

ORDINANCE NO. 5

AN ORDINANCE AMENDING ORDINANCE NO. 5 OF THE TOWN OF WHITE BEAR, RAMSEY COUNTY, MINNESOTA, BEING AN ORDINANCE LICENSING AND REGULATING THE KEEPING OF DOGS AND OTHER ANIMALS, ADOPTED SEPTEMBER 21, 1981, AS AMENDED

THE TOWN BOARD OF SUPERVISORS OF THE TOWN OF WHITE BEAR ORDAINS:

SECTION 1. AMENDMENT AND REPEAL OF CONFLICTING ORDINANCES.

The Ordinance relating to the licensing and regulating and keeping of dogs and other animals, passed and approved September 11, 1981, as amended, is hereby amended to read as follows, and all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed. In all other respects all other Ordinances shall remain in full force and effect.

SECTION 2. DUTIES OF OWNERS OF ANIMALS TO PROVIDE FOR THEIR WELL-BEING; ABUSE OF ANIMALS; ABANDONMENT OF ANIMALS; ETC.

2-1. No owner of an animal shall fail to provide such animal with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering and with humane care and treatment.

2-2. No person shall beat, cruelly ill-treat, torment, overload, overwork or otherwise abuse any animal, or cause or permit any dogfight, cockfight, bullfight or other combat between animals or between animals and humans.

2-3. No owner of an animal shall abandon such animal.

SECTION 3. DEFINITIONS. For the purpose of this Ordinance, the terms defined herein shall have the following meanings:

3-1. ANIMAL CONTROL AUTHORITY. This provisions of this Ordinance shall be enforced by the Town Board of Supervisors hereinafter referred to as the TOWN BOARD.

3-2. ANIMAL CONTROL OFFICER. The person or persons employed by the Town Board as its enforcement officer.

3-3. ANIMAL SHELTER. Any premises designed by action of the Town for the purpose of impounding and caring for all animals found running at large in violation of this Ordinance.

3-4. ANIMAL UNIT. Animal unit means a unit of measure used to compare differences in the production of animal manure that employs as a standard the amount of manure produced on a regular basis by a slaughter steer or heifer. The following equivalents shall apply:

- A. One mature dairy cow, 1.4 animal unit.
- B. One slaughter steer or heifer, 1.0 animal unit.
- C. One horse, 1.0 animal unit.
- D. One swine over 55 lbs., .4 animal unit.
- E. One duck, .2 animal unit.
- F. One sheep, .1 animal unit.
- G. One swine under 55 lbs., .5 animal unit.
- H. One turkey, .18 animal unit.
- I. One chicken, .1 animal unit.

For animals not listed in items A to I, the number of animal units shall be defined as the average weight of the animal divided by 1000 lbs.

3-5. DANGEROUS DOG. "Dangerous Dog" means any dog that has:

3-5.1. without provocation, inflicted substantial bodily harm on a human being on public or private property.

3-5.2. killed a domestic animal without provocation while off the owner's property; or

3-5.3. 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.

3-6. DISEASED ANIMAL. Any animal which has been found to be infected with any disease which may create a public safety risk.

3-7. DOMESTIC ANIMAL. A domestic animal shall be any dog or cat.

3-8. LIVESTOCK. Includes, but not limited to: cows, goats, horses, sheep, swine, and other hoofed animals.

3-9. NUISANCE. Any domestic animal which habitually or frequently barks or cries, frequents school grounds, parks or public benches, chases vehicles, molests or annoys any person away from the property, is repeatedly at large or attacks other animals.

3-10. OWNER. Any person, firm or corporation owning, harboring or keeping a dog or other domestic animal for three (3) or more consecutive days.

3-10.A. POTENTIALLY DANGEROUS DOG. “Potentially Dangerous Dog” means any dog that:

3-10.A(1). When unprovoked, inflicts bites on a human or domestic animal on public or private property;

3-10.A(2). when unprovoked, chases or approaches a person, including a person on a bicycle, upon the streets, sidewalks, or any public or private property, other than the dog owner’s property, in an apparent attitude of attack; or

3-10.A(3). Has a known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.

3-11. Repealed by Amendment to this Ordinance.

3-12. RESTRAINT. A dog or cat is under restraint within the meaning of this Ordinance if it is controlled by a leash which does not extend beyond the boundaries of the private property or within a vehicle being driven or parked on the streets or within the property of its owner keeper, in a fenced area, if within an electronic fence with signage, controlled by a chain, or under owner’s control and supervision.

3-13. RUNNING AT LARGE. Any domestic animal which is off the property of its owner and not effectively restrained by the use of a chain or leash.

3-13.A. SPECIAL THREE DOG LICENSE. A license for the keeping of three dogs.

3-14. STABLES UNDER ROOF. An enclosed building (4-sided) for keeping horses.

3-15. WILD OR EXOTIC ANIMALS. Any mammal, amphibian, reptile or bird which is of a species not usually domesticated and of a species which, due to size, wild nature or other characteristics, is dangerous to humans and would ordinarily be confined in a zoo or found in the wild. The term includes animals and birds, the keeping of which is licensed by the State or Federal government, such as wolves, raptors and pheasants. By way of example and not limitation, the term includes: snakes, eagles, ocelots, jaguars, cougars, weasels, wild ferrets, badgers, monkeys, chimpanzees, deer and bison. The term also includes crossbreeds such as the cross between dogs and coyotes and dogs and wolves. Examples include but are not limited to:

3-15.1. Any large cat of the family Felidae, such as lions, tigers, jaguars, leopards, cougars, bobcats, lynxes and ocelots, except commonly accepted domesticated house cats.

3-15.2. Any member of the family Canidae, such as wolves, coyotes, dingoes, and jackals, except domesticated dogs.

3-15.3. Any crossbreed such as crossbreeds between dogs and coyotes, or dogs and wolves, but does not include crossbreed domesticated animals.

3-15.4. Any snake that is a member of the pit viper or biodae family, including but not limited to, copperheads, water moccasins, rattlesnakes, fer-de-lances, bushmasters, asps, cobras, mambas, kraits, coral snakes, sea snakes, South American anacondas, Asian reticulated pythons, boa constrictors, tree boas and sand boas.

3-15.5. Any snake or reptile which by its size, vicious nature or other characteristic is dangerous to human beings.

3-15.6. Any skunk, raccoon or fox whether captured in the wild, domestically raised, descended or not descended, vaccinated against rabies or not vaccinated against rabies.

3-15.7. Any bear, ape, gorilla, monkey (except as exempted by this ordinance), ferrets, weasels, mink, or badger.

3-15.8. Any Vietnamese pot-bellied pig.

3-15.9. Any raptors, pheasants, grouse.

3-15.10. Any poisonous spiders.

3-15.11. Any other animal or reptile which is commonly considered wild and not domesticated or prohibited by Federal or Minnesota Law.

SECTION 4. VACCINATION REQUIRED.

4-1. Every dog and cat over three (3) months old shall be vaccinated against rabies.

4-2. Unvaccinated dogs and cats acquired or moved into the Township must be vaccinated within thirty (30) days of acquisition or arrival if over three (3) months old.

4-3. Vaccination tag: A metal or durable plastic tag, serially numbered, issued by the rabies control authority, shall be securely attached to the collar or harness of the dog or cat. Whenever the dog or cat is out-of-doors, whether on or off the owner's premises, the collar or harness with the vaccination tag must be worn.

SECTION 5. LICENSING.

5-1. LICENSE FEE. No person shall own, keep or harbor any dog over three (3) months old within the Township unless such dog is licensed as herein provided. Written application for such license shall be made to the Town and shall state the name and address of the owner and the name, breed, color, age and sex of the dog. The application must be accompanied by a current certificate from a qualified licensed Veterinarian certifying that the dog has been vaccinated with anti-rabies vaccine. The license fee shall be as established in Ordinance No. 54 (Fees & Charges), and shall be paid at the time of making application, and a numbered receipt.

5-2. SPECIAL THREE DOG LICENSE.

5-2.1. No person shall keep three (3) dogs within a dwelling unit without obtaining a Special Three Dog License using the procedure established under this section. The license fee shall be as established in Ordinance No. 54 (Fees & Charges).

5-2.2. APPLICATION. Any person desiring a Special Three Dog license shall make written application therefore to the Town Board upon the application form prescribed by and containing such information as required by the Town Clerk. Among other things, the application shall contain the following information:

5-5.1(a). A current rabies certificate and list of dog tags for each dog in the dwelling unit and/or kennel.

5-5.1(b). The species and number of dogs over the age of three (3) months to be maintained on the premises.

5-5.1(c). Such other information as may be required by the Town Clerk and/or Town Animal Control Officer.

5-5.3. Upon receipt of the Application by the Township and a site visit by the Town Animal Control Officer, a public hearing shall be held by the Town Board on this matter. A notice of the time, place and purpose of the hearing shall be published in the official newspaper of the Town, at least ten (10) days prior to the day of hearing. A similar notice shall be mailed, at least ten (10) days before the day of the hearing to each owner of

property lying within three hundred fifty (350) feet of the property to which the application relates. At the hearing the Town Board may grant, deny or refuse to review any application for license under this section, and may impose conditions to the granting of the license.

5-5.4. If granted, the license shall be issued by the Town Clerk. The license shall specify the restrictions deemed reasonably necessary to protect any person or neighboring use from unsanitary conditions, unreasonable noise or odors or annoyance or to protect the public health and safety. Such license may be modified from time to time or revoked by the Township for failure to conform to such restrictions, limitations or prohibitions. Such modification or revocation shall be effective from and after ten (10) days following the mailing of written notice thereof by certified mail to the person or persons keeping or maintaining the license.

5-5.5. The Town Board may refuse a license to keep or maintain animals hereunder for failure to comply with the provisions of this section, if the facilities for the keeping of the animals are or become inadequate for their purpose, if the conditions of the license are not met, if a nuisance condition is created, or if the public health and safety would be unreasonably endangered by the granting of such license.

5-6. EXPIRATION OF LICENSES.

5-6.1. DOG LICENSES. All dog licenses in even numbered years. Licenses which have less than one year remaining on this term shall pay one-half of the license fee. Applications for licenses may be made prior to and for 30 days after the start of the licensing term without penalty, but when application is made after 30 days of the licensing term has elapsed, the applicant shall be assessed a penalty of 50 percent of the license fee which amounts shall be added to and collected with the regular license fee; provided, however, if the dog or kennel did not become subject to license until after the start of the licensing term, then no penalty shall be assessed if application is made within 30 days after becoming subject to licensing.

5-6.2. SPECIAL THREE DOG LICENSES. All Special Three Dog Licenses shall expire four (4) years after date of issuance and may be reissued without a public hearing provided no complaints have been received and upon receipt of a completed application, payment of the fee, and a site visit by the Town Animal Control Officer.

5-7. LOST LICENSE FEE. In the event that a metallic license tag issued for a dog shall be lost, the owner may obtain a duplicate tag upon the payment of \$1.00.

5-8. LICENSE TRANSFER FEE. If there is a change in ownership of a dog during the license term, the new owner may have the current license transferred to their name upon application and the payment of a transfer fee of \$1.00.

5-9. No person shall use for any dog, a license receipt or license tag issued for another dog or counterfeit or attempt to counterfeit license tags.

SECTION 6. TAG AND COLLAR.

6-1. Upon complying with the provisions of Section 5 of this Ordinance, there shall be issued to the applicant a numbered metallic tag stamped with the number and the year of expiration and labeled "DOG LICENSE WITH WHITE BEAR TWP".

6-2. Every owner is required to see that the tag is securely fastened to the dog's choke chain, collar or harness of durable material which must be worn by the dog at all times.

6-3. The fact that a dog is without a license attached to a collar shall be presumptive evidence that the dog is unlicensed.

SECTION 7. RUNNING AT LARGE – CONTROL.

7-1. DOGS. No owner or custodian of any dog, whether licensed or unlicensed, shall permit such dog to run at large, with the exception of within a designated off-leash dog area. It shall be the obligation of the owner or custodian of any dog in the Town, whether permanently or temporarily therein, to prevent any such dog at anytime to be on any street, public park (with the exception of a park within an off-leash dog area as designated by Ramsey County), school grounds, or public place without being effectively restrained by a chain or leash not exceed eight (8) feet in length.

7-2. CATS. No owner or keeper of any cat shall permit such cat to run at large. It shall be the obligation and responsibility of the owner or custodian of any cat in the Town, whether permanently or temporarily therein, to prevent any such cat at any time to be on any private property, street, public park, school grounds, or public place without being effectively restrained by a chain or leash not exceeding eight (8) feet in length.

7-3. CONFINEMENT; NOTIFICATION; RECLAMATION; AND DISPOSAL OF UNCLAIMED DOGS. Unrestrained dogs running at large that are not within the designated off-leash dog area may be taken by the Animal Control Officer or the Humane Society and impounded in an animal shelter, and there confined in a humane manner. Impounded dogs shall be kept for not less than five (5) days, unless reclaimed by their owners. If by a permit tag or by other

means the owner can be identified, the Animal Control Officer shall immediately, upon impoundment, notify the owner by telephone or mail of the impoundment of the animal. Dogs not claimed by their owners within five (5) days may be humanely disposed of.

7-4. DOG FOUND AT LARGE MAY BE RETURNED TO KNOWN OWNER; NOTIFICATION OF CLERK OF VIOLATION, ETC. Notwithstanding the provisions of this section, if any animal is found at large, with the exception of dogs in an off-leash dog area as designated by Ramsey County, and its owner can be identified and location, such animal need not be impounded but may, instead, be taken to the owner. In such case, the Sheriff's Department, Animal Control Officer or other office shall notify the Clerk of the violation of this section, and may proceed against the owner for violation of this section.

SECTION 8. OWNER TO CLEAN UP AFTER DOG.

8-1. Any owner having custody or control of any dog on public property shall be responsible for cleaning up any feces of the animal and for disposing of such feces in a sanitary manner; and shall have in their possession, a device or equipment for picking up and removal of animal feces.

8-2. Any owner having custody or control of any dog on private property shall be responsible for cleaning up any feces of the animal and for disposing of such feces in a timely manner, but in no case shall the feces remain for longer than a seven (7) day period.

8-3. The provisions of this Section shall not apply to a guide dog accompanying a blind person or to a dog when used in police or rescue activities.

SECTION 9. OWNER TO PREVENT NUISANCES. The owner or custodian of any dog shall prevent the dog from committing in the Town, any act which constitutes a nuisance as defined in Section 3-10 of this Ordinance.

SECTION 10. HABITUAL HOWLING AND BARKING DOGS UNLAWFUL. An owner having custody and/or control of a dog shall prevent it from barking, howling, whining, or making other noises which unreasonably disturbs the peace and quiet of any person. The phrase "unreasonably disturb the peace and quite" shall include, but is not limited to, the creation of any noise by any animals which can be heard by any person, including a law enforcement officer or animal control officer, from a location outside of the building or premises where the animal is being kept and which animal noise occurs repeatedly over a five minute period of time with one minute or less lapse of time between each animal noise during the five minute period.

SECTION 11. DISEASED OR VICIOUS DOGS. No owner shall keep or allow to run at large any diseased dog or any dog of a ferocious or vicious character, habit or disposition.

SECTION 12. DANGEROUS/POTENTIALLY DANGEROUS DOGS. The provisions of Minnesota Statutes, Sections 347.50 through 347.56, inclusive, are hereby adopted as the potentially dangerous and dangerous dog regulations for the Town of White Bear. Where a conflict exists between the provisions of the Town Ordinances and the provisions of Minnesota Statutes, Sections 347.50 through 347.56, inclusive, the provisions of the Minnesota Statutes shall apply.

12-1. INITIAL DETERMINATION. The Town's designated Animal Control Authority shall be responsible for initially determining (Initial Determination) whether a dog is a potentially dangerous dog or a dangerous dog. The Animal Control Authority may retain custody of a dog which has been initially determined to be a dangerous dog pending the hearing as hereinafter provided. The Initial Determination shall be conclusive unless the owner appeals the Initial Determination as hereinafter provided.

12-2. NOTICE OF INITIAL DETERMINATION. The Notice of Initial Determination shall be personally served on the owner of the dog or on a person of suitable age at the residence of such owner. The Notice of Initial Determination shall describe the dog deemed to be potentially dangerous or dangerous; shall identify the officer making the Initial Determination; and shall inform the owner of the owner's right to appeal the Initial Determination.

12-3. REQUEST FOR HEARING AND HEARING. An owner may appeal the Initial Determination by filing a Request for Hearing with the Town Clerk within five (5) days of the owner's receipt of the Notice of Initial Determination. A hearing shall be held within seven (7) days after the Town's receipt of the Request for Hearing. The Town Clerk shall assign a Hearing Officer who shall not be the person who made the Initial Determination. At the hearing, the Hearing Officer shall consider the reports and comments of the Animal Control Authority, the testimony of any witnesses, witness statements, and the comments of the owner of the dog. After considering all of the evidence submitted, the Hearing Officer shall make written findings and shall determine whether the dog is a potentially dangerous dog or a dangerous dog (Final Determination). The findings shall be made within five (5) days of the date of the hearing and shall be personally served upon the owner of the dog or upon a person of suitable age at the residence of the owner.

12-4. SEIZURE OF DANGEROUS DOG. The Animal Control Authority shall immediately seize any dangerous dog if, within fourteen (14) days after the service of the Notice of Final Determination declaring a dog to be a dangerous dog:

12-4.1. The owner has not registered the dog in compliance with the provisions of Section 12-7.

12-4.2. The owner does not secure the proper liability insurance pursuant to Section 12-7.3.

12-4.3. The dangerous dog is not maintained in a proper enclosure.

12-4.4. The dangerous dog is outside a proper enclosure and not under the physical restraint of a responsible person.

12-5. RECLAIMING A DANGEROUS DOG. A dangerous dog may be reclaimed by the owner of the dog upon payment of the impounding and boarding fees, and upon presentation of proof to the Animal Control Authority that the requirements of Section 12-7 have been satisfied. A dangerous dog not reclaimed under this provision within seven (7) days may be disposed of as provided in Minnesota Statutes, and the owner shall be liable to the Animal Control Authority for costs incurred in confining and disposing of the dangerous dog.

12-6. SUBSTANTIAL/GREAT BODILY HARM. Upon a Final Determination and notwithstanding the provisions of Section 12 through 12-5, a dangerous dog that inflicted substantial bodily harm or great bodily harm on a human being on public or private property without provocation may be destroyed in a proper and humane manner by the Animal Control Authority.

12-7. DANGEROUS DOG RESTRICTIONS.

12-7.1. Registration Required. No person may keep a dangerous dog in the Town of White Bear unless the dog is registered with the Animal Control Authority as provided in this chapter. The Animal Control Authority shall issue a certificate of registration to the owner of the dangerous dog if the owner presents the following information:

12-7.2. Proper Enclosure. A Proper Enclosure exists for the dangerous dog and there is a posting on the premises with a clearly visible warning sign, including a warning symbol to inform children, that there is a dangerous dog on the property.

12-7.3. Bond/Insurance. A surety bond issued by a surety company authorizing to conduct business in the State of Minnesota in a form acceptable to the Animal Control Authority in the sum of at least \$50,000.00, payable to any person injured by the dangerous dog, or a policy of liability insurance issued by an insurance company authorized to conduct business in the State of Minnesota in the amount of at least

\$50,000.00, insuring the owner for any personal injuries inflicted by the dangerous dog.

12-7.4. Microchip. The owner has had a microchip identification implanted in the dangerous dog, and the name of the microchip manufacturer and identification number of the microchip must be provided to the Animal Control authority. If the microchip is not implanted by the owner, it may be implanted by the Animal Control Authority with the costs borne by the dog's owner.

12-7.5. Warning Symbol. The owner has posted a warning symbol to inform children that there is a dangerous dog on the property. The design of the warning symbol must have been approved by the Minnesota Commissioner of Public Safety.

12-7.6. Tag. The dangerous dog must have a standardized, easily identifiable tag identifying the dog as dangerous and containing the Uniform Dangerous Dog symbol, affixed to the dog's collar at all times.

12-7.7. Photograph. The owner of the dangerous dog shall make the dog available to be photographed for identification by the Animal Control Authority at a time and place specified by the Animal Control Authority.

12-8. DANGEROUS DOG REGULATIONS.

12-8.1. Annual Fee. The owner of a dangerous dog shall pay an annual fee as set forth in Ordinance No. 54 (Fees & Charges), in addition to any regular dog licensing fees, to obtain a certificate of registration for a dangerous dog under this section.

12-8.2. Annual Renewal. The owner of a dangerous dog must renew the registration of the dog annually until the dog is deceased. If the dog is removed from the Township it must be registered as a dangerous dog in its new jurisdiction.

12-8.3. Death/Transfer from City. The owner of any dangerous dog must notify the Animal Control Authority in writing of the death of the dog; of its transfer to a residence outside of the Town of White Bear or of its transfer within the Town of White Bear within thirty (30) days of the death or transfer.

12-8.4. Notice to Landlord. The owner of a dangerous dog who rents property from another where the dog will reside must disclose to the property owner, prior to entering into the lease agreement and at the time

of any lease renewal that the person owns a dangerous dog that will reside at the property.

12-8.5. Sale. The owner of a dangerous dog must notify the purchaser that the Animal Control Authority has identified the dog as a dangerous dog. The seller must also notify the Animal Control Authority in writing of the sale and provide the Animal Control Authority with the new owner's name, address and telephone number.

12-8.6. Muzzling. If the dangerous dog is outside a Proper Enclosure, the dog must be muzzled and restrained by substantial chain or leash and be under the physical restraint of a responsible person. The muzzle must be made 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.

12-8.7. Sterilization. The Animal Control Authority may require a dangerous dog to be sterilized at the owner's expense. If the owner does not have the dangerous dog sterilized, the Animal Control Authority may have the animal sterilized at the owner's expense.

12-9. POTENTIALLY DANGEROUS DOG RESTRICTIONS.

12-9.1. Registration Required. No person may keep a potentially dangerous dog in the Town of White Bear unless the dog is registered with the Animal Control Authority as provided in this section. The Animal Control Authority shall issue a Certificate of Registration to the owner of a potentially dangerous dog if the owner presents the following information:

12-9.1(a). Microchip. The owner has had a microchip identification implanted in the dangerous dog, and the name of the microchip manufacturer and identification number of the microchip must be provided to the Animal Control Authority. If the microchip is not implanted by the owner, it may be implanted by the Animal Control Authority with the costs borne by the dog's owner.

12-9.1(b). Warning Symbol. The owner has posted a warning symbol to inform children that there is a potentially dangerous dog on the property. The Animal Control Authority shall approve the warning symbol and its location on the property.

12-9.2. The Animal Control Authority may also require any of the following items to register a potentially dangerous dog:

12-9.2(a). Proper Enclosure. A proper enclosure exists for the potentially dangerous dog and there is a posting on the premises with a clearly visible warning sign, including a warning symbol to inform children, that there is a potentially dangerous dog on the property.

12-9.2(b). Bond/Insurance. A surety bond issued by a surety company authorizing to conduct business in the State of Minnesota in a form acceptable to the Animal Control Authority in the sum of at least \$50,000.00, payable to any person injured by the potentially dangerous dog, or a policy of liability insurance issued by an insurance company authorized to conduct business in the State of Minnesota in the amount of at least \$50,000.00, insuring the owner for any personal injuries inflicted by the potentially dangerous dog.

12-9.2(c). Photograph. The owner of the potentially dangerous dog shall make the dog available to be photographed for identification by the Animal Control Authority at a time and place specified by the Animal Control Authority.

12-10. POTENTIALLY DANGEROUS DOG REGULATIONS.

12-10.1. Annual Fee. The owner of a potentially dangerous dog shall pay an annual fee as set forth in Ordinance NO. 54 (Fees & Charges), in addition to any regular dog licensing fees, to obtain a certificate of registration for a potentially dangerous dog under this section.

12-10.2. Annual Renewal. The owner of a potentially dangerous dog must renew the registration of the dog annually until the dog is deceased. If the dog is removed from the Town of White Bear it must be registered as a potentially dangerous dog in its new jurisdiction.

12-10.3. Death/Transfer from Township. The owner of any potentially dangerous dog must notify the Animal Control Authority in writing of the death of the dog; of its transfer to a residence outside of the Town of White Bear or of its transfer within the Town of White Bear within thirty (30) days of the death or transfer.

12-10.4. Notice to Landlord. The owner of a potentially dangerous dog who rents property from another where the dog will reside must disclose to the property owner, prior to entering into the lease agreement and at the time of any lease renewal that the

person owns a potentially dangerous dog that will reside at the property.

12-10.5. Sale. The owner of a potentially dangerous dog must notify the purchaser that the Animal Control Authority has identified the dog as potentially dangerous. The seller must also notify the Animal Control Authority in writing of the sale and provide the Animal Control Authority with the new owner's name, address and telephone number.

SECTION 13. QUARANTINE OF ANIMAL WHICH HAS BITTEN A PERSON AND DESTRUCTION OF RABID ANIMALS.

13-1. Any dog or cat that has bitten a person and caused an abrasion or puncture of the skin shall immediately be quarantined for a minimum of ten (10) days. Such an animal may be confined by the owner or other responsible person as required by the Animal Control Officer, if the dog or cat has a current rabies certification. If such animal does not have a current rabies certification, the animal shall be quarantined in an animal control facility obtained by the Animal Control Officer. When the dog or animal is quarantined as stated above, it shall be at the owner's expense. A quarantine report must be completed by the Animal Control Officer or a licensed veterinarian which must, at the end of the quarantine period, detail the disposition of the dog. Stray animals that have bitten a person shall be quarantined through the Animal Control Officer.

13-2. No law enforcement officer or other persons shall kill, or cause to be killed, any domestic animal suspected of being rabid, except after the domestic animal has been placed in a quarantine and visibility of the clinical signs of rabies are made by a qualified veterinarian.

13-3. EXEMPTION. Police canines are exempt from the provisions of this section.

SECTION 14. WILD OR EXOTIC ANIMALS. It shall be unlawful to keep any wild or exotic animal within the limits of the Town of White Bear, except as permitted pursuant to the provisions of this section.

14-1. EXCEPTIONS – PERMIT REQUIRED.

14-1.1. Any person desiring to keep a wild animal prohibited by this Ordinance may apply for a temporary Wild Animal Permit from the Town Board. Such permit may be issued for a period not to exceed thirty (30) days and shall specify conditions under which such animals shall be kept. Provided, however, that no such permit shall be issued unless such prohibited wild animal is brought into the Town for entertainment, exhibition, or show purposes only, or by persons keeping wild animals for

a public zoo as volunteers, docents or otherwise. A public zoo or other institution engaged in a permanent display of animals, any bona fide research institution or veterinary hospital may be issued a permanent Wild Animal Permit provided applicable zoning requirements are met.

14-1.2. Non-poisonous snakes or snakes not prohibited by this Ordinance, birds kept indoors, hamsters, mice, rabbits, gerbils, white rats, guinea pigs, chinchillas, or lizards, and similar small animals capable of being kept in cages continuously, are also exempt and do not require a permit.

14-2. IMPOUNDING OF WILD ANIMALS.

14-2.1. Any wild animal kept in violation of this Ordinance may be impounded by the Township. Unless such impounded animal is reclaimed and removed from the Township, or unless the owner petitions the District Court for a determination that the animal is exempt from the provisions of this Ordinance, the animal may be destroyed or sold five (5) days following notice to the owner of such animal or its impoundment and the provisions of this Ordinance.

14-2.2. Any person reclaiming any such wild animal shall pay the costs of impounding and boarding the same at the time of its release.

SECTION 15. KEEPING OF HORSES, COLTS AND PONIES.

15-1. STABLE PERMITS.

15-1.1. Horses, colts and ponies may be stabled, harbored or maintained within the Township only in areas that meet the requirements of Ordinance No. 35 (Zoning), Section 7-12 – Agricultural Operations.

15-1.2. No person, firm or corporation shall keep, stable, harbor or maintain horses, colts or ponies within the Township limits without first obtaining a permit from the Town Clerk to so keep, stable, harbor or maintain said animals.

15-1.3. Application for permits shall be made in writing, by the owner or lessee of the lands where the animals are to be kept, on blank forms furnished by the Town Clerk. Each application shall contain the correct legal description of the property of which the animal or animals will be kept and the name of the owner or lessee of the lot, the amount of contiguous area available for the animal or animals; the total number of animals and information identifying each animal to be kept or stabled on said land; and a description of the shelter to be provided for the animal or animals. The

premises are subject to inspection by the Township or its designated representatives and all stables shall be inspected at least annually.

15-1.4. The owner or lessee of the premises where the animals will be kept or stabled shall pay an initial permit fee to the Township. This fee will be used to reimburse the costs of issuing the permit and inspecting the premises. Each permit shall expired on December 31st of each year after its granted, unless renewed on or before such date. The fee shall not be refunded if the application for the permit is denied or, if issued, the permit is later revoked by the Township. The fee shall be as established in Ordinance No. 54 (Fees & Charges).

15-1.5. ACREAGE REQUIREMENTS. The raising or keeping of livestock is permitted only if there are a minimum of two (2) acres fenced property available. The ratio of livestock shall not exceed four (4) animal units per each two (2) acres.

15-1.6. TRACT ENCLOSURES. The fenced tract where animals are pastured shall be enclosed by a sturdy wood, metal or electrical fence which will keep the animal or animals confined therein. The enclosure fence shall be installed no closer than 5 feet from the property lines of the applicant. Extra care must be taken to insure that stallions are properly enclosed. The enclosed area shall be no closer than 75 feet from any structure used for residential purposes, other than the applicants.

15-1.7. CORRAL OR STABLE. Pens or corrals shall contain at least 800 square feet per animal including a stable under roof of at least 100 square feet per animal unit. The pen or corral shall be no closer than 100 feet from any structure, other than the applicants, which is used for residential purposes, and shall be so located as not to create a nuisance to neighbors or the public.

15-2. SANITATION REQUIREMENTS.

15-2.1. Manure and other waste material must be removed often enough to eliminate unsightliness, odors, fly and rodent problems, and at last every three (3) months. If it is found that the manure and other waste materials create a nuisance by attracting flies, other insects and rodents or by creating offensive odors, the Code Enforcement Officer or Animal Control Officer may order that the manure and other waste materials (by written notice to the holder of the permit) be removed within four (4) days.

15-2.2. Stables and paddock areas shall be cleaned daily. Corral, pens, or similar enclosure areas shall be cleaned at least weekly. All areas shall be maintained in a clear and sanitary manner to prevent the breeding of flies and insects.

15-2.3. No person shall permit accumulations of manure from any horse under his control to remain on any street, sidewalk or alley, nor upon any open area or lot in any residential area in the Township.

15-2.4. Manure shall be handled or treated in such a manner so as not to create a public nuisance.

15-2.5. Manure shall not be burned.

15-3. CARE AND MAINTENANCE OF HORSES.

15-3.1. No horse, colt or pony shall be treated cruelly, or inhumanely, by any person or in violation of Minnesota Statutes, Sections 343.20-343.28, relating to cruelty to animals.

15-3.2. No person, firm or corporation shall keep any horse, colt or pony in a manner creating a public or private nuisance.

15-3.3. Permits issued pursuant to this Section may be revoked by the Town Board if the Board finds, after investigation and after holding a public hearing (written notice of said hearing to be mailed or delivered to the holder of the permit and other interested parties at least five (5) days prior to the hearing date), that there has been a violation of any provision contained in this section hereof.

15-3.4. No person, firm or corporation shall allow any horse they own to have control of to go upon any public park within the Township.

SECTION 16. CITATIONS AND IMPOUNDMENT.

16-1. AUTHORITY TO IMPOUND, ISSUE CITATIONS. Any domestic animal found in violation of the provisions of this Ordinance may be seized and impounded by any police officer or the Animal Control Officer, provided, however, that if the owner of the animal is known or can be ascertained from available information, it shall be returned to its owner and a citation for the violation shall be issued to the owner or keeper of the animal (unless otherwise provided in this Ordinance).

16-2. REDEMPTION BY OWNER; FEE. Any domestic animal impounded pursuant to the provisions of this Ordinance may be redeemed from the pound by the owner thereof within five (5) regular business days after the impoundment upon payment to the Animal Control Officer of an impoundment fee as is from time to time established by the Town Board, plus the license fee, in the event the domestic animal is not licensed.

16-3. RELEASE. Upon the presentation of proof of a valid license for the domestic animal and payment of the fees provided in the previous section hereof, the Animal Control Officer shall release the domestic animal to its owner. The Animal Control Officer shall further take such steps as are necessary to cause the owner of the domestic animal to be charged with any violation of this Ordinance which gave rise to the impoundment of the domestic animal.

16-4. REDEMPTION BY PERSON OTHER THAN OWNER. If the owner of any domestic animal impounded under this Ordinance shall fail to redeem such domestic animal within five (5) regular business days after its impoundment, not including Sunday or holidays, any other person may, upon complying with the provisions of this Ordinance, redeem the domestic animal from the shelter and be the lawful owner of the domestic animal thereafter. If the domestic animal has been requested by a licensed educational or scientific institution under Minnesota Statutes, then it shall be given to the institution and shall not be sold.

16-5. DISPOSITION OF UNREDEEMED DOMESTIC ANIMALS. All domestic animals impounded under this section which have not been redeemed or purchased as authorized in this section, may be disposed of in a humane manner by the Animal Control Officer or any police officer.

16-6. INTERFERENCE WITH OFFICERS. It shall be unlawful for any unauthorized person to break open the pound or to attempt to do so, or to take or let out any domestic animal therefrom, or to take or attempt to take from any officer any domestic animal taken by him/her in compliance with this Ordinance, or in any manner to interfere with or hinder such officer in the discharge of his/her duties under this Ordinance.

SECTION 17. COMMERCIAL ANIMAL OPERATIONS. Hospitals, clinics and other premises operated by licensed veterinarians and in compliance with Ordinance No. 35 (Zoning), for the care and treatment of animals, are exempt from the provisions of this Ordinance except where such duties are expressly stated.

SECTION 18. EXEMPTIONS.

18-1. The licensing and vaccination requirements of this Ordinance shall not apply to any dog or cat belonging to a non-resident of the Town and kept within the Town for less than thirty days, provided all such dogs or cats shall at all times while in the Town, be kept within a building enclosure or vehicle or be under restraint by the owner.

18-2. The keeping of miniature horses shall be exempt from the requirements of Section 16-1.1 and 16-1.5 of this Ordinance, and the requirements of 7-12 of Ordinance No. 35. Miniature horses shall only be permitted on properties of 1.2 acres in size or larger, after an application is

completed by the owner, and approval by the Town Board of a Miniature Horse Stabling Agreement is given.

SECTION 19. RECORDS.

19-1. It shall be the duty of the Animal Control Officer to keep or cause to be kept accurate and detailed records of the impoundment and disposition of all animals coming into his custody for a period of three (3) years.

19-2. It shall be the duty of the Animal Control Officer to keep or cause to be kept accurate and detailed records of all bite cases reported to him and his investigation reports of these cases.

19-3. It shall be the duty of the Town Clerk to keep or cause to be kept accurate and detailed records of all licenses and moneys belonging to the Town of White Bear, which records shall be open to inspection at reasonable times by such persons responsible for similar records of the Town of White Bear annually in the same manner as other Town records are audited.

SECTION 20. ENFORCEMENT. The provisions of this Ordinance shall be enforced by such persons as the Town Board shall from time-to-time designate.

SECTION 21. PENALTY. Every person convicted of a violation of any provision of this Ordinance shall be punished as provided in Ordinance No. 26.

SECTION 22. SEVERABILITY. Should any section, subdivision, clause or other provision of this Ordinance be held to be invalid by any court of competent jurisdiction, such decision shall not affect the validity of the Ordinance as a whole, or of any part hereof, other than the part held to be invalid.

SECTION 23. EFFECTIVE DATE. This Ordinance shall take effect and be in force from and after its passage and publication.

Passed by the Town Board of Supervisors of the Town of White Bear, Ramsey County, Minnesota, this 20th day of October, 2003.

APPROVED:

ROBERT J. WEISENBURGER, Chairman

ATTEST:

WILLIAM F. SHORT, Clerk-Treasurer

Board of Supervisors:
ROBERT J. WEISENBURGER, Chair
RICHARD A. SAND, Supervisor
WILLIAM R. MAMPLE, Supervisor

Synopsis Published in the White Bear Press October 29, 2003.

Historical Notes

2016

Section 3 and 5 passed August 3, 2016, and effective August 10, 2016 by Kermes (Chair), Prudhon, Ruzek; Short (Clerk-Treasurer).

2013

Section 12-5 and 16-4 passed October 21, 2013, and effective October 30, 2013 by Mample (Chair), Kermes and Prudhon; Short (Clerk-Treasurer).

2008

Section 12 passed October 6, 2008, and effective October 22, 2008 by Weisenburger (Chair), Sand and Mample; Short (Clerk-Treasurer).

Section 3-5, 3-10, and 12 passed June 16, 2008, and effective June 25, 2008 by Weisenburger (Chair), Sand and Mample; Short (Clerk-Treasurer).

Section 3-11, 5-2, 5-2.2, 5-3, 5-4, 5-5, 5-5.1 and 5-8 passed May 19, 2008, and effective June 4, 2008 by Weisenburger (Chair), Sand and Mample; Short (Clerk-Treasurer).

2007

Section 5-5 passed December 18, 2006, and effective January 17, 2007 by Weisenburger (Chair), Sand and Mample; Short (Clerk-Treasurer).

2004

Section 7-1, 7-3, and 7-4 passed June 7, 2004, and effective June 16, 2004 by Weisenburger (Chair), Sand and Mample; Short (Clerk-Treasurer).

2003

Section 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, and 23 passed October 20, 2003, and effective October 29, 2003 by Weisenburger (Chair), Sand and Mample; Short (Clerk-Treasurer).

2000

Section 18-3 passed June 19, 2000, and effective July 19, 2000 by Weisenburger (Chair), Sand and Ford; Short (Clerk-Treasurer).

1998

Section 4-4 passed December 21, 1998, and effective January 6, 1999 by Weisenburger (Chair), Sand and Ford; Short (Clerk-Treasurer).

1989

Section 17-6 passed January 3, 1989, and effective January 25, 1989 by Weisenburger (Chair), Jungkunz and Sand; Malinen (Clerk-Treasurer).

1983

Section 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, and 25 passed December 12, 1983, and effective December 28, 1983 by Jungkunz (Chair), Weisenburger and Hamilton; Webber (Clerk).

1977

Section 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, and 21 passed June 13, 1977, and effective June 16, 1977 by Perron (Chair), Sand and Ransom; Rolph (Clerk).

1976

Section 3(b), 3(c), 3(d), 3(f), and 4(a) passed February 9, 1976, and effective February 19, 1976 by Perron (Chair), Sand and Ransom; Rolph (Clerk).

1975

Section 7(a), 7(b), 8 (c) and 9 passed March 24, 1975, and effective April 3, 1975 by Perron (Chair), Sand and Ransom; Rolph (Clerk).

1963

Section 5(a) passed August 26, 1963, and effective August 29, 1963 by Kumm (Chair), _____; Pope (Clerk).

1961

Section 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, and 21 passed September 11, 1961, and effective September 21, 1961 by Kumm (Chair), Hovey and Rooney; Pope (Clerk).

1957

Ordinance, Title and Section 1, 2, 3, 4, 5, 6, 7, 8, and 9 originally passed December 5, 1957, and effective February 4, 1960 by Blair (Chair), Linear and Jansen; Wright (Clerk).