

**OTTER TAIL COUNTY ANIMAL HEALTH AND CONTROL ORDINANCE**

The County Board of Otter Tail County ordains:

SECTION I APPLICATION, AUTHORITY AND PURPOSE

The provisions of this Ordinance shall apply in all areas of the county and shall be supplemental to any city or township ordinances and state laws or rules governing the control of animals. This Ordinance is enacted pursuant to the powers granted Otter Tail County in Minnesota Statutes 145A.05, Subd. 2, and Chapter 69 of the Session Laws of 1985, and Minnesota Statutes 347.53 The purpose of this ordinance is to protect the public from animals with a history of inflicting bodily injury upon humans and to protect the public from animals from exposure to rabies.

SECTION II DEFINITIONS

- A. **ABANDON:** Leave an animal unattended or fail to claim an animal upon notice that the animal has been impounded.
- B. **ANIMAL:** As used in this Ordinance animal means a dog, cat, or any other animal (including wild or exotic animals) kept as a pet. It does not include farm livestock or poultry.
- C. **BODILY INJURY:** Any physical pain or injury caused by a bite or scratch inflicted by an animal.
- D. **COUNTY:** Shall mean the County of Otter Tail.
- E. **COUNTY BOARD:** Shall mean the Otter Tail County Human Services Board and their authorized representatives.
- F. **DEPARTMENT:** Shall mean a separate part, division, bureau, sub-unit or Branch of Otter Tail County authorized by the County Board to carry out or enforce any provision of a County Ordinance.
- G. **NUISANCE:** For purposes of this Ordinance an animal creates a nuisance when it endangers or injures persons while it is off the property of the owner or person in possession of the animal.
- H. **PERSON:** Shall mean any individual, firm, partnership, public or private corporation or other organization.
- I. **SUBSTANTIAL BODILY HARM:** Shall have the meaning given it under Minnesota Statutes 609.02, Subd. 7(a).

### SECTION III UNLAWFUL ACTIVITIES

- A. It is unlawful for any person who is the owner, or person in possession of an animal to permit that animal to create a nuisance.
- B. It is unlawful for any person to disregard a quarantine directive by the County Health Department or Sheriff's Office pursuant to Section VI of this Ordinance.

### SECTION IV BITE CASES

- A. Quarantine: Animals identified as inflicting bodily injury to humans or other animals shall be quarantined by the County Health Department or Sheriff's Office. This quarantine shall be for at least ten (10) days, and the animal shall be held in a holding pen at the Otter Tail County Humane Society or at the office of veterinarian, unless the Health Department or Sheriff's Office determines that the animal can be properly held on the owner's premises. If the animal shows any symptoms of illness during the time of the quarantine an examination shall be made by a designated veterinarian and a report filed with the County Health Department. All animals released from quarantine shall be immunized for rabies unless current vaccination can be documented.
- B. Bite History: Any animal inflicting bodily injury on two or more occasions or substantial bodily harm on one or more occasions is hereby declared a danger to public safety. Written notice that the animal constitutes a danger to the public safety shall be served personally or by certified mail upon the owner or person in possession of the animal. The notice shall indicate the time and place of a hearing to determine if the animal should be euthanized or dealt with in some other way to insure the protection of the public.

### SECTION V HEARING PROCEDURE

- A. Any hearing required under this Ordinance shall be held before the County Board and shall be open to the public.
- B. Unless an extension of time is requested in writing directed to the County Board is granted, the hearing will be held no less than fifteen (15) days nor more than thirty (30) days after service of the notice on the owner or person in possession of the animal.
- C. The notice of hearing shall include:
  - 1. A statement of time, place, and nature of the hearing.
  - 2. A statement of the legal authority and jurisdiction under which the hearing is to be held.
  - 3. A reference to the section of the Ordinance involved.

- D. Conduct of Hearing: The owner or person in possession of the animal may be represented by counsel. The Department of Public Health shall present evidence. All testimony shall be sworn under oath. All parties shall have full opportunity to respond to and present evidence, cross-examine witnesses, and present argument.
- E. The County Health Department shall have the burden of proving the animal a danger to the public safety and its position on what should be done to protect the public by a preponderance of the evidence, and all findings in fact, conclusions and decisions by the County Board shall be based on evidence presented and matters officially noticed.
- F. All evidence which possess probative value, including hearsay, may be admitted if it is the type of evidence on which prudent persons are accustomed to rely in the conduct of their serious affairs. Evidence which is incompetent, irrelevant, immaterial or duly repetitious may be excluded. The hearing shall be confined to matters raised in the written notice of hearing.
- G. At the conclusion of the hearing or within fifteen (15) days thereof the County Board shall make written findings that the animal is or is not a danger to the public safety. If the animal is found to be a danger, the County Board may order that such precautions be taken that will insure the safety of the public including euthanizing the animal if appropriate.

#### SECTION VI ENFORCEMENT

- A. MISDEMEANOR: Any person who violates the provision of this County Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be published therefore as provided by law.
- B. CITATION: The County Health Department or Sheriff's Office shall have the power to issue citations for violations of this Ordinance. Citations shall contain at least the following:
  - 1. The name and address of the person charged with violation or the owner or the person in charge of the premises at which the violation occurs.
  - 2. The date and place of the violation.
  - 3. A short description of the violation followed by the section of the Ordinance violated.
  - 4. The date and place at which the person receiving the citation shall appear and a notice that if there is a failure to appear, an arrest warrant may be issued.
  - 5. Such other information as the courts may specify.
- C. EQUITABLE RELIEF: In the event of a violation or threat of violation of this Ordinance, the County Attorney may take appropriate action to enforce this Ordinance, including application for injunctive relief, action to compel performance, or other appropriate action in court, if necessary, to prevent, restrain, correct or abate such violations or threatened violations.

D. EXPENSES: The owner or person in possession of an animal shall be liable for all expenses incurred by the county in holding any animal including any veterinarian fees. These expenses may be ordered by the Court as a condition of probation when prosecution under this Ordinance has occurred. If not collected in this manner, the county may collect these expenses from the owner or person in possession of the animal through a civil action.

SECTION V11 SEVERABILITY

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid by a court of competent jurisdiction, said invalidity does not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and for this purpose the provisions of the Ordinance are severable.

SECTION V111 EFFECTIVE DATE

This ordinance shall be effective upon the passage by the County Board and publication according to law.

ATTEST:

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Syd Nelson, Chairman  
BOARD OF COUNTY COMMISSIONERS  
OF OTTER TAIL COUNTY, MINNESOTA

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Sylvia G. Bergerud