

TOWN OF FAYAL
St. Louis County, Minnesota

ORDINANCE No. 2011-1

Adopted 21 June 2011

The Board of Supervisors of the Town of Fayal hereby ordains as follows:

RECITALS

1. Many areas of the Town of Fayal are inhabited by dogs, cats, and other domestic animals, some of which are dangerous, allowed to run at large, neglected, or are abandoned. The purpose of this ordinance is to require that all animals in the Town of Fayal be kept under the control of their owner or keeper at all times so that they will not injure persons or other animals, damage property or create a public health threat.
2. The Town of Fayal is authorized by Minnesota Statute 365.10, Subd. 13, to implement and enforce necessary controls relative to dogs, cats, and other domestic animals. The provisions of this ordinance that apply to the owner of an animal apply equally to any person keeping, or having control, custody, or possession of that animal.

ARTICLE I DEFINITIONS

1. **Abandoned Animal.** An animal that has been deserted by its owner or keeper.
2. **Animal.** Every living sentient creature not a human being.
3. **Animal Control.** The control of dogs, cats and other domesticated animals and undomesticated animals.
4. **Animal Control Officer.** The Chief of Police or other qualified person employed by the Town of Fayal shall be known as and perform the duties of Animal Control Officer and shall be principally responsible for the enforcement of all laws related to dogs, cats, and other domesticated animals and also to undomesticated animals.
5. **Animal Shelter.** A facility, designated by the Township, that provides temporary or permanent housing, food, attempts to locate owners, adoption attempts, record keeping, euthanasia, and other services that may be required under this ordinance regarding stray, abandoned, abused, or owner-surrendered animals.
6. **At Large.** An animal off of the premises of the owner and not restrained or not otherwise under the control of any person whose personal presence and attention would reasonably control the conduct of the animal.
7. **Dog.** Any of the large and varied groups of domesticated animals in the canine family.
8. **Domestic Animal.** A domestic animal is defined as a dog or cat or other animal of similar size and deportment, kept or harbored as a pet or similar use; animals kept as livestock are excluded from this definition.
9. **Leash.** A hand held device, 20 feet or less in length, which can be used to restrain an animal if the animal fails to respond to voice commands or if the owner or responsible party is ordered by a law enforcement officer to leash the animal and at all times when this ordinance requires animals to be leashed.

10. **Nuisance.** A dog, cat, or other domestic animal shall be deemed a nuisance if it runs at large, chases, molests, or attacks persons acting peaceably in any place where that person may lawfully be, or, defaces, damages or destroys a person's property.
11. **Owner.** Any person or persons, firm, association or corporation owning, keeping or harboring an animal or any person having custody, possession, or control of an animal.
12. **Premises.** Any building, structure, shelter, or parcel of land whereon domestic animals or other animals are kept or confined.
13. **Responsible Party.** As used in this ordinance, the term "responsible party" means any person who has possession or custody of an animal.
14. **Restrained or Under Restraint.** Shall be defined as one or more of the following
 - a. The animal is controlled by a durable leash, reel type leash, or electronic collar and under the immediate control of an accompanying person of suitable age and discretion.
 - b. The animal is securely contained within a vehicle that is parked or driven, providing that the animal is being kept within the vehicle in a humane manner.
 - c. The animal is within the property limits of its owner and is securely tethered to an immovable object so as to prevent the animal from leaving the property.
 - d. The animal is within the property limits of its owner and is demonstrably trained to remain there or is securely contained within a suitable structure, kennel, fence, or fencing system constructed so as to prevent the animal from leaving the property
15. **Voice Control.** The term "voice control" shall mean that the animal returns immediately to and remains by the side of the responsible party in response to the responsible party's verbal command. If an animal approaches or remains within 10 feet of any person other than the responsible party, that animal is not under voice control and a violation of this Ordinance occurs unless such person (or in the case of a minor child, an adult present with the child) has communicated to the responsible party by spoken word or gesture that such person consents to the presence of the animal.

ARTICLE II LICENSE REQUIREMENT

1. No person shall own, keep, or harbor any dog or cat over the age of six (6) months within the Town of Fayal unless a license therefor has first been secured. Licenses shall be issued by the Town Clerk for a fee of five dollars (\$ 5.00). Upon application, the Town Clerk shall record the owner's name and address, the breed, color, sex, and the date of rabies inoculation of the animal. No license shall be issued for any animal unless a certificate signed by a licensed veterinarian is filed with the application showing that the animal has been inoculated against rabies. Each license issued shall be valid for a period equal to the effective period of the animal's current rabies vaccination as indicated on the veterinarians certificate.
2. License Tags. Upon receipt of the required information and fee, the Town Clerk shall issue to the applicant a license certificate and a metallic, numbered, license tag for each animal licensed. Each owner shall be required to provide each animal with a collar to which the license tag must be affixed and shall be responsible for insuring that collar and tag are worn by the animal at all times. If a tag is lost or destroyed, a duplicate tag will be issued by the Town Clerk upon presentation of a receipt showing payment for the current vaccination period and the payment of a two dollars (\$ 2.00) for such duplicate. Tags shall not be transferable from one animal to another. No refund shall be made of any license fees due to death of the animal or relocation out of the Town.

3. Exceptions. The licensing provisions of this section shall not apply to animals where the owners are non-residents, temporarily within the Township, nor to guide dogs properly trained to assist handicapped persons when such dogs are actually being used for that purpose.

ARTICLE III ANIMALS RUNNING AT LARGE

1. It shall be unlawful for the owner of any dog, cat, or other domestic animal to allow that animal to run at large; provided, that such animal shall not be deemed to be running at large if it is on a leash or otherwise restrained, under voice control by an accompanying person as defined in this ordinance, or is upon the property of the owner. The owner of any such animal allowed to run at large shall be guilty of a misdemeanor.
2. It shall be the duty of the Animal Control Officer, or his designee, to apprehend any animal running at large. All domestic animals found at large in violation of this ordinance may be impounded at the Animal Shelter or returned to the owner at the discretion of the Animal Control Officer.
3. The Enforcement Officer may, at his discretion, order the owner of an animal found at large to keep the animal strictly restrained as defined in this ordinance or he may cite the owner to appear in Court to answer charges of violation of this ordinance, or both.

ARTICLE IV NUISANCE ANIMALS

The owner of any domestic animal within the Town of Fayal shall prevent the animal from committing any act which constitutes a nuisance. Failure of the owner to prevent the animal from committing such nuisance is a violation of this ordinance. The Animal Control Officer shall have the right to enter upon any premises at all reasonable times for the purpose of discharging the duties imposed by this ordinance where there is a reasonable belief that a violation of this ordinance has been committed.

1. It is a nuisance for any domestic animal to habitually or frequently bark, howl, or cry so as to unreasonably disturb the comfort and repose of persons in the vicinity of said animal. If the nuisance continues after the owner or custodian has been notified, a complaint may be filed with the Animal Control Officer to enforce the ordinance and impound the animal. This section shall not apply if any animal is provoked by trespassing people or animals on private property on which the animal is situated or by other legitimate cause for provocation.
2. It is a nuisance for any domestic animal to run at large, damage any lawn, garden, or other property or to trespass on the property of someone other than the owner or custodian of said animal.
3. The owner or custodian of any domestic animal must remove and dispose in a sanitary manner any feces left by his/her animal on any sidewalk, street, public property or private property (other than the property of the owner of the animal or of a person who consented to the presence of the animal on their property). It is a nuisance for any owner or custodian of any animal to fail to clean up any feces of the animal.
4. Every female animal in heat shall be kept in a building or secure enclosure such that the animal cannot come in contact with another animal except for breeding purposes.
5. The owner or custodian of any fierce, dangerous, or vicious animal shall confine such animal within a building or secure enclosure and shall not be taken out of such building or enclosure unless the animal is securely muzzled.

6. Any person who is assaulted by a dog or other domestic animal or any person witnessing an assault against a person or domestic animal or a person with knowledge of an assault against a minor, within thirty days of the assault, may make a written complaint to the Animal Control Officer. The Animal Control Officer shall investigate the complaint and shall determine if the dog or other domestic animal is dangerous, or potentially dangerous, pursuant to Minnesota Statutes Chapters 347.50 through 347.565. Minnesota Statutes Chapters 347.50 through 347.565 as from time to time amended are hereby adopted and made part of this ordinance as if set out here in full. Should the Animal Control Officer determine the animal is dangerous or potentially dangerous, all provisions of the referenced statutes shall be followed.
7. It shall be unlawful for any person to abandon a domestic animal within the limits of the Town of Fayal without making proper arrangements for the care of such animal or arrangements for a designated person to harbor or keep the animal.

ARTICLE V IMPOUNDMENT

If an animal is found running at large or otherwise in violation of this ordinance, it may be taken up and impounded and shall not be released except upon the payment of the fees and penalties as provided in this ordinance. However, if any fierce, dangerous, or vicious animal so found at large cannot be safely taken up and impounded, such animal may be destroyed by the Animal Control Officer or any law enforcement officer.

1. Upon the impounding of any animal, the owner (if known) shall be notified of the impoundment not more than three (3) days after the impoundment. If the owner is not known, written notice shall be posted on the usual posting places of the Township, or published in the official newspaper. Said notice shall describe the animal and the time and place of the impoundment.
2. Every animal so impounded in the Animal Shelter shall be held for redemption by the owner for a period of not less than seven (7) working days. Beyond these seven days, the Town will no longer pay for any costs to maintain the animal at the Animal Shelter and the animal may be destroyed. Any animal which appears to be suffering from rabies, mange, or other infectious disease shall not be released from the Animal Shelter but shall be destroyed.
3. Animals shall be released from the Animal Shelter to their owners only after all fees and expenses, impounding or otherwise, that are due to both the Animal Shelter and the Town of Fayal have been paid for the period the animal was impounded. An impound fee shall be paid to the Town Clerk of \$ 50.00 for the first impound, \$ 75.00 for the second impound, and \$ 100.00 for each subsequent impound in a calendar year. The Animal Shelter shall not release an impounded animal without a receipt presented by the owner that these Township fees have been paid and may also charge the owner additional fees for housing and care of the animal.
4. If unclaimed, an impounded animal may be humanely destroyed, or the animal may be adopted according to the same adoption practice as the local humane society, after the expiration of the seven day holding period.
5. Destruction or adoption of an animal shall not eliminate the liability of the owner for impounding fees and expenses incurred by the Township and such fees and expenses are recoverable by the Township in a civil cause of action.

ARTICLE VI PENALTIES

Any person who violates the terms of this ordinance will be guilty of a misdemeanor punishable by a fine or imprisonment for not more than 90 days or both and shall be liable for any damages caused by such animal to any person or property.

The Town Board of Supervisors is hereby authorized and directed to institute any criminal or civil proceedings as may be necessary against any persons violating this ordinance and such action shall be brought before Saint Louis County District Court.

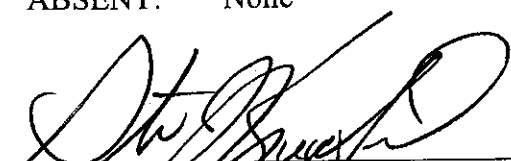
ARTICLE VII SEVERABILITY AND EFFECTUATION

If any part of this ordinance shall be held invalid, such part shall be deemed severable and invalidity thereof shall not affect the remaining parts of this ordinance.

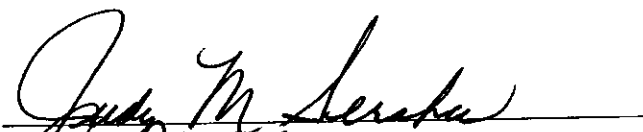
This Ordinance shall be in full force and effect from and after its adoption by the Town Board of Fayal Township and publication according to law. This Ordinance supersedes ORDINANCE 95-3, ANIMAL CONTROL ORDINANCE adopted on 2 January 1996 and amended on 19 January 2000, and also supersedes any previous animal control ordinance and amendments.

The adoption of this Ordinance was moved by Supervisor Kniefel seconded by Supervisor Erjavec and it was adopted on 21 June 2011 by the following vote:

AYES: Kniefel, Tamaro, Branville, Pernu, Erjavec
NAYS: None
ABSENT: None




Steven J. Kniefel, Chairman
Town of Fayal, Minnesota



Judy M. Sersha, Clerk
Town of Fayal, Minnesota

Ordinance 2011-1 was published according to law on July 6, 2011



Judy M. Sersha
Clerk, Town of Fayal

STATE OF MINNESOTA)
COUNTY OF ST. LOUIS)

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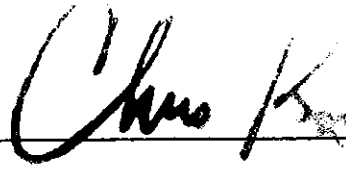
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Chris Knight, being duly sworn, on oath says that he/she is the publisher or authorized agent and employee of the publisher of the newspaper known as Mesabi Daily News, and has full knowledge of the facts which are stated below:

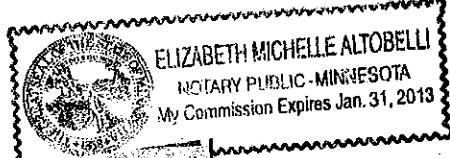
(A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper, as provided by Minnesota Statute 331A.02, 331A.07, and other applicable laws, as amended.

(B) The printed Town of Fayal - Ordinance No. 2011-1 which is attached was cut from the columns of said newspaper, and was printed and published one time; it was published on **Wednesday, the 6th day of July, 2011**; and printed below is a copy of the lower case alphabet from A to Z, both inclusive, which is hereby acknowledged as being the size and kind of type used in the composition and publication of the notice.

abcdefghijklmnopqrstuvwxyz

BY:  Publisher

Subscribed and sworn to before me on this
6th day of July, 2011

Notary Public



- garden, or other property or to trespass on the property of someone other than the owner or custodian of said animal.
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