetation, and topography to determine if screening will be required. Staff shall include in their evaluation the public testimony received at the public hearing. Screening may consist of an earthen berm, landscaping with evergreen trees, fencing, or a combination of thereof.
- (6) Exterior confinement areas shall provide shade and adequate protection for the dogs from the elements in all seasons. In addition, all confinement areas shall be kept within a temperature range appropriate for the breed of dog kept and to prevent freezing or overheating depending on the season. Amended February 1, 2011
- (7) Kennels shall be kept clean and sanitary. Waste shall be properly disposed of and not allowed to accumulate.
- (8) Any violation of this Ordinance shall be considered in the possible revocation of a recreational or commercial kennel or rescue shelter license. Amended February 1, 2011
- (9) Application Requirements for a License
- a. Application Requirements
 - i. Site plan illustrating the location and size of the interior and exterior confinement areas and exterior exercise area
 - ii. Design and size of individual kennels
 - iii. Dog types size and number by sex
 - iv. On-site staff members
 - v. Waste control plan
 - vi. Screening plan
 - vii. Animal health plan
 - b. Application Process

The applicant for a commercial or recreational kennel license or foster or rescue shelter license shall provide the required information on a form provided by the County. County staff or the Animal Control Officer shall inspect the site. A public hearing shall be held by the County Board; the notice of which shall be published twice prior to the meeting and notices shall be mailed to adjacent property owners within 500 feet of the property in question ten (10) days prior to the meeting. The County Board shall conduct the public hearing and schedule consideration of the license at the next available meeting.
 - c. Issuance Standards

In order to issue a license, the application must meet the standards set forth in Items (1) to (10) above. The County Board will require the following conditions and may

impose additional conditions as the site or application requires:

- i. The applicant shall provide a letter of credit in the amount of \$100 per dog, but in no case shall the amount be less than \$1,000.
- ii. The applicant shall remedy any violation of the conditions of the license within 14 days of written notice from the County. Failure to do so shall result in revocation of the license and removal of the dogs.
- iii. The license will be issued to December 31 of the application year. The applicant will be required to renew the license annually beginning January 1 of each year.
- iv. The applicant for a recreational kennel license shall provide to the County a list of events attended.
- v. The applicant for a foster or rescue shelter license shall provide an annual report of the intake and placement of dogs.
- vi. The facility may be inspected at any time during the license period by County staff or the Animal Control Officer.

Amended December 20, 2011

Sec. 3-312 Reporting Animal Bites, Confinement

- (1) Any person having knowledge that a dog has bitten a human shall

immediately report the incident to the Sheriff's Office.

- (2) Any dog which has bitten a human for which its owner is unable to provide proof of current rabies vaccination shall be confined and observed for a period of ten (10) days at a hospital or kennel under the supervision of a veterinarian of the owner's choice. The confinement wherever located shall be at the owner's expense. No rabies vaccination shall be administered during the confinement period.
- (3) A dog diagnosed as rabid shall be summarily destroyed.

Sec. 3-313 Control of Dogs: Prohibited Behaviors

For the purpose of this Ordinance, the owner is responsible for the behavior of the dog, regardless of whether the owner or others permitted the dog to engage in prohibited behavior.

- (1) Dogs at Large
All dogs shall be kept under restraint when out in public. If a dog is found to be at large, the owner shall be subject to penalty as noted in Sec. 3-321 of this Ordinance.
- (2) Disturbance of Peace and Quiet
Each owner of a dog within the jurisdiction of this Ordinance shall not permit their dog to disturb the peace and quiet of any person by barking, whining, howling, or making any other noise in an excessive, ongoing fashion. If any dog is found to be disturbing the peace and quiet, the owner shall be subject to penalty as noted in Sec. 3-321 of this Ordinance.
- (3) Public Nuisance

It shall be unlawful for any owner or keeper of a dog to fail to exercise proper control of their dog so as to have it become a public nuisance. If any dog is found to be a public nuisance, the owner or keeper shall be subject to penalty as noted in Sec. 3-321 of this Ordinance.

(4) Dangerous Dog, Potentially Dangerous Dog

The Sheriff's Office has the authority to enforce the provisions covering a dangerous dog or a potentially dangerous dog as described in Minnesota Statute Section 347.50 through 347.55.

(5) Improper Care or Treatment Prohibited

It shall be unlawful for a person to physically mistreat any dog either by abuse or neglect or failure to furnish minimum proper care.

Subdivision 3 Enforcement

Sec. 3-320 Authority

- (1) The Sheriff's Office has the authority to determine whether a dog has engaged in prohibited behaviors as noted in Sec. 3-313 of this Ordinance. This determination may be based upon an investigation that includes observation of and testimony about the dog's behavior, including the dog's upbringing and the owner's or keeper's control of the dog, and other relevant evidence as determined by the Animal Control Officer.
- (2) The Sheriff's Office is hereby authorized to enter upon any premises, excluding a dwelling unit, in

the Ordinance area for the purpose of impounding dogs which they are authorized herewith to impound, or for other purposes authorized by this Ordinance.

- (3) No person shall knowingly interfere with, impede, or obstruct the enforcement of this ordinance

Sec. 3-321 Penalties and Costs

Penalties

Any person found guilty of violating any provision of this Ordinance shall be subject to any or all of the following:

- (1) Violation of Section 3-313, (1)-(5) by Known Owners of Dogs Exhibiting Prohibited Behaviors, Potentially Dangerous, or Dangerous Dogs
 - a. First Offense: A written warning shall be given or mailed to the owner or keeper of the dog, or posted at the premises of the owner or keeper of the dog.
 - b. Second Offense: A written citation with an administrative penalty as set by the Board of Commissioners shall be given or mailed to the owner or keeper of the dog, or posted at the premises of the owner or keeper of the dog.
 - c. Third Offense: The owner or keeper of the dog shall be charged with a misdemeanor, resulting in a fine of up to \$1,000 and/or 90 days in jail, and the dog shall be impounded for a period of five days at the cost of the owner. If not collected by its owner, the dog shall be put up for adoption, or, if Minnesota Statute requires, destroyed.
 - d. For potentially dangerous or dangerous dogs, the owner shall also be subject to the requirements

of Minnesota Statute regulating the same, in addition to items a-c above.

(2) Violation of Section 3-313, (1)-(5) by Unknown Owners of Dogs Exhibiting Prohibited Behaviors, Potentially Dangerous, or Dangerous Dogs

The dog shall be impounded for a period of ten (10) days. If not collected by its owner, the dog shall be put up for adoption, or, if Minnesota Statute requires, destroyed. The owner shall be required to pay the impound costs at time of collection.

(3) Violation of Sec. 3-310, Private Dog Ownership

Owners or keepers with more than three dogs over six months of age, in violation of Sec. 3-310 of this Ordinance, shall receive a written administrative order to remove all dogs in excess of the number allowed. The order shall provide that the owner or keeper remove the dogs within 60 days. Failure of the owner or keeper to remove the dogs within the stated time frame shall result in removal of the dogs. The dogs shall be impounded for a period of five days at the cost of the owner, and shall be put up for adoption, or, if Minnesota Statute requires, destroyed.

(4) Violation of Sec. 3-311, Recreational and Commercial Kennel

Violations of recreational or commercial kennel licenses, or other violations of this Ordinance, may result in:

- a. Revocation of the kennel license;
- b. Removal of the dogs;
- c. Imposition of administrative penalties; or
- d. Any combination thereof.

Any party served with a written administrative order may appeal the order to the Board of Adjustment by submitting a written notice of appeal, which shall be accompanied by the appropriate fee.

Costs

Costs resulting from enforcement of this Ordinance, imposed by administrative penalty, or for impoundment shall be paid by the known dog owner or keeper. Costs not paid by the dog owner or keeper shall be certified to the Mille Lacs County Auditor-Treasurer as an assessment by the Board of Commissioners by October 1 of the year the costs were incurred. The total cost, including staff time, mileage, postage, impoundment, destruction, adoption, and/or administrative penalty, and a description of the land against which costs arose, shall be included in the certification statement. It shall be the duty of the Auditor-Treasurer to extend the assessments with interest not to exceed the interest rate provided for in Minnesota Statutes, upon the tax rolls of the County for the taxes of the year in which the assessment is filed. For each year, the assessment with interest shall be carried into the tax becoming due and payable in January of the following year, and shall be enforced and collected in the manner provided for the enforcement and collection of real and/or personal property taxes in accordance with the provisions of the laws of the State of Minnesota. The assessment, if not paid, shall become delinquent and be subject to the same penalties and the same rate of interest as the taxes under the general laws of the State of Minnesota.

Sec. 3-322 Liability for Accident or Subsequent Disease

The Mille Lacs County Board of County

Commissioners, Sheriff's Office, or their designee shall not be held responsible for any damage, accident, or subsequent disease that may occur in connection with the administration of this Ordinance.

Sec. 3-323 Severability

Should any section, clause, sentence, or part of this Ordinance shall be adjusted by any Court of competent jurisdiction to be unconstitutional or invalid, the same shall

not affect, impair, or invalidate this Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Sec. 3-324 Safety Clause

The Mille Lacs County Board of Commissioners hereby finds, determines, and declares that this Ordinance is necessary for the immediate preservation of the public welfare, health and safety.