

**BROWN COUNTY**

**ORDINANCE #2007-01**

**ANIMAL ORDINANCE**

THE BOARD OF COMMISSIONERS OF BROWN COUNTY ORDAINS:

**SECTION 1: PURPOSE AND INTENT**

It is the intent of Brown County to protect the public against health and safety risks, and to regulate the keeping and restraining of animals, thereby reducing the health and safety risks that animals may pose to the residents of Brown County, pursuant to Minnesota Statutes §145A.05, Subd. (1) & (2). As used in this Ordinance "Brown County" or "County of Brown" refers to the unincorporated areas of Brown County.

**SECTION 2: DEFINITIONS**

1. **Animal.** "Animal" means every living creature except members of the human race.
2. **Livestock.** "Livestock" means animals that are traditionally raised as agricultural commodities or the produce of the animal is sold as a commodity. The animals must be kept or raised for agricultural purposes.
3. **Agricultural Purposes.** "Agricultural Purposes" means animals that are raised, kept, or bred as commodities, and are sold, or their offspring sold, for meat, food, or fiber.
4. **Prohibited Animal.** "Prohibited Animal" means any animal that is not normally domesticated in the United States or is wild by nature, regardless of whether the animal was bred in the wild or captivity.
5. **Location.** "Location" shall be defined as any tract or parcel of land which an individual or entity of any sort owns in whole or in part, leases, or is otherwise entitled to lawfully occupy by permission or otherwise. Contiguous parcels of property with the same owner, lessee, or occupying individual or entity shall be considered one tract and parcel.

**SECTION 3: SPECIFIC PROHIBITIONS**

1. **Number of Animals.** No person shall keep or allow to be kept at any one location within the County of Brown more than ten dogs nor more than twenty-five cats, nor more than 10 of any other species of animal that is not livestock raised for agricultural purposes, excluding horses and pigeons. Provided, however, such limitation does not apply to:
  - A. The Brown County Humane Society, or other government owned and operated pound or facility that is specifically utilized for the temporary storage of animals;
  - B. Animals kept at a facility owned and operated by a licensed veterinarian;
  - C. A kennel licensed and regulated by the Minnesota Board of Animal Health, and for which the County Board has issued a conditional use permit;
  - D. A litter of offspring of any animal for a period not to exceed 60 days after birth.
  - E. Dogs that are being kept and used in bona fide and sanctioned sled dog races.
  - F. An individual or entity that has obtained a permit from Brown County Planning and Zoning, which permit shall be granted upon completion of a form providing the names of all individuals at the location, the specific address of the location, the number of animals currently at the location, and on condition that the individual or entity minimally provide the level of care outlined in Minnesota Statutes 346.39-346.42 to the animals if applicable to the species, provide access to all animals at the location upon request of law

enforcement or any veterinarian or humane agent, and otherwise comply with the Minnesota Statutes regarding animals. If a permit has been issued, and the individual or entity did not provide the required information, or has not complied with all the conditions to maintain the permit, Brown County Planning and Zoning shall revoke the permit.

2. Any person or entity that is found to be in violation of Section 3(A) of this ordinance shall first be given a verbal or written warning of their noncompliance by a law enforcement officer, and given 7 calendar days to obtain the permit outlined in Section 3(A)(6). If the permit outlined in Section 3(A)(6) is properly obtained within the 7 days, and maintained thereafter, there shall be no violation of the provisions of Section 3(A). Nothing in this paragraph, or throughout this ordinance, shall be deemed to limit law enforcement from pursuing the enforcement of other laws or ordinance provisions if any violations are found to exist.

**A. Unlawful to Keep or Allow Prohibited Animals.** It is unlawful for any individual or entity to own, possess, keep, harbor, bring, or have in one's possession a prohibited animal within Brown County. It is also unlawful for the owner, possessor, or any other person in control of any location within Brown County or any residence or business premises situated thereon to knowingly permit any other individual or entity to be in possession of a prohibited animal or prohibited animals upon the property, residence, or premises.

**B. Running at Large Prohibited.** It is unlawful for any person who is the owner, or other person in possession or control of an animal, to permit such animal to run at large; provided, that such animal shall not be deemed to be running at large if it's on a leash, under the direct control of an accompanying person, or confined by a fence or otherwise within the boundaries of such person's property or property that is legally leased or otherwise lawfully occupied by the person.

**C. Current Non-Conforming Use.** Any person that is not in compliance with the terms and conditions of this ordinance upon the date of its passage shall do so within 30 days of the passage of said ordinance.

#### **SECTION 4: PERMITS**

The permit for a specific location as described in Section 3(A)(6) shall be obtained from the Brown County Office of Planning and Zoning by the completion of a permit application.

#### **SECTION 5: CONFISCATION**

Any animal that is being kept, harbored, cared for, or otherwise physically on the property of an individual or entity not in compliance with this ordinance may be immediately seized and impounded. A per-day fee as set by the County Board resolution shall be charged for every day that the animal is impounded. Any animal that is suffering and beyond cure through reasonable care and treatment as determined by a licensed veterinarian shall be disposed of immediately. Within five days of any seizure a notice shall be served upon any occupant of the location present, or posted in a conspicuous location on the property if no occupant is present. The notice shall provide a brief description of the animal(s) seized, and give a form through which any person claiming to be aggrieved by the seizure may request a hearing through the organization that seized the animal(s). The hearing must be requested within five days of service or posting of the notice. The request must be accompanied by security in an amount sufficient to provide for the seized animal(s) until a hearing can be held. If the hearing is requested within the time requirements and the security posted, the organization taking custody of the animal(s) may either (1) have a hearing before a veterinarian with no financial interest in the matter, or (2) have a hearing before a judge in the District Court. The hearing shall be held within ten days of the request. The animal(s) shall be returned only if the veterinarian or judge finds that the animal is physically fit, and that the provisions of this ordinance were not violated. The owner or other person in possession or control of the animal is liable to the County of Brown for all costs incurred in confining, impounding, and disposing of the animal. No impounded animal shall be released from impoundment until all fees have been paid, unless the veterinarian or judge

determines at the aforementioned hearing that the seizure was obviously not justified. Any amounts that the County of Brown accrues based on non-conformity with this Ordinance that remains unpaid shall constitute a valid and foreclosable lien upon the property if owned by the individual keeping or harboring said animal.

**SECTION 6: VIOLATIONS AND PENALTIES**

Any person who violates or fails to comply with any provision of this ordinance shall be guilty of a misdemeanor and upon conviction may be punished to the maximum extent allowed by law. Each day that a violation continues shall constitute a separate offense. The County may also initiate any applicable civil action.

**SECTION 7: SEVERABILITY**

If any portion of this ordinance is found to be unconstitutional or otherwise invalid by a court of proper jurisdiction, all remaining provisions shall remain in effect and shall not be affected by the ruling on the invalid section.

**SECTION 8: STANDARD REQUIREMENTS**

When the conditions imposed by any provisions of this ordinance are either more or less restrictive than comparable conditions imposed by any other ordinance, rule or regulation of the City, Township, County, State, or Federal government, the ordinance, rule or regulation which imposes the more restrictive condition, standard, or requirement shall prevail. In the event of any conflict between this Ordinance with any private restrictions, protections, and covenants, the provisions of this Ordinance shall apply.

**SECTION 9: EFFECTIVE DATE**

This ordinance shall be effective and enforceable on the day following publication.

Adopted: September 4, 2007