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**HUBBARD COUNTY, MINNESOTA**  
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**NICOLE K. LUETH**  
**HUBBARD COUNTY RECORDER**  
BY RLB Dep **PAGES: 5**  
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**An Ordinance for the Control of Nuisance, Potentially Dangerous,  
and Dangerous Animals in Hubbard County, Minnesota  
Hubbard County Ordinance No. 44, Amendment 1**

**Purpose:**

In order to provide for the health and safety of the people of Hubbard County, and in order to provide for the regulation and protection of dangerous animals, potentially dangerous animals, and nuisance animals, the Board of Commissioners of Hubbard County, State of Minnesota, does hereby ordain as follows:

**Scope and Legal Authority:**

Minnesota Statutes 145A.05, Subdivision 2, Animal Control, enables County Boards to adopt ordinances to issue licenses or otherwise regulate the keeping of animals, to restrain animals from running at large, to authorize the impounding and sale or summary destruction of animals and to establish pounds.

**Subdivision 1. Definitions:**

- (a) For purposes of this Ordinance, “animal” shall mean any mammal, reptile, amphibian, fish, bird, or other member commonly accepted as part of the animal kingdom.
- (b) For the purposes of this Ordinance, a “nuisance animal” is an animal in Hubbard County which:
  - i. Habitually enters onto private property and molests or annoys any person while away from the property of its owner;
  - ii. Enters onto public or private property and chases deer;
  - iii. Habitually and chronically barks, howls, or whines for extended periods;
  - iv. Aggressively approaches or attacks a person, the person’s domestic animal(s), or the person’s livestock animal(s) while the nuisance animal is away from the property of its owner;
  - v. Aggressively approaches or attacks a person, causing fear of immediate harm to the person or the person’s property, when the person’s conduct is peaceful and legal within their right, such as but not limited to, walking along a public right of way;
  - vi. As an individual animal or part of a group or herd of animals that enters onto public roadways, road right of ways, parks or public beaches, school grounds, or other public property creating a risk of injury or property damage.

- (c) For the purpose of this Ordinance, a “dangerous animal” is an animal in Hubbard County which:
- i. Without provocation caused substantial bodily harm to any person on public or private property;
  - ii. Kills a domestic animal or livestock animal without provocation while off the owner’s property;
  - iii. Has been found to be potentially dangerous and/or the owner has personal knowledge of the same, and the animal aggressively bites, attacks, or endangers the safety of humans or domestic animals; or
  - iv. Has fresh wounds, scarring, or is observed in a fight, or has other indications which to a reasonable person evidences that the animal has been or will be used, trained, or encouraged to fight with another animal; or whose owner has in custody or possession any training apparatus, paraphernalia, or drugs used to prepare such animal to be fought with another animal.
- (d) For purposes of this Ordinance, a “potentially dangerous animal” is an animal in Hubbard County which:
- i. When unprovoked, bites a human, domestic animal, or livestock animal on public or private property;
  - ii. When unprovoked, chased or approached a person upon a street, sidewalk, or any public or private property, other than the animal owner’s property, in an apparent attitude of attack; or
  - iii. Has a known history or propensity, tendency, or disposition to attack while unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.
- (e) For purposes of this Ordinance, “owner” means a person who owns, harbors, feeds, boards, or keeps an animal herein regulated.
- (f) For purposes of this Ordinance, “domestic animal” shall mean those animals commonly accepted as domesticated household pets, including dogs and cats.
- (g) For purposes of this Ordinance, “livestock animal” shall mean horses, cattle, pigs, sheep, chickens, and other useful animals kept or raised on a farm or ranch.
- (h) For purposes of this Ordinance, “provocation” shall mean an act that an adult could reasonably expect may cause an animal to attack or bite.

Subdivision 2. General Provisions:

- (a) The owner of any animal present in Hubbard County shall, at all times, prevent their animal from becoming a nuisance animal as defined in this Ordinance.
- (b) An owner who fails to prevent their animal from becoming a nuisance animal as defined by this Ordinance is subject to the penalties prescribed in Subdivision 6.
- (c) An animal’s presence alone, on another’s private property, does not constitute a nuisance.
- (d) It is an affirmative defense to a violation of this Ordinance if: (i) the nuisance animal consists of horses, cattle, or other livestock; (ii) the animal’s owner is actively engaged in the practice of farming; and (iii) the owner takes immediate, adequate, and appropriate steps to correct the condition leading to the nuisance animal(s). If an owner meets the requirements of this affirmative defense the owner shall not be subject to a penalty under Subdivision 6.

**Subdivision 3: Potentially Dangerous Animal Designation:**

- (a) The Animal Control Officer, or his/her designee, shall designate any animal as potentially dangerous upon receiving evidence that the animal meets any of the criteria set forth in Subdivision 1(d) of this Ordinance.
- (b) When an animal is declared potentially dangerous the designating officer shall cause the owner(s) of the potentially dangerous animal to be notified in writing that such animal is potentially dangerous.
  - a. The designating officer shall notify the owner(s) in writing or in person that the animal has been determined to be potentially dangerous. The notice shall state the date, time, place, and circumstances of the incident, a description of the animal, and shall advise the owner(s) that they have fourteen (14) days to appeal the determination.

**Subdivision 4: Dangerous Animal Designation:**

- (a) The Animal Control Officer, or his/her designee, shall designate any animal as a dangerous animal upon receiving evidence that the animal meets one or more of the criteria set forth in Subdivision 1(c).
- (b) When an animal is declared dangerous the designating officer shall cause the owner(s) of the dangerous animal to be notified in writing that such animal is dangerous.
  - a. The designating officer shall notify the owner(s) in writing or in person that the animal has been determined to be dangerous and that the animal is to be seized and destroyed unless the owner(s) complies with conditions as set forth in this subdivision.
  - b. The notice shall include a description of the animal, state the dates, times, places, and facts of the incident which form the basis for the determination, and that the owner(s) have fourteen (14) days to appeal the determination.
- (c) An animal declared dangerous must be destroyed in a proper and humane manner and the owner shall pay the associated costs unless:
  - a. The owner provides and maintains a proper enclosure for the dangerous animal;
  - b. The owner posts, at the front and rear of their premises, clearly visible warning signs, including a warning symbol to inform children, that there is a dangerous animal on the property as specified in Minnesota Statute 347.51;
  - c. The owner provides and shows proof annually of public liability insurance paid in full in the minimum amount of three hundred thousand dollars (\$300,000). The owner shall have fourteen (14) days from the designation to show proof of insurance, except that if the animal is impounded, proof of insurance must be demonstrated prior to the animal's release;
  - d. If the animal is a dog and is outside the proper enclosure, the dog must be muzzled and restrained by a substantial chain or leash (not to exceed three (3) feet in length) and under the physical restraint of a person eighteen (18) years of age or older. The muzzle must be of such design as to prevent the dog from biting any person or animal, but will not cause injury to the dog or interfere with its vision or respiration;
  - e. If the animal is a dog, it must have an easily identifiable, standardized tag identifying the dog as dangerous affixed to the dog's collar at all times as specified in Minnesota Statute 347.51;

- f. If the animal is a dog, cat, or ferret, the owner must show proof of up to date rabies vaccinations annually;
- g. The owner provides and shows proof of microchip identification;
- h. The owner registers the dangerous animal with the Animal Control Officer within fourteen (14) days of the designation and provides satisfactory proof of compliance with the requirements herein.
- i. The owner must pay an initial registration fee to the Animal Control Officer of \$100, and must pay an annual registration fee of \$100 to the Animal Control Officer thereafter.

#### Subdivision 5. Enforcement:

The Hubbard County Sheriff is designated as the Hubbard County Animal Control Officer to enforce this Ordinance. In the Sheriff's duty of enforcing the provisions of this Ordinance, he or she may designate assistants.

#### Subdivision 6. Penalty:

Any person who fails, neglects, or refuses to comply with the provisions of this Ordinance, including a violation of Subdivision 1(b)(i)-(vi), is guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than one thousand dollars (\$1,000) or to imprisonment of not more than ninety (90) days, or both. A separate offense shall be deemed committed upon each separate day during or which a violation occurs or continues.

#### Subdivision 7. Impoundment of Animal:

- (a) A nuisance animal whose owner has been issued a prior violation under this Ordinance for the same nuisance animal within the prior three (3) years and whose owner has failed to correct the nuisance behavior may be impounded and placed in an animal shelter or other facility capable of caring for that animal, subject to the appeal procedure herein.
- (b) An animal declared dangerous may be impounded by the Animal Control Officer, or his/her designee, subject to the appeal procedure herein.
- (c) In addition to the penalties prescribed herein, an owner must also pay the fees associated with impoundment of a nuisance animal and dangerous animal and any veterinarian bills.

#### Subdivision 8. Appeal Procedure:

- (a) Panel: The appeal panel shall consist of two (2) Hubbard County Commissioners, or their designees, and the Hubbard County Sheriff or his/her designee. The three (3) member panel shall hear appeals to animal impoundment, potentially dangerous animal designations, and dangerous animal designations under this ordinance.
- (b) Manner of Appeal: The owner or custodian of an animal having been declared potentially dangerous, dangerous, or whose animal has been impounded, may appeal the determination(s) and request a hearing. The appeal request must be submitted in writing to the Hubbard County Sheriff within fourteen (14) days of impoundment or receipt of the animal's designation as potentially dangerous or dangerous. The appeal must contain

the owner's name, the animal's name, the date the animal was impounded and/or the date leading to the designation, and a brief statement supporting the owner's appeal. A two hundred fifty dollar (\$250) fee for an appeal is due upon filing the written appeal request, and shall be paid to the Hubbard County Sheriff.

- (c) Hearing: An appeal hearing shall be scheduled by the appeal panel within ten (10) days of receipt of the owner's request for a hearing, and notice provided to the owner of the time and place of the hearing.
- (d) Record: The appeal panel may set limits on the amount of evidence that may be submitted, and the length of testimony offered.
- (e) Determination: The appeal panel shall have the authority, upon a showing of clear and convincing evidence by the owner that the enforcement officer misapplied the ordinance or corrective action has been taken by the owner, to release the impounded animal to its owner, vacate the potentially dangerous animal designation, and/or vacate the dangerous animal designation. In the event the appeal panel finds the enforcement officer misapplied this ordinance, all fees may be reviewed and overturned by the appeal panel.

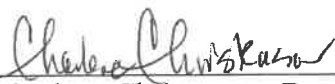
**Subdivision 9: Board of Commissioners:**


The Hubbard County Board of Commissioners has the authority to adjust fees and penalties within this Ordinance as fees and penalties vary with time. The Board of Commissioners also has the authority to make language changes and corrections within this Ordinance.

**Subdivision 10: Date and Effect**

This Amendment 1 to Ordinance 44, enacted by the Hubbard County Board of Commissioners on January 21, 2020, shall be in full force and effect from and after its passage, approval and publication, as provided by law. The effective date of the Ordinance shall be February 5, 2020.

**Board of County Commissioners  
Hubbard County, Minnesota**

  
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Charlene Christenson, Board Chair  
Date: January 30, 2020

Attest:   
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Eric Nerness, Coordinator  
January 22, 2020

