



Little Falls Township

RESOLUTION #21-02 ESTABLISHING AN ANIMAL CONTROL POLICY

WHEREAS, the Town Board (“Board”) of Little Falls Township (“Town”) is the Animal Control authority for the Town;

WHEREAS, the Board, as the Animal Control authority, provides for Animal Control within the Township established boundaries;

WHEREAS, the Board secures its Animal Control services through contract with the Morrison County Animal Humane Society (MCAHS), as well as an independent contractor(s) (“Contractor”);

WHEREAS, the Board determines it is in the best interest of the Town to develop an Animal Control Policy to set out how Animal Control activities will be conducted within the Township established boundaries, while considering the Town’s limited resources;

NOW, THEREFORE, BE IT RESOLVED, the Board hereby adopts the following as the Animal Control Policy for the Town;

BE IT FURTHER RESOLVED, that any Contractor performing Animal Control services for the Town shall follow this policy.

I. POLICY CONSIDERATIONS

In developing this policy for how to best undertake Animal Control activities in the Town, the Board has had to balance a number of factors including, but not limited to, the following: public safety; the amount of funds available for these activities; the wish to maintain an effective public health system; enable the delivery of emergency services; avoid damage to Town property and personal property; and the cost effective allocation of resources. A further explanation of some of these policy considerations follows:

1. **Budgetary:** The funds the Town has available for Animal Control are derived from the town annual tax levy that is set by the town electors at the annual town meeting held in March. The Board has no direct control over either source of funding. A proposed levy is submitted to the town electors at the annual town meeting, but the actual amount of the Town’s annual tax levy is determined solely by a vote of the electors.
2. **Contract for Services:** The Board also contracts with [*an independent*

contractor] for the following services and/or equipment:

- [Describe the services and equipment the Town obtains by contract.]

Because the Town obtains Animal Control services through a nonexclusive contract, it does not have direct control over the availability of personnel, equipment, or the timing of the service delivery. The Town indicates through this policy and the service contract the work to be performed and the performance expectations, but the contractor must remain free to exercise initiative, judgment, and discretion in how best to perform or provide the services.

3. Public Health and Environmental Protection: Because the Town is concerned about the potential negative impact on public health and environmental protection, considerations of this policy are to enhance the health and well being of all Little Falls Township and Morrison County residents and communities by providing quality Animal Control services that prevent disease and protect the general public from harm.

References:

Minnesota State Statute, Chapters 346 Stray Animals; Companion Animals
Minnesota State Statute, Chapters 347 Dogs and Cats

Purpose: This policy is intended to help enforce public health, safety, and welfare concerns for the general public and for the purpose of prohibiting nuisance, animal neglect, and containing the spread of diseases.

Little Falls Township - Animal Control Policy

Section I - Definitions

Subd. 1. The word or words defined herein shall have the meaning ascribed thereto in the subdivisions which follow.

Subd. 2. "Owner" means any person, firm or corporation owning, harboring or keeping a dog, cats or ferrets.

Subd. 3. "Person" means and includes an individual, firm or corporation.

Subd. 4. "At Large" means off the premises of the owner and not under the control of the owner, or other competent person, by leash not exceeding eight (8) feet in length.

Subd. 5. "Kennel" means any place, building, tract of land, abode, or vehicle wherein or whereupon three (3) or more dogs are kept and maintained. Kennel does not include a veterinarian licensed to practice in the State of Minnesota who keeps, congregates or confines dogs in the normal pursuit of the practice of veterinary medicine. Kennel does not include a pound owned and operated by any political subdivision of the State or providing pound services under contract with any political subdivision of the State.

Subd. 6. "Animal Control Officer" means the officer charged with the duty of picking up and impounding animals running at large, or strays and abandoned animals as herein provided.

Subd. 7. "Poundmaster" means the person in charge of The Morrison County Animal Humane Society (MCAHS). The Animal Control Officer shall be the poundmaster in absence of availability of the MCAHS.

Subd. 8. Establishment of Pound. The Morrison County Animal Humane Society (MCAHS) is hereby designated as the Little Falls Township pound for the purpose of this policy.

Subd. 9. Zoning Definitions Incorporated. Definitions contained in Morrison County Land Use Control Ordinance are hereby incorporated herein as if fully set forth in their entirety.

Subd. 10. "Domestic Animal" means any of various animals domesticated so as to live and breed in a tame condition.

Section II - Rabies Control

Subd. 1. Dogs, Cats and Ferrets Rabies Immunization Required. All dogs, cats and ferrets harbored or maintained within the Little Falls Township in all zoning districts shall be immunized against rabies by a licensed veterinarian. The vaccines used and their duration of immunity against rabies will be as recommended by the National Association of State Public Health Veterinarians in their annual Compendium of Animal Rabies Vaccines.

Subd. 2. Dogs, cats, or ferrets, or other animals known to have been bitten or exposed to a rabid animal, must be euthanized or detained in a suitable quarantine for a period of not less than six months thereafter, unless proof of immunization is shown and "booster" injections have been given by a licensed veterinarian at the animal owner's expense.

Section III - Disposition of Diseased Dogs, Cats or other Animals.

If a dog, cat or other animal quarantined is found to be sick or diseased, the operator of the quarantine facility shall immediately report in writing to the Public Health Director the condition of the dog or animal. The Public Health Department (PHD) may then take possession of the dog, cat or animal for the purpose of submitting it to determine if it is suffering from rabies. A diseased dog, cat or animal may be euthanized, if the Public Health Director determines such action necessary for the protection of public health and safety, as recommended by a licensed veterinarian.

Section IV. Muzzeling Proclamation

Whenever rabies is prevalent in the Little Falls Township, the Board Chairperson, for the protection of the public health and safety, and upon recommendation of the Public Health Director, may issue and publish in the official newspaper of the Little Falls Township a proclamation ordering every owner or keeper of a dog, cat or other animal to confine it securely on his premises, unless it is muzzled so that it cannot bite. It shall be unlawful to violate such proclamation, and any unmuzzled dog running at large during the period fixed in the proclamation shall be seized and impounded. An officer may immediately euthanize such unmuzzled dog, if after reasonable effort, it cannot be seized and impounded. Any dog seized and impounded under this section during the first forty-eight hours after publication of such proclamation shall, if claimed within two days, be returned to the owner thereof without any impounding charge or cost, if not infected with hydrophobia (rabies) but, after a period of two days, impounding fees as fixed by the Little Falls Township Council shall be charged, and after four days such animal may be euthanized.

Section V Animals at Large.

It shall be unlawful for any person having or maintaining any animal to permit the animal to be at large or to be upon any premises other than as provided in the provisions of the Minnesota State Statutes, this policy, or other policy of the Little Falls Township.

Section VI Restriction on Certain Dogs

Subd. 1. No person shall keep or harbor a dog which habitually barks or cries, howls or whines for a period of 10 minutes or longer, and no dog owner shall permit his dog to damage any lawn, garden or other property.

Subd. 2. It shall be unlawful for any owner or keeper of a dog, or the parents or guardians of any person under eighteen years of age who owns a dog, to allow such dog to run at large at any time.

Subd. 3. It shall be unlawful for any owner to maintain at any place within the Little Falls Township any dog or dogs which, by their habitual barking, howling, whining or other disagreeable noises, disturbs the people in the locality where kept.

Section VII - Restrictions on Food and Drink Establishments

It shall be unlawful for the owner or operator of any establishment wherein the selling, handling, processing or preparation of food is done to permit any dog, cat or other animal in such establishment.

Subd. 1 This section shall not apply to a Seeing Eye or leader type dog accompanied by its blind master.

Subd. 2 In areas that are not used for food preparation, including dining and sales areas, support animals that are trained to assist an employee or other person who is handicapped, are controlled by the handicapped employee or person, and are not allowed on seats or tables.

Section VIII - Damage to Property by Dogs, Cats, or other Animals Prohibited

No person having the custody or control of a dog, cat or other animal shall permit the dog, cat or animal to damage any lawn, garden or other property, public or private, or to defecate on private property, without the consent of the owner or possessor of the property. It shall be the duty of each person having the custody or control of a dog, cat or other animal to voluntarily and promptly remove any feces left by such dog on any sidewalk, gutter, street, park land or other public property, or any public area, and to dispose of such feces in a sanitary manner. It shall furthermore be the duty of each person having the custody or control of a dog, cat or other animal when such dog is upon any of the places or areas described in the immediately preceding sentence to have in his immediate possession a device or equipment for the picking up and removal of feces. For the purpose of this section, "public area" shall include any property open for public use or travel, even though it is privately owned.

The provisions of this section shall not apply to a guide dog accompanying a blind person or to a dog when used in police or rescue activities by or with the permission of the Little Falls

Township. This section shall not be construed by implication or otherwise to allow dogs to be where they are otherwise prohibited by the policies of the Little Falls Township.

Section IX - Dangerous Animals

It shall be unlawful for an owner to fail to restrain an animal from inflicting or attempting to inflict bodily injury to any person or other domestic animal whether or not the owner is present. This section shall not apply to an animal under the control of an on-duty law enforcement officer or to an attack upon an uninvited intruder who has entered the owner's premises with criminal intent.

Subd. 1. The Public Health Director shall have the authority to order the euthanization of dangerous animals.

Subd. 2. A *dangerous* animal is an animal which has:

- a. Caused bodily injury or disfigurement to any person on public or private property; or
- b. Engaged in any attack on any person under circumstances which would indicate danger to personal safety; or
- c. Exhibited unusually aggressive behavior, such as an attack on another domestic animal; or
- d. Bitten one or more persons on two or more occasions; or
- e. When unprovoked, chased or approached a person upon the streets, sidewalks or any property other than the owners, in an apparent attitude of attack; or
- f. Has the known history of propensity, tendency or disposition to attack while unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.

Subd. 3. Unprovoked. Unprovoked shall mean the condition in which the animal is not purposely excited, stimulated, agitated or disturbed. It shall be a rebuttable presumption that any attack on a child fourteen years of age or younger for which a reasonable person connotes an intent to inflict bodily harm shall be considered to be unprovoked unless the child is engaged in the commission of a crime or illegal activity, including activities classified under Minnesota Statute 343 as cruelty to animals.

Subd. 4. Designation as a Dangerous Animal. The Public Health Director shall designate any animal as a dangerous animal upon receiving such evidence that such animal has, when unprovoked, then bitten, attacked, or threatened the safety of a person or domestic animal as stated in Subd. 2. The Public Health Director shall cause one owner of the animal to be notified in writing or in person that the animal is dangerous and may order the animal seized or make such orders as deemed proper in accordance with Section X Disposition of Dangerous Animals. This owner shall be notified as to dates, times and places of parties bitten, and shall be given five days excluding intervening weekends and holidays, to appeal this order by requesting, in writing on a form provided by the Public Health Department, a hearing before an independent hearing examiner as provided.

Section X - Disposition of Dangerous Animals.

The Public Health Director, after designation of an animal as dangerous according to Section IX Dangerous Animals Subd. 4, shall determine the disposition of the dangerous animal.

Subd. 1. The dangerous animal shall be euthanized; or

Subd 2. The dangerous animal shall be subject to the following conditions:

a. Housed in a Proper Enclosure. Proper enclosure means securely confined indoors or in a securely locked pen or structure suitable to prevent the animal from escaping and to provide protection for the animal from the elements. A proper enclosure does not include a porch, patio, or any part of a house, garage, or other structure that would allow the animal to exit of its own volition, or any house or structure in which windows are open or in which door or window screens are the only barriers which prevent the animal from exiting. Such enclosure shall not allow the egress of the animal in any manner without human assistance. A pen or kennel shall meet the following minimum specifications:

1. Have a minimum overall floor size of thirty-two square feet. Side-walls shall have a minimum height of five feet and be constructed of 11-gauge or heavier wire. Openings in the wire shall not exceed two inches; support posts shall be one-and-one quarter-inch or larger steel pipe buried in the ground eighteen inches or more. When a concrete floor is not provided, the side-walls shall be buried a minimum of eighteen inches in the ground.
2. A cover over the entire pen or kennel shall be provided. The cover shall be constructed of the same gauge wire or heavier as the side-walls and shall also have no openings greater than two inches.
3. An entrance/exit gate shall be provided and be constructed of the same material as the side-walls and shall also have no openings in the wire greater than two inches. The gate shall be equipped with a device capable of being locked and shall be locked at all times when the animal is in the pen or kennel; and

b. Insurance. The owner provides and shows proof annually of public liability insurance paid in full in the minimum amount of five hundred thousand dollars. If the animal is impounded, proof of insurance must be demonstrated prior to the animal's release; and

c. Posting. Post the front and rear of the premises with clearly visible warning signs including a warning symbol to inform children, that there is a dangerous animal on the property as specified in Minnesota Statute 347:51; and

d. Muzzle. If the animal is a dog and is outside the proper enclosure, the dog must be muzzled and restrained by a substantial chain or leash not to exceed 8 feet in length and be under the physical restraint of a person eighteen years of age or older. The muzzle must be of such design as to prevent the dog from biting any person or animal, but will not cause injury to the dog or interfere with its vision or respiration; and

e. Microchip Identification Required. The owner of a dangerous dog is required to have a microchip installed or injected on the animal. The microchip shall be installed in or injected under the skin of the animal by a licensed veterinarian and shall be designed so that, when scanned by an electronic reader, it is capable of providing the identification of the dog's owner. An appropriate fee shall be paid, by the owner, to the licensed veterinarian for the microchip. If the dog is impounded, the microchip shall be installed or injected prior to its release; and

f. Impound Fee. The owner of a dangerous dog is required to pay fees as set forth in this policy, Miscellaneous Licenses and Permit Charges, Dog Kennels, Licenses, Impound and Quarantine Fees as required. If the dog is impounded the fee shall be paid prior to the animal's release.

Section XI Appeal.

Appeal of the Public Health Director's dangerous animal designation shall be a hearing before an independent hearing examiner. At the time of the hearing, the animal owner may appear and present any evidence which he or she may deem material to the investigation. The hearing officer shall make a finding of facts as to whether a violation of the provisions of this section has been committed. The hearing officer shall affirm or reject the Public Health Director's dangerous animal designation or may impose other sanctions as warranted.

Section XII. Dog or Animal Biting; Quarantine.

Whenever any dog or animal has bitten any person or domestic animal, the owner or custodian of any such dog or animal, upon being notified by the Public Health Director or authorized representative, shall immediately cause the dog or animal to be quarantined at the Little Falls Township pound, or by a veterinarian licensed to practice in the State of Minnesota and approved by the Public Health Director, for a period of ten (10) days after such person has been bitten by said dog or animal. Within 24 hours of impoundment, a veterinarian shall observe the animal and examine the animal if necessary to ascertain whether symptoms of rabies exist. If at the end of ten (10) days the veterinarian diagnoses the dog or animal to be free of the signs of rabies, the dog or animal shall be released from quarantine. If the dog or animal dies in the meanwhile, its head shall be sent to the State Department of Health for examination for rabies. The owner of said dog or animal shall be responsible for the cost of quarantine and examination by a veterinarian.

Section XIII. Impounding.

It shall be lawful for the Animal Control Officer or any duly authorized assistants, or any peace officer, to take up and impound any dog found in the Little Falls Township without identification of ownership; or any dog found running at large at any time within the Little Falls Township in violation of this policy hereof; and in enforcing this policy such officers may impound any animal running at large where they have reason to believe there is an unclaimed animal.

Section XIV - Redemption.

Dogs may be redeemed from the pound by the owner any time, during office hours, after seizure and impounding, upon a sworn statement of ownership, proof of vaccination for such dog, and presentation of a receipt showing payment to the Little Falls Township Clerk of the impounding fee established by the Little Falls Township Council. The Poundmaster shall thereupon release to the owner the dog claimed by him, unless the dog is being held for rabies observation pursuant to Section III of this policy. The amount of the redemption fee shall be the amount duly established by the Council from time to time.

Section XV - Disposition of Unredeemed Dogs.

Any dog which is not redeemed by the owner or sold shall be euthanized or otherwise disposed of, as directed by the MCAHS, Chairman of the Little Falls Township or a duly authorized representative.

Section XVI - Interference with Officers.

It shall be unlawful for any unauthorized person to break open the pound, or to attempt to do so, or to take or let out any dog or dogs therefrom, or to take, or attempt to take, from any officer any dog taken by them in compliance with this policy, or in any manner to interfere with or hinder such officer in the discharge of their duties under this policy.

Section XVII - Kennels.

No person shall maintain a kennel within the Little Falls Township except in a location permitted by the Morrison County Land Use Control Ordinance.

Section XVIII Limitations

Except for kennels permitted by Morrison County Land Use Control Ordinance, no more than two dogs may be possessed per dwelling unit, lodging house, fraternity house or sorority house located in a residentially zoned/platted area within the Little Falls Township. Except for kennels licensed under Section XVII, no more than two (2) licensed dogs may be possessed per commercial or industrially zoned property located within the Little Falls Township.

COMPLAINTS AND REQUESTS FOR FURTHER SERVICES

Complaints and requests for further services regarding Animal Control or damage will be taken during normal working hours and handled in accordance with Town procedures. Complaints and requests for further services should be directed to the Board. If the contractor is aware of complaints or requests for additional services, it shall forward such complaints or requests to the Board for consideration.

REVIEW OF POLICY

The Board will periodically review this policy, taking into consideration any changing conditions in the Town's circumstances, any complaints or comments received, and the experienced learned from undertaking Animal Control Policy procedures.

Adopted this _____ day of _____, 2021.

Revised 4/19/2021

BY THE TOWN BOARD

Town Board Chair

Attest: _____
Town Clerk