

**TOWN OF LIVONIA, MINNESOTA
ORDINANCE NO. 102**

ANIMAL CONTROL ORDINANCE

The Town Board for the Town of Livonia, Sherburne County, Minnesota, in order to provide for the health, welfare and safety of the people of the Town of Livonia and in order to provide for the regulation and protection of dogs, ordain as follows:

Section 1. Definitions. For purposes of this ordinance the terms contained in this section shall have the definitions given to them.

- A. "Running at large", "run at large", or "at large" means permitting a dog to stroll, wander, rove, or ramble at will and without constraint or confinement. "Running at large" shall not include the foregoing conduct when the same occurs on property owned or leased by the person to whom a dog belongs.
- B. "Owner" means any person, keeper, custodian or legal entity owning, harboring or keeping a dog, whether temporary or permanent.
- C. "Dangerous Dog" and "Potentially Dangerous Dog" have the meanings given by Minnesota Statutes §347.50 subdivisions (2) and (3) respectively.
- D. "Habitually Barking Dog" means any dog that (i) barks, whines, cries or makes other similar such noises for a period of five minutes or more, with less than 1 minute intervals between noises or (ii) barks, whines, cries or makes other similar such noises between the hours of 10:00 p.m. and 7:00 a.m., regardless of frequency, and (iii) any such noises are audible off of the Owner's property or premises, or such other property or premises upon which the dog is kept.
- E. "Person" shall mean any individual, firm, partnership or corporation.
- F. "Animal Warden" shall mean the County Sheriff or any of his deputies, a town constable or the town pound master.
- G. "Commercial Kennel" shall mean a place where more than three (3) dogs of over six (6) months of age are kept for purposes of breeding, sale or boarding.

- H. "Citation" shall mean a notice or complaint issued by the Animal Warden to the owner of any animal apprising said owner of one or more violations of this ordinance.
- I. "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.
- J. "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 that 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.
- K. "Dog Kennel" shall mean any place, building, tract of land, boat or vehicle wherein or whereupon dogs or 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.
- L. "Premises" shall mean any building, structure, shelter or land whereupon dogs are kept or confined.
- M. "Pound Master" shall mean the person or persons from time to time appointed by the Livonia Town Board to carry out the duties of a pound master as defined by Minnesota Statutes or to enforce this ordinance or both.
- N. "Public Nuisance Animal or Animals" shall mean any domestic pet which:
1. If dog or dogs is/are repeatedly found at large;
 2. Damage the property of anyone other than its owner;
 3. Is/are vicious animal(s);
 4. Causes fouling of the air by odor;
 5. Causes unsanitary conditions of enclosures or surroundings;
 6. By virtue of dog(s) maintained are offensive or dangerous to the public health, safety or welfare;
 7. Excessively making disturbing noises;
 8. Molests passer(s) by or passing vehicles;
 9. Attacks other domestic animals;
 10. 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, welfare and safety.

Section 2. Noisy Animals. Habitually Barking Dogs are hereby declared a public nuisance. No owner shall keep or harbor a Habitually Barking Dog within the Town of Livonia.

Section 3. Dangerous Dogs. "Dangerous Dogs" and "Potentially Dangerous Dogs" are defined and regulated by Minnesota Statutes §347.50 through §347.55. With regard to Dangerous Dogs and Potentially Dangerous Dogs, the Township of Livonia recognizes Sherburne County as the "Animal Control Authority" within the meaning of Minnesota Statutes §347.50 subdivision 7. When the Township learns of such dogs, it will contact and inform the Animal Warden and/or other appropriate authority.

Section 4. Running at Large Prohibited. No Owner shall permit a dog to run at large within the Town of Livonia 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.
- C. While in all others 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 keep said dog under control.

Any dog found running at large may be impounded by the Township as provided in this Ordinance and may be destroyed if not timely redeemed as provided in Section eight (19) below.

Section 5. Leash and Control. The restrictions imposed by the preceding Section four (4) shall not prohibit the appearance of any dog upon the streets or public property when such dog is on a leash and kept under the control of the accompanying person, or when the dog is not on a leash, but is under the immediate and complete control of the person charged with its care, either by voice control or other device.

Section 6. Contract- Animal Catcher. The Town Board is empowered to contract with an animal warden, animal pound keeper, a animal catcher and any other officers, including

police officers and sheriff's deputies, necessary to enforce the provisions, terms and conditions of this ordinance.

Section 7. Enforcement. The provisions of this ordinance shall be enforced by the Animal Warden or other designated person pursuant to policies established by the Town Board.

Section 8. Right of Entry. The Animal Warden or any other officer 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 9. Record. It shall be the duty of the Animal Warden or any other officer to keep the following records, subject to 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 dog(s) 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/her office.

Section 10. Five (5) Day Notice. Any dog impounded under the provisions of this ordinance shall be kept in a pound for a period of at least five (5) days after a notice of such impounding has been posted in the Town Hall. If the owner of the dog is known, then the Township shall make reasonable effort to notify the owner of the impoundment. All impounded dogs shall be fed and treated in a humane manner.

Section 11. Confinement. Every fierce, dangerous or vicious dog 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 dog(s) shall not be taken out of such building or secure, covered enclosures unless muzzled and on a leash.

Section 12. Abandonment. It shall be unlawful to abandon any dog within this Town.

Section 13. Impounding.

- A. The Animal Warden may seize or impound any dog found astray on public property or claimed to be astray by the owner of the premises upon which such dog may 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 from any claims for damages by the owner of said dog.
- B. Upon taking and impounding any dog the Animal Warden shall within one (1) 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 be known a written Notice of Impoundment, in lieu of posted notice, shall be given the owner thereof either by mail or personal service.
- C. Disposition of such impounded stray shall thereafter be pursuant of the provisions of Section 19 therein.

Section 14. Diseased or Dangerous Dogs.

- A. Any dog displaying symptoms of being rabid may be seized at any place or time and shall be confined in the Town dog pound, or other appropriate place designated for purpose by the Town Board from time to time, at the expense of the owner, until found to be free from rabies.
- B. If any dog appears to be diseased, vicious, dangerous, rabid, or has been exposed to rabies, and such dog cannot be taken up and impounded within serious risk, such dog may be killed if reasonably necessary for the safety of any person or persons.
- C. When any dog has bitten any person, wherein the skin has been punctured or the service of a doctor are required, a report of the incident shall be made to the Town by the owner or custodian of the biting animal, or the person bitten or his/her parent or guardian within twenty-four (24) hours of the bite.

Section 15. Nuisance Animals. No person shall keep, own, harbor or otherwise possess within the Town a dog which is a public nuisance animal as defined in this ordinance.

Section 16. Disturbing the Peace. It shall be unlawful for any person to own, keep, have in his/her possession or harbor a dog by which frequent and habitual howling, yelping, barking or otherwise, shall cause serious annoyance or disturbance to persons or the neighborhood; provided, however, that the provisions of this ordinance shall not apply to

duly authorized hospitals or clinics established and operating for the treatment of dogs. No warrant shall be issued except after written notice has been mailed or delivered to the occupant of the premises where such dog is kept or harbored advising that a complaint has been made about the dog and calling attention to the provisions of this ordinance.

Section 17. Commercial Dog Kennels.

- A. No person shall operate a commercial dog kennel in this Town without first obtaining a permit. Applications for such permit shall be made to Sherburne County and shall be accompanied by the permit fee.
- B. Commercial kennels shall be kept in a clean and healthful condition at all times and shall be open for inspection by duly authorized Town authorities at any reasonable time. A commercial kennel permit may be revoked by the County by reason of the violation of this ordinance or any health or nuisance order, laws or regulations.
- C. No person shall own, harbor, or keep upon his premises more than three (3) dogs over the age of six months unless in a commercial kennel duly licensed under this section.

Section 18. Animal Quarters and Commercial Kennels.

- A. 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.
- B. 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.
- C. If 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 will 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.
- D. 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.

- E. The temperature for indoor housing facilities shall not be allowed to fall below 50 degrees Fahrenheit for dogs not accustomed to lower temperatures.
- F. Disposal facilities shall be provided to minimize vermin, infestation, odors and disease hazards.
- G. Adequate storage and refrigeration shall be provided to protect food supplies against contamination and deterioration.

Section 19. Redemption of Animals, Unclaimed Animals, Disposal and Cost of Impounding. The Town, upon the impounding of any dog, may condition redemption of said dog from impounding upon payment of the required impounding fee as duly set by the Town Board from time to time, plus the cost of boarding for each day said dog has been confined in said pound. Payment to said impoundment facility for rabies vaccination, if needed, shall also be paid. If at the end of five (5) days after said impounding, the dog has not be redeemed, it may be sold at private sale, or the keeper of the pound may dispose of the dog in a humane manner or pursuant to the terms of Minnesota Statutes, Section 35.71.

Section 20. Safety of Person(s) Enforcing this Ordinance. The animal catcher or any other duly designated officer or agent of the Town is hereby empowered and authorized to kill any dog found in violation of this ordinance if said dog cannot be safely taken up and impounded.

Section 21. Interference with Officers. It shall be unlawful for any unauthorized person to break open the pound or attempt to do so, or to take or let out any dogs therefrom, or to take or attempt to take from any officer or agent, any dog taken up by him in compliance with this ordinance or in any manner to interfere with or hinder such officer or agent in the discharge of his duties under this ordinance.

Section 22. Penalty. Any person, association, firm, corporation or other legally recognized entity violating any of the provisions of this ordinance shall be guilty of a misdemeanor punishable by up to the maximum sentence allowed by law for such offense, unless the Town Board has by resolution set a fine schedule for particular offenses hereunder. If the Town Board has set a fine schedule for particular offenses hereunder, then sentences for such violations shall be imposed consistent with said fine schedule. Any dog determined to have violated the provisions of this ordinance may be

impounded, subject to the terms and provisions of this ordinance and other applicable law.

Section 23. Repealer. Ordinance number 101 is hereby repealed and replaced by this Ordinance, number 102.

Passed by the Town Board of the Town of Livonia this 25th day of March, 2002.

This ordinance shall be effective upon passage and publication in the official Township newspaper.

Don Shaper
Chair, Livonia Township

ATTEST:

Jill Spencer
Clerk, Livonia Township

LIVONIA TOWNSHIP
COUNTY OF SHERBURNE
STATE OF MINNESOTA

ORDINANCE NO. 103

AN ORDINANCE AMENDING SECTION 1, SUBDIVISION D, OF THE LIVONIA TOWNSHIP ANIMAL CONTROL ORDINANCE RELATING TO HABITUALLY BARKING DOGS

THE TOWN BOARD OF LIVONIA TOWNSHIP ORDAINS:

Section 1. Section 1, Subdivision D (Habitually Barking Dogs) of the Livonia Township Animal Control Ordinance is amended to read as follows:

Subd D. Habitual Barking. It shall be unlawful for any person to keep or harbor a dog that habitually barks or cries. Habitual barking shall be defined as barking for repeated intervals of at least five minutes with less than one minute of interruption. Such barking must also be audible off of the owner's or caretaker's premises.

Section 2. This ordinance shall be effective following its passage and publication

In Favor of: *Anderson, Fordahl, Kerr, Pensinger, Sherper*

Opposed: *None*

Adopted by the Livonia Town Board this 24th day of June 2002.

Don Sherper
Donald Sherper, Chair

Lila Spencer
Lila Spencer, Clerk/Treasurer

LIVONIA TOWNSHIP
COUNTY OF SHERBURNE
STATE OF MINNESOTA

ORDINANCE NO. 104

AN ORDINANCE AMENDING SECTION 13 AND SECTION 19 OF THE
LIVONIA TOWNSHIP ANIMAL CONTROL ORDINANCE RELATING TO
PUBLIC NUISANCE ANIMAL OR ANIMALS.

THE TOWN BOARD OF LIVONIA TOWNSHIP ORDAINS:

Section 13, Subdivision A. The Animal Warden may seize or impound any dog or public nuisance animal or animals found astray on public property or claimed to be astray by the owner of the premises upon which such dog or public nuisance animal or animals may be found provided the owner of the premises demands such seizure or impounding, and agrees to in writing to indemnify and hold harmless the Town from any claims for damages by the owner of said dog or public nuisance animal or animals.

Section 13, Subdivision B. Upon taking and impounding any dog or public nuisance animal or animals the Animal Warden shall within one (1) 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 or public nuisance animal or animals be known a written Notice of Impoundment, in lieu of posted notice, shall be given the owner either by mail or personal service.

Section 13, Subdivision C. Disposition of such impounded animal shall thereafter be pursuant to the provisions of Section 19 therein.

Section 19. Redemption of Animals, Unclaimed Animals, Disposal and Cost of Impounding. The Town, upon the impounding of any dog or public nuisance animal or animals, may condition redemption of said dog or public nuisance animal or animals from impounding upon payment of the required impounding fee as duly set by the Town Board from time to time, plus the cost of boarding for each day said dog or public nuisance animal or animals has or have been confined in said pound. Payment to said impound facility for rabies vaccination, if needed, shall also be paid. If at the end of five (5) days after said impounding, the dog or public nuisance animal or animals has not been redeemed, it may be sold at private sale, or the keeper of the pound may dispose of the dog or public nuisance animal or animals in a humane manner or pursuant to the terms of Minnesota Statutes, Section 35.71.

In Favor of: *Leroy Anderson, Nancy Forclahl, Mike Kerr, Chris Pensinger and Don Sherper*

Opposed: *None*

Adopted by the Livonia Town Board this 28th day of April 2003.

Don Sherper
Donald Sherper, Chair

Lila Spencer
Lila Spencer, Clerk/Treasurer

LIVONIA TOWNSHIP
SHERBURNE COUNTY, MINNESOTA
ORDINANCE NO. 105

AN ORDINANCE AMENDING THE LIVONIA TOWNSHIP ANIMAL CONTROL ORDINANCE TO COMPLY WITH MINNESOTA STATE STATUTES CHAPTERS 346 AND 347.

THE TOWN BOARD OF LIVONIA TOWNSHIP ORDAINS:

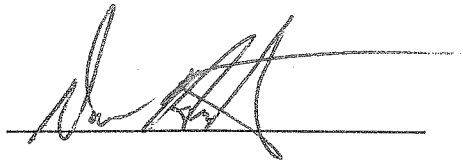
Section 23 is to be added to read as follows:

Section 23. This ordinance shall at all times be in compliance with Minnesota Statutes Chapters 346 and 347. Applicable provisions of Minnesota Statutes 346.50 through 347.54 shall be incorporated by reference as though expressly contained herein.

In Favor of: *Hass, Doebler, Sherper, Hewitt, Mantz*

Opposed: *None*

Adopted by the Livonia Town Board this 28th day of July 2014



Dave Hewitt, Chair



Jody Hammre, Clerk/Treasurer