

ORDINANCE NO. 210-B

AN ORDINANCE ESTABLISHING ANIMAL CONTROLS IN EMPIRE TOWNSHIP, DAKOTA COUNTY, MINNESOTA

The Board of Supervisors of Empire Township ordains as follows:

SECTION 1 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.

SECTION 2 DEFINITIONS

As used in this Ordinance, unless the context otherwise indicates, the following words shall be defined to mean:

- A. Animal: Any mammal, reptile, amphibian, fish, bird (including all fowl and poultry), or other member commonly accepted as a part of the animal kingdom. Animals shall be classified as domestic, farm, and non-domestic.

- B. Animal, Domestic: Any animal of a species commonly accepted as domesticated household pets. Unless otherwise defined, such animals shall include but not be limited to dogs, cats, caged birds, gerbils, hamsters, guinea pigs, domesticated rabbits, fish, non-poisonous, non-venomous, and non-constricting reptiles or amphibians, and other similar animals.

- C. Animal, Farm: Any animal of a species commonly associated with a farm or performing work in an agricultural setting. Unless otherwise defined, such animals shall include but not be limited to members of the equestrian family (horses, mules), bovine family (cows, bulls), sheep, poultry (chickens, turkeys), fowl (ducks, geese), swine (including Vietnamese pot-bellied pigs), goats, bees, llamas, ostriches, emus, burros, donkeys, and other animals associated with a farm, ranch, or stable.

- D. Animal, Non-Domestic: Any animal of a species commonly considered to be naturally wild and not naturally trained or domesticated, or of a species commonly considered to be inherently dangerous to the health, safety, and welfare of people. Unless otherwise defined, such animals shall include:
 - 1. Any member of the large cat family (family felidae), including but not limited to lions, tigers, cougars, bobcats, leopards, and jaguars.

2. Any naturally wild member of the canine family (family canidae) including but not limited to wolves, foxes, coyotes, dingoes, and jackals, but excluding commonly accepted domesticated dogs.
 3. Any crossbreeds such as the crossbreed between a wolf and a dog, unless the crossbreed is commonly accepted as a domesticated house pet.
 4. Any member or relative of the rodent family including but not limited to any skunk (whether or not descended), raccoon, squirrel, or ferret, but excluding those members otherwise defined or commonly accepted as domesticated pets.
 5. Any poisonous, venomous, constricting, or inherently dangerous member of the reptile or amphibian families including but not limited rattlesnakes, boa constrictors, pit vipers, crocodiles, and alligators.
 6. Any other animal which is not explicitly listed above but which can be reasonably defined by the terms of this definition, including but not limited to bears, deer, monkeys, and game fish.
- E. Animal Control Officer: The person or party authorized by the Township to enforce this Ordinance.
- F. At Large Animal: The condition of an animal when it is off the premises of the owner and not under the custody and control of the owner or other person, either by leash, cord, or chain, or otherwise restrained or confined.
- G. Call Fee. A \$50 fee per call to investigate a complaint or nuisance defined in this Ordinance.
- H. Daily Fee. A fee established by contract per day fee for impounding, feeding, and caring for an animal.
- I. Dog: Any member of the canine species, either male or female, commonly accepted as a domesticated household pet, and other domesticated animals of a dog kind.
- J. Impound Fee. A fee established by contract for the transportation of an animal to the impound facility, registration of the animal, owner contact efforts, and other administrative requirements.
- K. Owner, Animal: Any person or persons, firm, association, or corporation owning, keeping, or harboring an animal.
- L. Township: Empire Township, Dakota County, Minnesota.

SECTION 3 DOG RESTRAINT AND VACCINATIONS

3.01 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 or accompanied by and under the control and direction of 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.

3.02 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 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 animal control 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 or animal control officer. Failure to do so shall be deemed a violation of this Section.

SECTION 4 FARM ANIMALS AND NON-DOMESTIC ANIMALS

4.01 Farm animals shall only be permitted in the AG Agricultural Preservation Zoning District described and defined in the Empire Township Zoning Ordinance.

4.02 It shall be illegal for any person to own, possess, harbor, or offer for sale any non-domestic animal within the Township limits. Any owner of such an animal at the time of adoption of this Ordinance shall have thirty days in which to remove the animal from the Township after which time the Township may impound the animal as provided for in this Section. An exception shall be made to this prohibition for animals specifically trained for and actually providing assistance to the handicapped or disabled, and for those animals brought into the Township as part of an operating zoo, veterinarian clinic, scientific research laboratory, or a licensed show or exhibition.

SECTION 5 IMPOUNDING

5.01 Running at Large

Any animal running at large may be hereby declared a public nuisance. The animal control officer or 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 animal control officer shall post notice at the Town Hall that if the dog or other animal is not claimed within the time specified in Subsection 5.03, it will be sold, removed, or otherwise disposed of. Except as otherwise provided in this Section, it shall be unlawful to kill, destroy, or otherwise cause injury to any domestic animal, including dogs running at large.

5.02 Biting Animals

Any animal that has not been inoculated by a valid rabies vaccine or bears no evidence of such vaccination, 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 impound facility for a period of not less than seven 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. 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, subject to reclaiming the animal as specified in Subsection 5.03.

5.03 Reclaiming

All animals conveyed to the pound shall be kept, with humane treatment and sufficient food and water for their comfort, for at least seven days, unless sooner reclaimed by the owners or keepers as provided by this Section, and a determination is made the animal is free from any disease or harmful condition. In the event 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:

- A. Payment of a \$50 call fee and daily impound fee; and
- B. Payment of a daily fee for animal care costs at the impound facility; and
- C. Valid certification of vaccination for rabies and distemper shots; and
- D. Payment for any veterinarian fees and costs for inspecting or treating biting, dangerous, or diseased animals as defined in this Ordinance.

5.04 Unclaimed Animals

At the expiration of the time established in Subsection 5.03, if the animal has not been reclaimed in accordance with the provisions of this Section, the animal control officer may let any person claim the animal by complying with all provisions in this Section, release the animal to an animal shelter, or cause the animal to be destroyed in a proper and humane manner and shall properly dispose of the remains.

SECTION 6 KENNELS AND BOARDING

6.01 The keeping or boarding of more than three dogs on the same premises, whether owned by the same person or not and for whatever purpose kept, shall constitute a “kennel;” except that a fresh litter of pups born of the dog(s) allowed on the premises may be kept for a period of six months before such keeping shall be deemed to be a kennel. No person may operate a kennel without first obtaining a permit from the Township.

SECTION 7 NUISANCES

7.01 Habitual Barking

It shall be unlawful for any person to keep or harbor a dog or other animal, except farm animals in the AG Agricultural Preservation Zoning District, that habitually barks, howls, whines or makes other discernible animal noises. Habitual barking, howling, whining, or other discernible animal noises shall be defined as barking, howling whining, or other discernible animal noises for repeated intervals of at least ten minutes with less than one minute of interruption. Such animal noises must also be audible off of the owner’s or caretaker’s premises.

7.02 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.

7.03 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 whether on their own property, on the property of others, or on public property, and disposing of such feces in a sanitary manner.

7.04 Complaints and Remedies

Complaints for animal nuisances must be registered with the Township Clerk during normal business hours or may be reported directly to the animal control officer. Any person who is found guilty of violations of this section shall be punished by a fine of seventy-five dollars (\$75.00) and any animals kept contrary to this Section may be impounded as provided in Section 5.

SECTION 8 SEIZURE OF ANIMALS

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

- 8.01 There is an identified complainant other than the animal control officer or law enforcement officer making a contemporaneous complaint about the animal;
- 8.02 The animal control officer or law enforcement officer reasonably believes that the animal meets either the barking dog criteria set out in Subsection 7.01; or the criteria for an at large animal set out in the definition in Section 2;
- 8.03 The animal control officer or law enforcement 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;
- 8.04 The animal control officer or law enforcement officer has made a reasonable attempt to contact the owner of the property and those attempts have either failed or have been ignored;
- 8.05 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
- 8.06 Written notice of the seizure is left in a conspicuous place if personal contact with the owner of the dog is not possible.

SECTION 9 ANIMALS PRESENTING A DANGER TO HEALTH AND SAFETY

- 9.01 If, in the reasonable belief of the animal control officer or law enforcement officer, an animal presents an immediate danger to the health and safety of any person, or an animal is threatening imminent harm to any person, or an animal is in the process of attacking any person, the animal control officer or law enforcement officer may destroy the animal in a proper and humane manner. Otherwise the animal control officer or law enforcement officer may apprehend the animal and deliver it to the impound facility for confinement under Section 5. If the animal is destroyed, all costs of disposal including veterinarian cost must 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 5.03.

SECTION 10 DISEASED ANIMALS

10.01 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, even though the animal be properly licensed under this Section.

10.02 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 impound facility by the animal control officer or law enforcement officer. The animal control 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 destroyed in a proper and humane manner and shall properly dispose of the remains. The owner or keeper of the animal killed under this Section shall be liable for the costs of maintaining and disposing of the animal, plus the costs of any veterinarian examinations.

10.03 Release

The animal shall be released to the owner or keeper, if determined free of disease and public health threat, in accordance with Section 5.03.

SECTION 11 INTERFERENCE WITH OFFICERS

No person shall in any manner molest, hinder, or interfere with the animal control officer or any law enforcement officer to capture dogs or other animals and convey them to the impound facility while engaged in such operation. Nor shall any unauthorized person break open the impound facility, or attempt to do so, or take or attempt to take from animal control officer or any law enforcement officer 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.

SECTION 12 VIOLATIONS AND PENALTIES

12.01 Petty Misdemeanor

Unless otherwise provided, violation of this Ordinance shall constitute a petty misdemeanor, and upon conviction thereof, punishable as provided by law.

12.02 Separate Offenses

Each day a violation of this Ordinance is committed or permitted to continue shall constitute a separate offense and shall be punishable as such under this Section.

SECTION 13 VALIDITY

Should any provision of this Ordinance be declared by the courts to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any other part thereof, unless so specified in the judgment. If the courts declare the application of any of the provisions of this Ordinance to any individual, use, property or structure to be invalid, such judgment shall not affect the validity of said application of any provision to any other individual, use, property or structure, unless so specified in the judgment.

SECTION 14 REPEALS

Ordinance No. 210 and all prior amendments thereto are hereby repealed. Parts of other ordinances in conflict with this Ordinance to the extent of such conflict and no further, are hereby repealed.

SECTION 15 EFFECTIVE DATE

The effective date of this Ordinance shall be after its passage and publication according to law. Ordinance No. 210-B was adopted by the Town Board this 23rd day of July, 2013.

ATTEST:

Terry L. Holmes, Chair

Kathleen B. Krippner, Clerk-Treasurer

Published in the *Farmington Independent* on August 1, 2013.