



POPE COUNTY MINNESOTA

POPE COUNTY ORDINANCE No. 202403

POPE COUNTY DANGEROUS, AT-LARGE, AND NUISANCE ANIMAL ORDINANCE

WHEREAS, the statutes of the State of Minnesota grant authority to the County Boards of the State to adopt ordinances for the purpose of regulating the keeping of animals, restraining animals from running at large, and authorizing the impounding and transfer, sale or summary disposition of animals; and

WHEREAS, the proper exercise of the police power of Pope County requires that dangerous animals, animals running at large, and prohibited animals be regulated;

NOW, THEREFORE, the Pope County Board of Commissioners does hereby ordain:

AN ORDINANCE REGULATING DANGEROUS, AT-LARGE, AND NUISANCE ANIMALS

Section 1: DEFINITIONS

- 1.1 **ANIMAL OWNER** means any person owning, keeping, harboring, or having charge or control of, or permitting any animal habitually to be or remain on, or be lodged or fed with, such person's house, yard, or premises, excluding therefrom veterinarians or kennel operators temporarily maintaining on their premises, for a period of 30 days or less, animals owned by others.
- 1.2 **BITE** means to attack by aggressively using the mouth and teeth of a dog upon a person or another animal whether or not causing demonstrable injury, including without limitation bruising, puncture, tears, or lacerations.
- 1.3 **DANGEROUS DOG** is defined as any dog that has, without provocation, inflicted substantial bodily harm on a human being on public or private property; killed a domestic animal without provocation while off the owner's property; or been found to be potentially dangerous, and after the owner has notice that the dog is potentially dangerous, the dog aggressively bites, attacks, threatens or endangers the safety of humans or domestic animals.
- 1.4 **DOG** means any domestic canine animal, male or female, sexed or neutered.
- 1.5 **DOMESTIC ANIMAL** includes without any limitations, any horse, pony, mule, donkey, llama, alpaca, cattle, swine, sheep, goat or other domestic animal or domestic fowl of any type.
- 1.6 **EXCESSIVE BARKING** is defined as barking or other loud noise audible from a distance of 100 feet which occurs continuously for more than 5 minutes.
- 1.7 **POTENTIALLY DANGEROUS DOG** is defined as any dog that, when unprovoked, inflicts bites on a human or domestic animal on private or public property; when unprovoked, chases or approaches a person, including a person on a bicycle, upon the streets, sidewalks, or any public or private property other than the dog owner's property in an apparent attitude of attack; or has a known propensity, tendency or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.

- 1.8 **PROHIBITED ANIMAL** is defined as any lion, tiger, panther, mountain lion, lynx, bear, cougar, wolf, coyote or other large carnivore, any chimpanzee, gorilla, bonobo, orangutan, or other ape, any poisonous species of fish, insect, animal, or any snake not native to Minnesota.
- 1.9 **RUN AT LARGE** means to be upon public property or private property not belonging to or leased by the owner while not confined in an appropriate enclosure or fenced area.
- 1.10 **VETERINARIAN** means a member of the profession of veterinary medicine as licensed under the laws of the State of Minnesota, or as defined by the applicable veterinary practice act in any state of the United States and licensed to practice in such state.

Section 2: GENERAL PROVISIONS

- 2.1 **Animals Running at Large Unlawful.** It shall be unlawful for the owner of any animal to permit any dangerous dog, prohibited animal or domestic animal of any kind to run at large.
- 2.2 **Dangerous Animals May Be Destroyed.** The members of the Pope County Sheriff's Office or any other law enforcement officer in Pope County is authorized to kill any dangerous dog, domestic animal or prohibited animal when reasonably necessary for the protection of persons or property.
- 2.3 **Animal Control Officer.** The Pope County Sheriff is hereby designated as the Animal Control Officer for Pope County. The Pope County Sheriff, or his or her designee shall enforce this ordinance and the statutes of the State of Minnesota regulating dangerous dogs, codified as Minn. Stat. §§ 347.50, et seq., and as they may be modified or amended.
- 2.4 **Nuisance.** Any dog, domestic animal, or prohibited animal found running at large in Pope County or acting in a manner prohibited in sections 2.5, 2.6, 2.7, 2.8, 2.9, 2.10, and 2.11 is hereby declared to be a nuisance and may be impounded and abated as herein provided. The Sheriff of Pope County or his designee may impound any such animal running at large in violation of the provisions of this ordinance if public safety so requires.
- 2.5 **Dangerous Dogs.** No dangerous dog, or dog sick with or liable to communicate rabies or other contagious or infectious disease shall be permitted to run at large in Pope County. No person may own a dangerous dog in Pope County unless the dog is registered as provided in Minn. Stat. § 347.51. The Pope County Sheriff, or his or her designee, shall act as the animal control authority to issue certificates of registration to the owner of a dangerous dog if the owner presents sufficient evidence of compliance with Minn. Stat. § 347.51. The fee for the certificate of registration for a dangerous dog in Pope County shall be \$500.
- 2.6 **Disturbing the Peace.** No person owning or caring for any dog or prohibited animal shall permit such dog or prohibited animal to disturb the peace and quiet of other persons by excessive barking, growling, howling, or other loud noises, or by running through or across private property belonging to others.
- 2.7 **Waste Control on Property of Another.** It shall be unlawful for any person owning or having control or custody of any dog or prohibited animal to permit the dog or prohibited animal to defecate upon the private property of another. If such does occur the person shall immediately remove the feces and properly dispose of it; provided, however, that nothing herein contained authorizes such person to enter upon the private property of another without permission.
- 2.8 **Waste Control on Property Near Public Property or the Property of Another.** It shall be unlawful for any person owning, having control of, or keeping any dog or prohibited animal to

permit the animal to defecate on the owner's private property within 20 feet of public property or the private property of another without removing or managing the feces and disposing of it to prevent the intrusion of odor or unhealthful conditions upon adjoining public or private property.

- 2.9 **Menacing Dogs.** It shall be unlawful for the owner or person caring for any animal to permit a dog or prohibited animal to menace or attack persons on public property or on private property not belonging to the owner.
- 2.10 **Prohibited Animals.** It shall be unlawful for any owner to fail to restrain any dangerous dog or prohibited animal which menaces another person as provided herein, and upon notification that the dog or prohibited animal has menaced other individuals, the dog or animal shall be restrained by being tied securely or kenneled in an enclosure on the owner's property in such a manner as to render it incapable of harming or threatening others.
- 2.11 **Bites.** Whenever any dog or prohibited animal bites or attacks any person, the owner of the dog or prohibited animal shall immediately notify the Sheriff who shall order the dog or prohibited animal held in a secure enclosure on the owner's premises. If the owner does not keep the dog in a secure enclosure as directed or the Sheriff has reason to believe the owner will not do so, the Sheriff shall have it impounded for a period of ten (10) days. If the owner is not present or cannot be identified the person attacked or any other person may also notify the Sheriff, who shall then order impoundment for a period of ten (10) days. The dog or prohibited animal shall be examined by a licensed veterinarian immediately after it is impounded and again at the end of the ten (10) day period. If, at the end of ten (10) days the veterinarian is convinced that the animal is free from rabies it may then be released from quarantine or impoundment as the case may be and returned to the owner. If the animal dies during the period of quarantine or impoundment, the head of the animal shall be removed by a veterinarian and sent to the State Department of Health or other authority for examination for rabies. The owner of such animal shall be responsible for all costs of examination and shall pay such costs within 30 days of billing by the Sheriff's Office or the examining authority.
- 2.12 **Animals Impounded and Redemption.** The owner of any dog, domestic animal or prohibited animal impounded hereunder may redeem the same by paying all the costs, charges and penalties, if any, that have accrued up to the time of making the redemption, and when the same are paid to the Pope County Sheriff he or she shall release the dog, domestic animal or prohibited animal from impoundment and remit the same to the owner thereof.
- 2.13 **Enclosure.** The enclosure for any dangerous dog or prohibited animal shall consist of confinement of the dog or prohibited animal in a securely enclosed and locked pen or structure suitable to prevent the entry of children, and to prevent the animal from escaping. Such pen or structure shall have secure sides and a secure top and shall also provide protection from the elements for the dog or prohibited animal. If the enclosure has no bottom secured to the sides, the sides must be embedded at least two feet into the ground. It shall be constructed of such material as will prevent a dog or prohibited animal housed therein from breaking, tearing, or otherwise penetrating the material in order to escape.
- 2.14 **Unclaimed animals.** Any animal impounded by the Sheriff shall be held for a minimum of five (5) business days. Thereafter, any animal not claimed by the owner may be sold or transferred to a new owner, with or without consideration. Notwithstanding the other means of disposition specified in this section, any animal not claimed by the owner may also be euthanized by a veterinarian in accordance with the following procedure:

- a. If the owner of the dog or prohibited animal has been identified, the sheriff shall cause notice of destruction of the animal to be sent to the last known address of the owner by certified mail, or personally served upon the owner. The notice shall provide that the owner may claim the animal and pay applicable impoundment fees within five days of the date of the notice or the animal may thereafter be destroyed or otherwise disposed of.
- b. If the owner of the animal has not been identified, the sheriff shall cause notice of the destruction of the animal to be posted at the Pope County Courthouse and published once in the official newspaper of the County, advising that if the animal is not claimed within five days of the date of publication, and impound fees paid, the animal may be destroyed or otherwise disposed of.
- c. If the animal is not claimed after notice as provided above, the animal may be humanely destroyed or otherwise disposed of.
- d. The owner of an impounded animal shall pay the cost of impoundment, publication of notice, veterinary care and humane destruction of the animal regardless of whether the animal is claimed by the owner.
- e. The County Attorney is authorized to take such action as is reasonably necessary to collect unpaid costs.

Section 3: PENALTIES, REMEDIES, AND COSTS

- 3.1 **Penalties.** Any person found in violation of this ordinance shall be guilty of a misdemeanor, and shall be punished by a maximum term of ninety (90) days in jail or a fine up to \$1,000 or both. A second or subsequent violation shall be punished by a fine of not less than \$500, and a term of jail not less than one (1) day.
- 3.2 **Other Remedies Available.** The other remedies available at law, including Minn. Stat. Chapter 346 pertaining to stray animals, and Minn. Stat. Chapter 347 pertaining to dogs and cats, are also applicable to the subject matter of this ordinance, and the use of such alternative remedies shall be allowed within the discretion of the Pope County Sheriff and the Pope County Attorney.
- 3.3 **Taxation of Costs.** Notwithstanding the other remedies also available, the Pope County Board of Commissioners may also direct that all costs associated with the actions and remedies available in this ordinance for the impoundment, boarding, care, abatement, examination, disposition, or control of any animal be charged against the real property of any person determined to be the owner of the animal as a special assessment to be collected as provided by law. The Board may direct taxation of costs under this section in accordance with the following hearing procedure:
 - a. The Pope County Sheriff's Office shall mail a notice of the date, time, and place and subject of the hearing to the alleged owner of the animal and other known responsible parties. The notice shall be mailed no later than ten (10) days before the date of the noticed hearing.
 - b. At the time of the hearing, the County Board may hear from the animal control officer, the owner or other responsible parties, and such other parties who may offer relevant testimony. After the hearing, the County Board may issue, deny, or modify the proposed order of the taxation of costs against the real property of the owner.

Section 4: OTHER PROVISIONS

- 4.1 **Law Enforcement Exemption.** The provisions of this ordinance do not apply to dogs used by law enforcement officials for police work.
- 4.2 **Severability.** If any section, subsection, sentence, clause, or phrase of this decision if for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this division. The Board of Commissioners hereby declares that it would have adopted the division in each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.
- 4.3 **Effective Date.** This Ordinance shall be in effect from and after the date of its passage by the Pope County Board of Commissioners and its publication in accordance with Minnesota Statutes.

ADOPTED by the Pope County Board of Commissioners this 2nd day of April, 2024.

Paul Gerde, County Board Chair

ATTEST:

Kersten Kappmeyer, County Administrator
Pope County, Minnesota

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