


Office of the County Recorder  
Sherburne County, MN

**Doc. No. 619342**

Certified filed and/or recorded on

04-26-2006 at 04:00

Michelle Ashe, County Recorder

By  Deputy Fee: \$

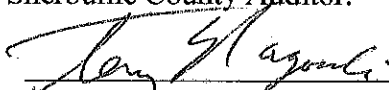


619342

**SHERBURNE COUNTY  
PROHIBITED ANIMAL ORDINANCE  
ORD-125**

The County Board of Commissioners of Sherburne County hereby ordains a Prohibited Animal Ordinance to regulate the private possession of prohibited animals (as defined in the ordinance) in Sherburne County. The purpose and intent of Sherburne County is to protect the public against the health and safety risks that Prohibited Animals pose to the community and to protect the welfare of individual animals that are held in private possession, pursuant to Minnesota Statute 145A.05 Subd (1) and (2). By their very nature, Prohibited Animals are wild and potentially dangerous and, as such do not adjust well to a captive environment. The intent of this Ordinance is to use the same statutory framework as Minnesota Statute § 346.155, which governs some Prohibited Animals. This is a summary of the Ordinance. A full copy is available in the Office of the County Auditor/Treasurer.

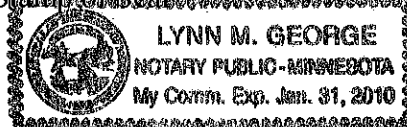
This provision was passed by the Sherburne County Board of Commissioners on the 11<sup>th</sup> day of April, 2006, and duly filed with the Sherburne County Auditor.

  
\_\_\_\_\_  
Terry Nagorski, County Board Chairperson

This foregoing instrument was acknowledged before me  
this 19 day of April, 2006.

  
\_\_\_\_\_  
Signature of person taking acknowledgement

**FILED**  
  
APR 26 2006  
  
RAMONA DOEBLER  
County Auditor/Treasurer

Notarial Stamp of Seal  
  
LYNN M. GEORGE  
NOTARY PUBLIC - MINNESOTA  
My Comm. Exp. Jan. 31, 2010

Drafted by the Sherburne County  
Administrator's Office  
Sherburne County Government Center

**County of Sherburne**  
**Sherburne County, Minnesota**  
**April 11, 2006**

**Prohibited Animals – Sherburne County Ordinance**

**1. Prohibited Animals.**

- a. Purpose and Intent. It is the intent of Sherburne County to protect the public against the health and safety risks that Prohibited Animals pose to the community and to protect the welfare of individual animals that are held in private possession, pursuant to Minnesota Statute 145A.05 Subd (1) and (2). By their very nature, Prohibited Animals are wild and potentially dangerous and, as such do not adjust well to a captive environment. The intent of this Ordinance is to use the same statutory framework as Minnesota Statute § 346.155, which governs some Prohibited Animals.

**2. Definitions.**

- a. Domestic Animal. Means any animal that is livestock, a companion animal, or both.
- b. Companion Animal. Means any animal that is commonly kept by persons as a pet or for companionship. The definition of “companion animal” includes, but is not limited to: domesticated dogs, domesticated cats, domesticated birds and horses/donkeys.
- c. Educational Purposes. Means possession of a nonreleasable prohibited animal for educational, or exhibition purposes as allowed only under a separate permit from the Minnesota Department of Natural Resources, pursuant to Minnesota Rules 6244.0800.
- d. Falconry Permit. Means a valid falconry permit issued by the Department of Natural Resources, pursuant to Minnesota Rules 6238.0200.

- e. Livestock. Means any animal commonly used, and so used, by persons for use, draft or pleasure purposes. The definition of "livestock" includes, but is not limited to: poultry, cattle, swine, sheep, goats, horses/donkeys/mules, llamas, alpacas, deer, emu, ostrich, and bison, elk, salmon.
- f. Prohibited Animal. Means any animal that is not normally domesticated in the United States or is wild by nature. Prohibited Animals include, but are not limited to, any of the following orders and families, whether bred in the wild or captivity, and also any of their hybrids with domestic species. The Prohibited Animals listed in parenthesis are intended to act as examples and are not to be construed as an exhaustive list or limit the generality of each group of Prohibited Animals, unless otherwise specified:
- i. Non-human primates and prosimians (monkeys, chimpanzees, baboons, gorillas);
  - ii. Felidae (lions, tigers, bobcats, cougars, leopards, jaguars, lynx, other non-domesticated cats);
  - iii. Canidae (wolves, coyotes, foxes, jackals, other non-domesticated dogs);
  - iv. Ursidae (all bears)
  - v. Repitilia (all venomous snakes, all constricting snakes)
  - vi. Crocodylidae and Alligatoridae (crocodiles, alligators and caiman)
  - vii. Probosciadae (elephants)
  - viii. Hyanenidae (hyenas)
  - ix. Artiodatyla (hippopotamuses, giraffes, camels, not cattle or swine or sheep or goats)
  - x. Procyonidae (raccoons, coatis)
  - xi. Marsupialia (kangaroos, opossums)
  - xii. Perissodactylea (rhinoceroses, tapirs, not horses or donkeys or mules)
  - xiii. Edentara, (anteaters, sloth, armadillos)
  - xiv. Viverridae, (mongooses, civets and genets)
  - xv. Arachnidae (spiders, tarantulas)
  - xvi. Any animal that is not normally domesticated in the United States or is wild by nature.
- g. "Regulated animal" as defined under Minn. Stat. §346.155, Subd. 1(e)
- h. "Temporarily keeps" means no longer than six months. Sherburne County Auditor/Treasurer can grant only one six month extension. The six month time frame is computed on a per Prohibited Animal basis. The six months is continuous and begins on the day that the Prohibited Animal(s) is/are in possession in Sherburne County and ends six months after the Prohibited Animal(s) is/are in possession in Sherburne County. In the case of an extension, the six months begins on the date of the extension and is continuous and ends six months after the date of the extension.

- i. "Wildlife Rehabilitator" means a person who has a valid Department of Natural Resources novice, general, or master class wildlife rehabilitation permit issued pursuant to Minnesota Rules 6244.0100 to 6244.2000 and a valid license from the United States Fish and Wildlife Services.

### **3. Keeping of Prohibited Animals.**

It shall be unlawful for any person to own, possess, keep, harbor, bring, or to have in one's possession a Prohibited Animal(s) within the unincorporated areas Sherburne County.

It shall be unlawful for the owner, possessor, or any other person in control of a lot, tract, or parcel of land within Sherburne County or any residence or business premises situated thereon to knowingly permit any other person to be in possession of a Prohibited Animal or Prohibited Animals upon the property, residence or premises.

- a. Exceptions. The following shall be exempt from these regulations under the conditions noted to possess native, to Minnesota, Prohibited Animals:
  - i. Licensed humane societies;
  - ii. Animal control officers, (acting in the course and scope of their employment as valid licensed animal control officer);
  - iii. Conservation officers; (acting in the course and scope of their employment as valid licensed Conservation officer)
  - iv. Licensed veterinary hospitals or clinics;
  - v. A Wildlife Rehabilitator licensed by the Minnesota Department of Natural Resources and the United States Fish and Wildlife Services who temporarily keeps Prohibited Animal(s) within Sherburne County when the purpose is to return the Prohibited Animal(s) to the wild or to humanely euthanize the Prohibited Animal(s).
  - vi. A person possessing a valid Minnesota issued falconry permit.
  - vii. Educational Possession. A person may possess a prohibited animal for educational purposes, so long as the person possesses all applicable Minnesota and Federal licenses applying to the possession of the prohibited animal.
  - viii. Temporary Events. If allowed by County ordinance rules and/or regulations, a traveling circus, zoological park, or show which keeps Prohibited Animals for a temporary exhibition may be issued a temporary license allowing such Prohibited Animals within the County for a period not to exceed thirty (30) days, provided the person, traveling circus, zoological park, or show has obtained a Minnesota permit or is exempt from such requirement pursuant to Minnesota Statutes, Section 97A.401. The County temporary license or license shall specify the conditions under which the permit is issued in order to protect the general public and to prevent cruelty or neglect to such animals.

Any individual, business or organization that is subject to paragraph (a) shall, within five business days of obtaining possession of said Prohibited Animal(s) pursuant to this paragraph, provide a copy any applicable permit or certification, the number and type of Prohibited Animal(s) subject to paragraph (a) and any other information required for the administration of this ordinance to the Sherburne County Auditor/Treasurer. Failure to timely provide this information shall immediately render the possession of the Prohibited Animal(s) as illegal and no longer subject to the exemptions in paragraph (a).

- b. Non-Native Species. It is unlawful to possess non-native, to Minnesota, Prohibited Animals. The exceptions on Subdivision 3 (a) do not apply to non-native, to Minnesota, Prohibited Animals.
- c. Wildlife Sanctuaries. Wildlife Sanctuaries or Sanctuary, as defined in Minnesota Statute 346.155, are not exempt from this ordinance and the exemptions in paragraph (a) do not apply to Wildlife Sanctuaries or Sanctuary.
- d. Grandfather Clause. Any person who owns, possesses, keeps, harbors or maintains Prohibited Animal(s) on or before the effective date of this Ordinance shall be permitted to continue ownership or possession as long as they meet all the requirements set forth under Minnesota and Federal Law in addition to those set forth in this Ordinance.
- e. Registration. Anyone whose Prohibited Animal(s) fall(s) under the grandfather clause (paragraph d) shall obtain registration for the Prohibited Animal(s) within sixty (60) days of the effective date of this Ordinance. The requirements set forth in Minn. Stat. §346.155, Subd. 3 and 4 for "regulated animals" are hereby incorporated by reference. The requirements of Minn. Stat. §346.155, Subd. 3 and 4 continue to apply.

A person may obtain a registration form from the Sherburne County Auditor/Treasurer Office. The applicant shall pay an application fee, which is set pursuant to County policy, per Prohibited Animal. Registration shall be denied if the applicant fails to meet any of the registration requirements. A person whose Prohibited Animal(s) is/are lawfully registered under Minn. Stat. §346.155 need not register under this Ordinance, but shall provide proof of registration under Minn. Stat. §346.155 to the Sherburne County Auditor/Treasurer Department.

Any person who successfully obtains registration within sixty (60) days of the adoption of this Ordinance shall be permitted to hold, keep, harbor or maintain the number of Prohibited Animals that person was legally permitted to have as of the date of the adoption of this Ordinance but shall not be permitted to increase the number of Prohibited Animals.

Any person who has not successfully obtained registration for their Prohibited Animal(s) within sixty (60) days of the adoption of this Ordinance shall forfeit the right to keep the Prohibited Animal(s) under the grandfather clause and be deemed to unlawfully possess the Prohibited Animal(s).

- f. Inspection. At any and all times, the County shall have the right to inspect any Prohibited Animal(s) and where it is housed upon reasonable notice. This inspection applies to any Prohibited Animal(s) subject to this ordinance. This includes, but is not limited to, grandfathered Prohibited Animals pursuant to paragraph (d) and any exempted animal pursuant to paragraph (a). Any party who intentionally interferes with or obstructs the inspection violates this Ordinance. This paragraph in no way diminishes the authority for a law enforcement officer to obtain a search warrant.
- g. Seizure: To govern the seizure of Prohibited Animals, the Ordinance hereby incorporates by reference Minn. Stat. §346.155 Subd. 5, except subsections 5 (c)(1) and (2). If the County establishes, by a preponderance of the evidence, that the Prohibited Animal(s) owner, possessor, or any other person in control of the Prohibited Animal(s) has/have violated this Ordinance, the County may dispose of the Prohibited Animal(s) and charge the Prohibited Animal's owner, possessor, or any other person in control with any costs related to the seizure, housing and disposal of said Prohibited Animal(s).

Further, the County shall not be liable for any costs related to the seizure of the Prohibited Animal(s) unless the Court finds that the County acted in bad faith in seizing the Prohibited Animal(s). To govern the disposition of sick Prohibited Animal(s), the Ordinance hereby incorporates by reference Minn. Stat. §346.155, Subd. 6.

- h. Violations and Penalties. Any person who violated any provision of this Ordinance shall be deemed guilty of a misdemeanor and shall be punishable according to Minnesota Law. Each day that a violation continues shall constitute a separate offense. The County may also initiate any applicable civil action.
  - i. Game Farm. This ordinance does not supercede, change or alter the requirements for a game farm conditional use permit, if the game farm conditional use permit is otherwise allowed pursuant to County ordinance, rules and/or regulations.
4. Interpretation. Unless otherwise provided, this ordinance shall be interpreted by the general rules of interpretation as provided by and for state law.

5. 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.
6. Effective Date. This ordinance shall be effective and enforceable on the day following publication.