

Date: March 28, 2006

Ord. #02-06

Regulated Animal Ordinance

On motion of Commissioner Tucker, seconded by Commissioner Cummings, the following Ordinance was unanimously passed and adopted by the Mower County Board of Commissioners at a meeting held March 28, 2006 at the Courthouse, Austin, Minnesota.

WHEREAS, a Notice of Intention to consider adopting Chapter 17, Regulated Animal Ordinance, of the Mower County Ordinance was published in the Austin Daily Herald on March 13, 2006; and

WHEREAS, the County Board held a public hearing on said Ordinance on March 28, 2006; and

WHEREAS, the Mower County Planning Commission recommended by a majority the adoption of the Mower County Ordinance;

BE IT ORDAINED that Chapter 17, Regulated Animal Ordinance, of the Mower County Ordinance is adopted.

Chapter 17
REGULATED ANIMAL ORDINANCE

SECTION 17.1 INTENT AND PURPOSE

The purpose of this Ordinance is to regulate the possession of Regulated Animals in Mower County lying outside the incorporated limits of any City.

SECTION 17.2 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.

17.21 Applicability

- A. The rules and regulations contained herein shall apply within the County and other land as permitted by State Statutes. It is not intended by the Ordinance to repeal, annul or in any way impair or interfere with existing provisions of other laws or ordinances except those specifically repealed by, or in conflict with this Ordinance. Where this Ordinance imposes a greater restriction than is imposed or required by such existing provisions of law or ordinance, the provisions of this Ordinance shall control.
- B. To protect the health, safety and welfare of the citizens of the County, it shall be unlawful to keep any regulated, dangerous or undomesticated animal

within the unincorporated areas of the County except as licensed pursuant to this ordinance.

- C. Cities in Mower County may adopt this ordinance by reference if they have a signed agreement from the Mower County Sheriff and Mower County Board of Commissioners.

17.22 Amendments

The County Board may amend the procedures, standards, requirements and other provisions of this Ordinance upon holding a public hearing on the proposed amendment.

17.23 Validity

Should a court of competent jurisdiction declare any of this Ordinance to be invalid, such decision shall not affect the validity of the remainder.

17.24 Enforcement and Penalties

- A. This Ordinance shall be administered and enforced by the Mower County Sheriff's Department.
- B. Any person who violates any of the terms or provisions of this Ordinance shall be charged with a misdemeanor, punishable by a fine or by imprisonment as defined by State Statute. All fines for violation shall be paid to the County Auditor and shall be credited to the Mower County Sheriff's Department.
- C. In the event of a violation or threatened violation of this Ordinance, the County Board, or any designated agent thereof in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct, or abate such violations or threatened violations, and it shall be the duty of the County Attorney to institute such action.
- D. Each day that a violation is permitted to exist shall constitute a separate offense. The imposition of any fine or sentence shall not exempt the offender from compliance with the requirements of this Ordinance.

SECTION 17.3 RULES

- A. Words used in the present tense include the past and future tense; the singular number includes the plural and the plural includes the singular; the word "shall" is mandatory, and the words "should" and "may" are permissive.
- B. In the event of conflicting provisions in the text of these regulations, the more restrictive shall apply.

SECTION 17.4 DEFINITIONS

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this Ordinance, except where the context clearly indicates a different meaning:

17.41 **PERSON:** means any natural person, firm, partnership, corporation, or association, however organized.

17.42 **PROHIBITED ANIMAL:**

(1) All members of Felidae family including, but not limited to, lions, tigers, jaguars, leopards, cougars, cheetahs, servals, and ocelots, but not including domestic cats or cats recognized as a domestic breed, registered as a domestic breed, and shown as a domestic breed by a national or international multibreed cat registry association;

(2) bears;

(3) all nonhuman primates, including, but not limited to, lemurs, monkeys, chimpanzees, gorillas, orangutans, marmosets, lorises, and tamarins;

(4) Prohibited animal includes any hybrid or cross between an animal listed in the above clauses and a domestic animal and offspring from all subsequent generations of those crosses or hybrids.

17.43 **REGULATED ANIMAL:** means and includes any mammal, amphibian or reptile which is of a species which, due to size, vicious nature or other characteristic, is inherently dangerous to human beings. Examples of regulated animals considered capable of inflicting severe bodily harm to humans include but are not limited to the following:

(1) Any member of the family Canidae, such as wolves, coyotes, dingoes and jackals, but not including domestic dogs or dogs recognized as a domestic breed;

(2) Any poisonous snake such as a rattlesnake, coral snake, water moccasin, puff adder or cobra;

(3) Any snake or reptile which by its size or vicious nature or other characteristic is dangerous to human beings;

(4) Any raccoon or fox, unless certified by a veterinarian to be free of rabies and kept pursuant to a valid state department of natural resources license, such certification to be obtained within seven days of receipt of the animal;

(5) Badger;

(6) Regulated animal includes any hybrid or cross between an animal listed in the above clauses and a domestic animal and offspring from all subsequent generations of those crosses or hybrids.

SECTION 17.5 COMPLIANCE REQUIRED

17.51 Unlawful to Possess

It is unlawful for any persons to breed, possess, own, care for, have custody or control of any Prohibited Animal. It is unlawful for any persons to breed, possess, own, care for, have custody or control of any Regulated Animal without a license.

17.52 Request a License

Any person who wishes to breed, possess, own, care for, have custody or control of any Regulated Animal, may request a license during a public hearing in front of the County Board.

17.53 Ordinance Adoption

Persons keeping or maintaining any Regulated Animal, as outlined in this Ordinance, at the time of the adoption of this ordinance shall comply with this Ordinance. Extensions for compliance days may be granted by the County for good cause, but no such extension shall permanently exempt a person from the requirements of this ordinance.

17.54 Application and Fees

- A. Any person who wishes to request a license from the County Board to breed, possess, own, care for, have custody or control of any Regulated Animal must submit a completed application, on a form provided by the County, and pay an application fee as annually determined by the County Board. The application form and fees shall be submitted to the Mower County Auditor or Mower County Auditor/Treasurer.
- B. Licensure renewals will require the same information as outlined in Section 6. The renewal will be administratively reviewed if the documentation indicates licensure of the same animal(s) or a replacement of the same breed of animal. If the renewal documentation indicates additional animals, different breeds covered by this Ordinance, or if there are any enforcement issues arising from the licensure, the applicant may be required to re-appear before the County Board to request a renewal.

SECTION 17.6 LICENSE

17.61 Regulated Animal License Requirements

Any person desiring to keep an animal regulated by this ordinance may apply for a Regulated Animal License. Such license may be issued upon payment of a fee to be set by the County for a period not to exceed two years and shall specify conditions under which such animal shall be kept. However, no such license shall be issued unless the county is provided with written information detailing the following:

A. A description of how the animal is at all times kept or maintained in a safe manner and it is at all times confined securely so that the keeping of such animal will not constitute a danger to human life or the property of others.

B. A description of the quarters in which such animal is kept or confined shall be suitable shelter protected from the elements, shall be adequately lighted and ventilated and shall be so constructed that it may be kept in a clean and sanitary condition as determined by a regulated life specialist to be reviewed at the applicants expense.

C. A description of the safeguards that are being utilized to prevent unauthorized access to such animal by members of the public.

D. A description of how and where the animal feces will be disposed.

E. Written proof of the currently required amount of liability insurance providing coverage for liability resulting from the ownership or possession of the specific animal being licensed.

F. An Injury Notification Plan. In the event that a regulated animal licensed under this Ordinance injures a human, the Injury Notification Plan shall be a listing of the names and phone numbers of all authorities to be notified. A copy of this plan must be kept on the premises of the property.

G. An Escape Notification Plan. In the event that a regulated animal licensed under this Ordinance escapes, the Escape Notification Plan shall be a listing of the names and phone numbers of all authorities to be notified of the escape. A copy of this plan must be kept on the premises of the property.

H. An Owner Disability Notification Plan. In the event that the caretaker of a regulated animal licensed under this Ordinance is incapacitated and unable to care for the animal, the Owner Disability Notification Plan shall consist of:

- 1) A current listing of the names and phone numbers of alternate caretakers
- 2) Signatures of the alternate caretakers acknowledging the responsibility of caring for the animal on short notice or over an extended period of time
- 3) Whether or not the animal will be cared for at the address of the licensee or if it will be residing in another location

17.62 Applicant Responsibility

The applicant shall also be responsible for the following:

- A. The health or well-being of the animal is not in any way endangered by the manner of keeping or confinement.
- B. The keeping of such animal does not constitute a nuisance and will not harm the surrounding neighborhood or disturb the peace and quiet of the surrounding neighborhood.
- C. The keeping of such animal will not create or cause offensive odors, noise, or constitute a danger to public health.

SECTION 17.7 EXEMPTIONS

17.71 No License Required

The following do not require a license under this Ordinance:

- A. Nonpoisonous snakes or snakes not prohibited by this ordinance, birds kept indoors, hamsters, mice, rabbits, lizards and similar small animals capable of being kept in cages continuously do not require a license.
- B. Regulated Animals in zoos, or bona fide educational or medical institutions provided that that facility has a Conditional Use License from the County.
- C. Regulated or Prohibited Animals kept in a bona fide, licensed veterinary hospital or animal shelter.

SECTION 17.8 IMPOUNDMENT

17.81 Violations

Any Regulated Animal kept in violation of this ordinance may be impounded by the County unless such impounded animal is reclaimed and removed from the County or a license is issued to allow it to remain in the County or unless the owner petitions the district court for a determination that the animal is exempt from this ordinance.

17.82 Animals May Be Destroyed

Any such animal may be destroyed or sold five days following notice to the owner of such animal's impoundment and notice of the provisions of this ordinance.

17.83 Fees

Any fees incurred as a result of the removal, impounding, internment, medical treatment, sale, or destruction of an animal shall be the responsibility of the owner.

BE IT FURTHER ORDAINED that this ordinance is effective upon publication. *(April 26, 2006)*

A copy of the entire Mower County Ordinance and related maps, if any, are on file in the Mower County Auditor's office.

Passed and approved this 28th day of March, 2006.