

**DOUGLAS TOWNSHIP  
ORDINANCE NO. 03-1**

**Section 522: Animal Control**

**A. Purpose**

The purpose of this Ordinance is to establish regulations for the control of animals to protect the public health, safety, and welfare, and to allow for uniform enforcement of such regulations by the Dakota County Sheriff's Department.

**B. Dog Restraint and Vaccinations**

**1. Running at Large Prohibited**

It shall be unlawful for the dog of any person who owns, harbors, or keeps a dog, or the parents or the guardians of any such person under 18 years of age, to run at large. Dogs on a leash and accompanied by a responsible person so as to be effectively restrained by command as by leash, shall be permitted in streets or on public land unless the Township has posted an area with signs reading "Dogs Prohibited," or similar statement.

**2. Vaccination**

a. All dogs kept harbored, maintained, or transported within the Township shall be vaccinated at least once every three years by a licensed veterinarian for:

- 1) Rabies (with a live modified vaccine), and
- 2) Distemper

b. A certificate of vaccination must be kept, on which is stated the date of the vaccination, owner's name and address, the animal's name (if applicable), sex, description, and weight, the type of vaccine, and the veterinarian's signature. Upon demand made by the Township Clerk or a law enforcement officer, the owner shall present for examination the required certificate(s) of vaccination for the animal(s). In cases where certificates are not presented, the owner or keeper of the animal(s) shall have seven days in which to present the certificate(s) to the Township Clerk, the County Sheriff, or other authorized person. Failure to do so shall be deemed a violation of this Section.

**C. Impounding**

**1. Running at Large**

Any animal running at large may be hereby declared a public nuisance. Any law enforcement officer may impound any dog or other animal found running at large and shall give notice of the impounding to the owner of such dog or other animal, if known. In case the owner is unknown, the officer shall post notice at the Township office that if the dog or other animal is not claimed within the time specified in Subsection C.3., below, it will be sold or otherwise disposed of.

**2. Biting Animals**

Any animal that has not been inoculated by a live modified rabies vaccine and which has bitten any person, wherein the skin has been punctured or the services of a doctor are required, shall be confined in the Designated Pound for a period of not less than ten days, at the expense of the owner. The animal may be released at the end of such time if healthy and free from symptoms of rabies, and by the payment of all costs by the owner. However, if the owner of the animal shall elect immediately upon receipt of notice of need for such confinement by the officer to voluntarily and immediately confine the animal for the required period of time in a veterinary hospital of the owner's choosing, not outside of Dakota County, and provide immediate proof of such confinement in such manner as may be required, the owner may do so. If, however, the animal has been inoculated with a live modified rabies vaccine and the owner has proof of the vaccination by a certificate from a licensed veterinarian, the owner may confine the dog or other animal to the owner's property.

### 3. Reclaiming

All animals conveyed to the pound shall be kept, with humane treatment and sufficient food and water for their comfort, for at least five regular business days, unless the animal is a dangerous animal as defined under Subsection F., below, and unless the animal is a cruelly-treated animal, in which case it shall be kept for ten regular business days, unless sooner reclaimed by the owners or keepers as provided by this Section. In case the owner or keeper shall desire to reclaim the animal from the pound, the following shall be required, unless otherwise provided for in this Ordinance or established from time to time by resolution of the Town Board:

- a. Payment of all direct costs incurred as a fee and receipt of a release permit from the Sheriff.
- b. Payment of maintenance costs, as provided by the pound, per day or any part of day while animal is in said pound, and
- c. If a dog is unlicensed, payment of a regular license fee if required and valid certificate of vaccination for rabies and distemper shots is required.

### 4. Unclaimed Animals

At the expiration of the times established in Subsection C.3., above, if the animal has not been reclaimed in accordance with the provisions of this Section, the officer appointed to enforce this Section may let any person claim the animal by complying with all provisions in this Section, or cause the animal to be destroyed in a proper and humane manner and shall properly dispose of the remains thereof. Any money collected under this Section shall be payable to the Sheriff.

## D. Nuisances

### 1. 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 three minutes with less than one minute of interruption. Such barking must also be audible off of the owners or caretaker's premises.

### 2. Damage to Property

It shall be unlawful for any person's dog or other animal to damage any lawn, garden, or other property, whether or not the owner has knowledge of the damage. Any animal causing damage to property belonging to someone other than the animal's owner or caretaker may be impounded as provided for in this Section, or a complaint may be issued by anyone aggrieved by an animal under this Subsection, against the owner of the animal for prosecution under this Subsection.

3. Cleaning up Litter

The owner of any animal, or the person having the custody or control of any animal, shall be responsible for cleaning up any feces of the animal and disposing of such feces in a sanitary manner whether on their own property, on the property of others, or on public property. Any person who is found guilty of violations of this section, shall be punished by a fine of at least twenty-five dollars (\$25.00) but not more than one hundred dollars (\$100.00).

4. Other

Any animals kept contrary to this Subsection are subject to impoundment as provided in Subsection C, above.

E. Seizure of Animals

Any law enforcement officer or animal control officer may enter upon private property and seize any animal provided that the following exist:

1. There is an identified complaint other than the law enforcement officer or animal control officer making a contemporaneous complaint about the animal;
2. The officer reasonably believes that the animal meets either the barking dog criteria set out in Subsection D.1., above; the criteria for cruelty; or the criteria for an at large animal as previously defined in this Ordinance;
3. The officer can demonstrate that there has been at least one previous complaint of a barking dog, inhumane treatment of the animal, or that the animal was at large at this address on a prior date;
4. The officer has made a reasonable attempt to contact the owner of the property and those attempts have either failed or have been ignored;
5. The seizure will not involve the forced entry into a private residence. Use of a pass key obtained from a property manager, landlord, innkeeper, or other authorized person to have such key shall not be considered unauthorized entry; and
6. Written notice of the seizure is left in a conspicuous place if personal contact with the owner of the dog is not possible.

F. Animals Presenting a Danger to Health and Safety of Township

If, in the reasonable belief of any authorized person or law enforcement officer, an animal presents an immediate danger to the health and safety of any person, an animal is threatening imminent harm to any person, or an animal is in the process of attacking any person, the officer may destroy the

animal in a proper and humane manner. Otherwise the authorized person or officer may apprehend the animal and deliver it to the pound for confinement under Subsection C, above. If the animal is destroyed, all costs of disposal including veterinarian cost are to be paid by the owner of the animal. If the animal is found not to be a danger to the health and safety of the Township, it may be released to the owner or keeper in accordance with Subsection C.3., above.

G. Diseased Animal

1. Running at Large

No person shall keep or allow to be kept on his or her premises, or on premises occupied by them, nor permit to run at large in the Township, any animal which is diseased so as to be a danger to the health and safety of the Township.

2. Confinement

Any animal reasonably suspected of being diseased and presenting a threat to the health and safety of the public, may be apprehended and confined in the pound by any authorized person or law enforcement officer. The law enforcement officer shall have a qualified veterinarian examine the animal. If the animal is found to be diseased in such a manner so as to be a danger to the health and safety of the Township, the officer shall cause such animal to be painlessly killed and shall properly dispose of the remains. The owner or keeper of the animal killed under this Section shall be liable for at least seventy-five dollars (\$75.00) to cover the cost of maintaining and disposing of the animal, plus the costs of any veterinarian examinations.

3. Release

If the animal, upon examination, is not found to be diseased within the meaning of this Section, the animal shall be released to the owner or keeper free of charge.

H. Interference with Officers

No person shall in any manner molest, hinder, or interfere with any person authorized by the Township to capture dogs or other animals and convey them to the pound while engaged in such operation. Nor shall any unauthorized person break open the pound, or attempt to do so, or take or attempt to take from any agent any animal taken up by him or her in compliance with this Ordinance, or in any other manner to interfere with or hinder such officer in the discharge of his or her duties under this Ordinance.

The effective date of this ordinance shall be upon its passage and publication according to law. Adopted this 3 day of March, 2003.

/S/ Chairman: Dan Duncomb  
Dan Duncomb

Attest: Ralph Schweich  
Ralph Schweich - Clerk

Douglas Township

## PURPOSE STATEMENT

The following language should be incorporated within the purpose statement of your zoning ordinance:

It is the purpose of this Ordinance to...

- #) Prevent agricultural operations from being harassed by unsubstantial nuisance complaints.

## DEFINITIONS

Use existing language or change the definitions in your zoning ordinance to the following:

*Agricultural land* means all the real property within Douglas Township that is used for agricultural operations, zoned for agricultural use or designated for agricultural purposes by the Township Comprehensive Plan.

*Agricultural operation* shall mean and include, but not be limited to, the cultivation and tillage of the soil; dairying; the production, irrigation, cultivation, growing, harvesting and processing of any agricultural commodity, including viticulture, horticulture, timber or apiculture; the raising of livestock, fur bearing animals, fish or poultry; and any commercial agricultural practices performed as incident to or in conjunction with such operations, including preparation for market, delivery to storage or to market, or to carriers for transportation to market.

## PERFORMANCE STANDARDS

The following section should be added to the "performance standards" section of the township zoning ordinance:

### RIGHT TO FARM

1. *Right to Farm.* Individuals owning or renting property that abuts or is located near an agricultural operation may be subject to inconveniences or discomforts arising from such operation. Such discomfort or inconveniences may include but are not limited to noise, odors, fumes, dust, smoke, insects, operation of machinery (including aircraft) during any 24-hour period, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides. One or more of the inconveniences described above may occur as a result of any agricultural operation that is in conformance with existing laws and regulations and with accepted agricultural customs and standards. The Township has determined that the use of real property for agricultural purposes is a high priority and favored and that those inconveniences arising from such agricultural operations should not be considered to be a nuisance provided that the operation is conducted or maintained on agricultural land and is operating in accordance with all applicable state statutes or rules or any issued permit. Such operations shall not be considered as or become a nuisance, public or private, if the operation was not a nuisance when it began. This provision does not apply to operations or activities considered a nuisance as defined under Minnesota Statutes, Chapter 561.19, Subdivision 2.
2. *Disclosure in Building Permits.* Prior to the issuance of any building permit for a use on agricultural land, the owner of the property shall be required to sign a Right-to-Farm Disclosure Statement. The disclosure shall be on a form provided by the township and made available to the public. The township shall file building permit disclosure forms with the Town Clerk.
3. *Failure to provide a Right-to-Farm Disclosure Statement.* The purpose and intent of the Right to Farm provisions of this ordinance shall apply if the township fails to provide a Right-to-Farm Disclosure Statement to an applicant of a building permit.
4. *Failure to sign a Right-to-Farm Disclosure Statement.* The purpose and intent of the Right to Farm provisions of this ordinance shall apply if an applicant of a building permit fails or refuses to sign the Right-to-Farm Disclosure Statement.

### NUISANCES:

The following section should be added to the section of the township zoning ordinance that refers to nuisances

*Agricultural Nuisance.* Agricultural lands or operations managed in accordance with the Right to Farm provisions contained in the Performance Standards of this ordinance shall not be considered a nuisance.

RIGHT-TO-FARM DISCLOSURE STATEMENT

This disclosure statement concerns real property situated within Douglas Township, Dakota County, state of Minnesota, legally described as \_\_\_\_\_ This statement is a disclosure of the condition of the described property in compliance with the Zoning Ordinances of said Township.

The above named Township permits and supports operation of properly conducted agricultural operations, as defined in the Right to Farm provisions of the Township's Zoning Ordinance. If the property the applicant is developing is located near agricultural lands or operations included within an area zoned or designated by the Comprehensive Plan for agricultural purposes, Purchaser may be subject to inconveniences or discomforts arising from such operation. Such discomfort or inconveniences may include but are not limited to noise, odors, fumes, dust, smoke, insects, operation of machinery (including aircraft) during any 24-hour period, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, solid amendments, herbicides and pesticides. One or more of the inconveniences described above may occur as a result of any agricultural operation that is in conformance with existing laws and regulations and with accepted customs and standards. The Township has determined that the use of real property for agricultural purposes is a high priority and favored use, and the Township has determined that those inconveniences arising from such agricultural operations should not be considered to be a nuisance provided that the agricultural operations are established and conducted in compliance with the Right-To-Farm Ordinance. If Purchaser or any other party wants further information about the effect of the Ordinance, that information is available from the Douglas Town Clerk.

Anyone living near an agricultural area should be prepared to accept the inconveniences and discomforts arising from agricultural operations as a normal and necessary aspect of living in an area with a strong rural character and an active agricultural sector.

The applicant certifies that he/she has read and understands the provisions contained in this disclosure.

Applicant \_\_\_\_\_ Date \_\_\_\_\_

Applicant \_\_\_\_\_ Date \_\_\_\_\_