

TOWN OF FAYAL
St. Louis County, Minnesota

ORDINANCE NO. 95-3
(Revised 18 January 2000)

Animal Control Ordinance

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 allowed to run at large, or are abandoned, endangering the health and safety of residents and properties of the Town.
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.

ARTICLE I DEFINITIONS

For Purposes of this Ordinance, the following definitions apply:

1. **Animal Shelter.** A facility designated by the Township to provide housing, food, attempts to locate owner, adoption attempts, record keeping, euthanasia, and other services that may be required by this ordinance.
2. **Domestic Animal.** A domestic animal is defined as a dog or cat or other animal of similar size and department, kept or harbored as a pet or similar use; does not include animals kept as livestock.
3. **Enforcement Officer.** The Chief of Police of the Town of Fayal or his designee shall be the enforcement officer of this Ordinance.
4. **Nuisance.** A dog, cat or other domestic animal shall be deemed a nuisance if it chases, molests, or attacks persons acting peaceably in any place where that person may lawfully be, or, defaces, damages or destroys a persons property.
5. **“running at large”** if the animal is off of the premises of the person who owns, harbors, or keeps the animal and not under the physical control of such person, or some person designated by him.

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 veterinarian's 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 will be issued by the Town Clerk upon presentation of a receipt showing payment for the current vaccination period and the payment of two dollars (\$2.00) for such duplicate. Tags shall not be transferable from one animal to another. No refund shall be made on 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 nonresidents, temporarily within the township, nor to guide dogs properly trained to assist blind persons when such dogs are actually being used by blind persons for the purpose of guiding them in going from place to place.

ARTICLE III. ANIMALS RUNNING AT LARGE

1. Any person having the control or custody of any animal shall keep the animal on the property limits of its owner or keeper unless accompanied by, and, under the control and direction of, a competent person to whom the animal is obedient.
 - a. **Vicious Animals.** The owner of any fierce, dangerous or vicious animal shall confine such animal within a building or secure enclosure and such animal shall not be taken out of such building or enclosure unless the animal is securely muzzled.
 - b. **Animals in Heat.** Every female animal in heat shall be kept in a building or secure enclosure in such a manner that such animal cannot come in contact with another animal except for breeding purposes.
2. **Uncontrolled Animals.** Animals found running at large within the Town will be dealt with as follows:
 - a. **Citation of Owners.** Any animal found running at large whose owner is known to the enforcement officer need not be impounded. The Enforcement Officer may, at his discretion, order the owner to keep the animal in strict control as defined in this ordinance or he may cite the owner of such animal to appear in St. Louis County Court to answer charges of violation of this ordinance.
 - b. **Impoundment or Destruction of animal.** If such 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 dangerous, fierce, or vicious animal so found at large cannot be safely taken up and impounded, such animal may be destroyed by the enforcement officer or any law enforcement officer.
 - c. **Animal Waste.** No person shall allow an animal owned by them or in their possession to deposit animal-waste on public- or private property of other citizens. Any person charged and convicted of a violation of this subsection shall be subject to a fine of Fifty dollars (\$50.00) for

the first offense and thereafter not to exceed three hundred dollars (\$300.00) for each additional offense.

ARTICLE IV . NUISANCE ANIMALS

1. **Habitual Barking or Howling.** Any animal which habitually barks, cries, or howls shall be considered a public nuisance. If the nuisance continues after the owner has been notified, a complaint may be filed with the Enforcement Officer to enforce the ordinance and impound the animal.
2. **Abandoned Animals.** It shall be unlawful for any person to abandon a dog or cat within the corporate 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. Any person found to be violating this section will be subject to the penalty provision set forth below.

ARTICLE V. Impoundment

1. **Apprehension of Animals Running at Large.** It shall be the duty of the Enforcement Officer, or his designee, to apprehend any animal running at large, nuisance animal, or abandoned animal, contrary to the provisions of this ordinance and to impound such animal in the animal shelter. The keeper of the shelter shall make a complete registry of the impounded animal to include the breed, color, sex, and licensure. If licensed, the name and address of the owner will be recorded.
2. **Notice to Owner and Redemption.** Not later than two (2) days after the impounding, the owner shall be notified, or if the owner is unknown, written notice shall be posted in at least five (5) conspicuous places in the township, or published in a locally distributed daily newspaper. Said written notice shall describe the animal and the time and place of the impoundment. The owner of such animal may reclaim the impounded animal upon repayment to the Township of the license fee, if unpaid. In addition, an impound fee of \$ 50.00 for the first impound, \$ 75.00 for the second impound, and \$ 100.00 for each subsequent impound in a calendar year will be paid to the Township.
3. **Disposition of Unclaimed or infected animals.** If the animal is unclaimed in seven (7) working days from the date of impoundment, the Town will no longer house or feed the animal and will have it destroyed. The town will not pay for any costs to maintain the animal beyond shelter and food for seven days and the cost of euthanasia for unclaimed animals. Any animal which appears to be suffering from rabies, mange, or other infectious disease shall not be released but shall be destroyed.

ARTICLE VI. PENALTIES

Any person who violates the terms of this ordinance will be guilty of a misdemeanor punishable by a fine of not more than \$700.00 or imprisonment for not more than 90 days or both and shall 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 St. Louis County Court.

ARTICLE VII. EFFECTUATION

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 AN ORDINANCE FOR T. LICENSING OF DOGS AND CATS; PROHIBITING DOGS AND CATS ROAMING AT LARGE TO BE A NUISANCE; PROHIBITING THE ABANDONMENT OF DOGS AND CATS WITHIN THE TOWNSHIP PREMISES; ALLOWING FOR DESTRUCTION OF UNIDENTIFIED AND UNCLAIMED DOGS AND CATS; PROVIDING FOR PENALTIES adopted 6 June 1989, and ANIMAL CONTROL ORDINANCE adopted 2 Jan 1996.

The adoption of this Ordinance was moved by Supervisor Knietaf seconded by Supervisor Turner and it was adopted on 19 January 2000 by the following vote:

AYES: Knietaf, Turner, Bratt, Tammaro, Ojanpa

NAYS: none

ABSENT: none

Steven J. Knietaf
Steven J. Knietaf, Chairman
TOWN OF FAYAL, MINNESOTA

Judy M. Sersha
Judy M. Sersha, Clerk
TOWN OF FAYAL, MINNESOTA

Ordinance 95-3 was published according to law on November 20, 2000

Judy M. Sersha
Judy M. Sersha, Clerk, Town of Fayal

