

**SAN FRANCISCO TOWNSHIP
CARVER COUNTY, MINNESOTA
Ordinance No. 2019-0X**

**AN ORDINANCE REGULATING NUISANCE ANIMALS AND
ANIMALS AT LARGE WITHIN SAN FRANCISCO TOWNSHIP**

The Board of Supervisors of the Town of San Francisco ordains:

**ARTICLE I
GENERAL PROVISIONS**

Section 1.1. Title. This ordinance shall be known as the “Town of San Francisco Animal Nuisance Ordinance” and shall be referred to herein as this “Ordinance.”

Section 1.2. Authority. This Ordinance is adopted pursuant to a vote of the Town electors and the Town Board’s authority under Minnesota Statutes, sections 366.01, subd. 2; 365.10, subdivisions 3, 13 & 17; Minnesota Statutes, Chapters 346 and 347; and such other authority as may apply.

Section 1.3. Definitions and Interpretation.

Subd. 1. Definitions. The following words, terms, and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Any term not defined in this section shall have the meaning given the term in Minnesota Statutes, Chapters 346 and 347, to the extent defined therein.

- a) **Abandoned.** “Abandoned” means to leave an animal at large within the Town without intending to return to or recover it. It shall also mean to purposefully leave an animal in the possession of the Animal Warden.

- b) **Animal.** “Animal” means 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 follows:
 - 1) **Domestic Animal.** “Domestic Animal” means any animal commonly accepted as a domesticated household pet. Unless otherwise defined, these animals shall include dogs, cats, caged birds (including pigeons), gerbils, hamsters, guinea pigs, domesticated rabbits, fish, non-poisonous, non-venomous and non-constricting reptiles or amphibians, and other similar animals.

 - 2) **Farm/Livestock Animal.** “Farm/Livestock Animal” means any animal commonly associated with a farm or performing work in an agricultural setting. Unless otherwise defined, the animals shall include 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 and other animals associated with a farm, ranch or stable. Domesticated wild animals being “farmed” such as Elk or Deer would be in this category.

- 3) **Wild/Non-Domesticated Animal.** “Wild/Non-Domesticated Animal” means any animal commonly considered to be naturally wild and not naturally trained or domesticated, or which is commonly considered to be inherently dangerous to the health, safety or welfare of people. Unless otherwise defined, wild/non-domesticated animals shall include:
- i. Any member of the large cat family (family felidae) including lions, tigers, cougars, bobcats, leopards and jaguars, African Serval, but excluding commonly accepted domesticated house cats;
 - ii. Any naturally wild member of the canine family (family canide) including wolves, foxes, coyotes, dingoes and jackals, but excluding commonly accepted domesticated dogs;
 - iii. Any crossbreeds such as the crossbreed between a wolf and a dog, unless the crossbreed is commonly accepted as a domesticated house pet;
 - iv. Any member or relative of the rodent family including any skunk (whether or not de-scented), raccoon or squirrel, but excluding those members otherwise defined or commonly accepted as domesticated pets;
 - v. Any poisonous, venomous, constricting or inherently dangerous member of the reptile or amphibian families including rattlesnakes, boa constrictors, pit vipers, crocodiles and alligators; and
 - vi. Any other animal which is not explicitly listed above but which can be reasonably defined by the terms of this section, including but not limited to bears, deer, monkeys and game fish.
- c) **Animal Control Officer.** “Animal Control Officer” means the person appointed by the Town Board to provide animal control operations within the Town. The Animal Control Officer’s primary function involves enforcement of this Ordinance.
- d) **Animal Warden.** “Animal Warden” means any person or entity designated by the Town Board to house, hold, confine, or board animals seized or impounded in accordance with this Ordinance and applicable laws.
- e) **At Large.** “At Large” means off the premises of the owner and not under the physical control (by leash or by voice) of the owner, a member of the owner’s immediate family, or a person designated by the owner.

- f) **Cat.** “Cat” means a domesticated member of the Felidae family (*Felis silvestris catus*) born, raised, and kept as a pet. The term does not include any type of cougar, lynx, puma, or similar type of wild animal.
- g) **Dangerous and Potentially Dangerous Dogs.** “Dangerous and Potentially Dangerous Dogs” are separate terms and shall have the meaning given them in Minnesota Statutes, section 347.50, subdivisions 2 and 3.
- h) **Dog.** “Dog” means a domesticated member of the Canidae family (*Canis lupus familiaris*) born, raised, and kept as a pet. The term does not include any type of fox, wolf, or similar type of wild animal.
- i) **Owner.** “Owner” means person owning, keeping, harboring or acting as custodian of an animal. All adult occupants of the property where the animal resides or is kept are considered an owner or owners.
- j) **Regular Business Day.** "Regular business day" means a day during which the establishment having custody of an animal is open to the public not less than four consecutive hours between the hours of 8:00 a.m. and 7:00 p.m.
- k) **Town.** “Town” means San Francisco Township, Carver County, Minnesota
- l) **Town Board.** “Town Board” means the Board of Supervisors of San Francisco Township, Carver County, Minnesota.
- m) **Town Board Liaison.** “Town Board Liaison” means a member of the Town Board that is designated by the Town Board to assist the Animal Control Officer in the administration of this Ordinance.

Subd. 2. Interpretation. Every provision of this Ordinance shall be construed, if possible, to give effect to all its provisions and consistent with at least the minimum requirements imposed by any applicable law. This Ordinance imposes requirements that are stricter than those required by state law. Any references to state statutes or rules shall include any amendments made thereto and any successor statutes or rules. Such statutes and rules are incorporated herein to the extent necessary to give effect to the provisions of this Ordinance.

Section 1.4. Exemptions. Except where duties are expressly stated, this Ordinance does not apply to hospitals, clinics, and other premises operated by licensed veterinarians exclusively for the care and treatment of animals. This Ordinance does not apply to law enforcement dogs kept by K-9 officers and that are actively involved in law enforcement duties.

Section 1.5. Dangerous and Potentially Dangerous Dogs. The Carver County Sheriff is the animal control authority for the purposes of addressing dangerous and potentially dangerous dogs under Minnesota Statutes, sections 347.50 to 347.56 and Carver County Title IX: General

Regulations, Chapter 92, Dangerous and Potentially Dangerous Dogs. The Animal Control Officer shall forward any dangerous and potentially dangerous dog complaints to the Carver County Sheriff's Department.

Section 1.6. Animal Control Officer. The Town Board appoints the Animal Control Officer and may enter into such agreements to secure those services as it determines is necessary. The Animal Control Officer shall have the powers necessary to administer and enforce this Ordinance.

Section 1.7. Animal Warden. The Town Board appoints the Animal Warden and may enter into such agreements to secure those services as it determines is necessary. The Animal Warden is authorized to carry out the duties assigned by this Ordinance in accordance with all applicable laws including, but not limited to, Minnesota Statutes, section 346.47.

Section 1.8. Coordination with Veterinarians. The Town may enter into agreements with one or more veterinarians to assist in the administration of the provisions of this Ordinance. Said agreements shall ensure that an orderly system is set up to coordinate the vaccination, impoundment, quarantine, and euthanization, as needed, of animals within the Town. Said agreements shall also provide for a reasonable method of compensating veterinarians for the services that they provide to the Town.

Section 1.9. Severability. If any portion of this Ordinance is for any reason held invalid or unconstitutional for any reason, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

ARTICLE II PROHIBITIONS AND REQUIREMENTS

Section 2.1. Abandonment Prohibited. It is unlawful and a violation of this Ordinance for any person to abandon any animal within the Town.

Section 2.2. Prohibited Nuisances. The following are hereby declared public nuisances, are prohibited by this Ordinance, and are unlawful:

Subd. 1. Running at Large Prohibited. No person shall allow an animal to run at large at any time. The Animal Control Officer may impound any animal found running at large.

Subd. 2. Rabies Shots Required. All dogs and cats in the Town over the age of six (6) months shall be inoculated for rabies and shall be re-inoculated according to standard veterinary practices thereafter. Such vaccination must be performed by or under the direct supervision of a veterinarian duly licensed to practice veterinarian medicine in the state in which the vaccine is administered. A certificate from the veterinarian inoculating said dog or cat shall be presented to the Animal Control Officer or Animal Warden upon demand.

Subd. 3. Wild/Non-Domesticated Animals. No person shall own, possess, harbor, or keep any wild/non-domesticated animal within the Town, except as part of a licensed event such as a circus.

Section 2.3. Complaints. Any person may notify the Animal Control Officer of an alleged violation of this Ordinance. Those making a complaint shall, to the extent reasonably possible, state the location of the animal, describe the animal, state the acts or conditions alleged to constitute a violation of this Ordinance, and the name and the address of the person making the complaint.

Section 2.4. Interference with Enforcement. No unauthorized person shall break open or attempt to break open the Animal Warden's pound, or to take or let out any animals therefrom, or to take or attempt to take from any Animal Control Officer or Animal Warden any animal taken up by him or her in compliance with this Ordinance or any applicable statute, or in any manner to interfere with or hinder such Animal Control Officer, Animal Warden, or the Town Board Liaison in the discharge of his or her duties.

ARTICLE III IMPOUNDING

Section 3.1. Impounding and Boarding Fees.

Subd. 1. Impounding. Animal taken up by the Animal Control Officer for impoundment shall be impounded with the Animal Warden or such other place as may be appropriate given the type of animal impounded. Impounded animals shall be confined in a humane manner for not less than five (5) regular business days, unless reclaimed by their owners. If the owner of the animal can be identified by an identification tag or by other reasonable means, the Animal Control Officer shall, as soon as is practicable, notify the owner by telephone or mail of the impoundment and the opportunity to reclaim the animal.

Subd. 2. Setting Fees. The Animal Control Officer and Animal Warden may charge reasonable impounding fees for the care and boarding of any animal restrained or impounded and all such fees shall be paid to the Animal Control Officer and Animal Warden at the time of delivery or reclaiming the animal. The Town Board shall annually review all fees so imposed by the Animal Control Officer and Animal Warden to determine their reasonableness, and may, by resolution, impose such additional fees reasonably related to the necessary and reasonable expenses incurred by the Town for the capture, transportation, and care of impounded animals. All such fees must be paid to the Animal Control Officer and Animal Warden prior to release of the animal. The Animal Control Officer and Animal Warden shall issue a receipt to the owner evidencing such payment.

Subd. 3. First Offence. Notwithstanding any provisions in this Ordinance to the contrary, the first time a particular animal is found to be at large and its owner can be

identified and located, the Animal Control Officer shall return the animal to its owner without impounding it or imposing a fee, unless the Animal Control Officer determines that returning the animal is not in the best interests of the animal or the public. The Animal Control Officer shall document the violation of this Ordinance when it returns an animal and notify the owner, either verbally or in writing, that if the animal is found at large again it will be impounded pursuant to this Ordinance. The Animal Control Officer is not obligated to secure the animal on the owner's property.

Subd. 4. Prerequisite to Release. In the case where any dog or cat has been impounded whose rabies vaccination are not current, said animal shall not be released until the owner provides written evidence from a licensed veterinarian that arrangements have been made and the fees paid to vaccinate the animal upon its release.

Subd. 5. Disposal of Unclaimed Animals. Animals not claimed by their owners within five (5) regular business days may be humanely disposed of. If the establishment at which the animal is held does not hold regular hours in which it is open to the public for at least four (4) consecutive hours, the establishment shall not dispose of the animal unless it remains unclaimed for at least ten (10) calendar days.

This Ordinance shall be effective upon the first day of publication after adoption.

Adopted this ____ day of _____, 2019.

BY THE TOWN BOARD

Chairperson

Attest: _____
Clerk