



Olmsted County Code of Ordinances

Chapter 2500

OLMSTED COUNTY RABIES CONTROL ORDINANCE

Olmsted County, MN

Updated November 21, 2017

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Chapter 2500 Rabies Control Ordinance

OLMSTED COUNTY, MN

Resolution No. 00-88

WHEREAS, the Olmsted County Rabies Committee Ordinance, an ordinance set forth herein, and "Notice of Intent to Enact" same by resolution were duly published, and

WHEREAS, due notice was made to the public and a public hearing on said resolution was held on September 26, 2000 pursuant to Minnesota Statute 375.51, and

WHEREAS, such resolution is authorized by and consistent with the intent of Minnesota Statutes Chapter 35 and Statute sections: 145A.05, 347.08, 347.50-54, 373.41, and 375.53

WHEREAS, the Olmsted County Environmental Commission and Community Health Services Advisory Board have reviewed and recommended the proposed ordinance for adoption.

NOW, THEREFORE BE IT RESOLVED, that the Olmsted County Board of Commissioners on September 26, 2000 adopted Olmsted County Rabies Control Ordinance, to be effective upon its publication.

Dated at Rochester, Minnesota, this 26th day of September, 2000.

BOARD OF COUNTY COMMISSIONERS

2501. PURPOSE. This ordinance addresses the following:

- a. requires rabies immunization of mammals capable of being infected with rabies such as dogs, cats, ferrets and other animals kept as pets;
- b. guides veterinarians, physicians, and others providing services for animal owners and animal bite victims;
- c. guides owners of mammals capable of being infected with and exposing people and other mammals to rabies;
- d. promotes and complements but does not replace or substitute ordinances and services provided by other Municipality's within Olmsted County, for animal control;
- e. authorizes administrative fees to support the cost of Municipal and County rabies control services;
- f. establishes penalties for failing to comply with this ordinance; and
- g. repeals Olmsted County Public Health Regulation No. 36.

2502. IDENTIFICATION AND AUTHORITY

2502.01. This Ordinance shall be identified as the "Olmsted County Rabies Control Ordinance."

2502.02. This Ordinance is adopted under the authority provided by Minnesota Statute Chapter 35 and Statute sections: 145A.05, 347.08, 347.50-54, 373.41, and 375.53.

2503. JURISDICTION. This ordinance shall apply within the incorporated and non-incorporated areas of Olmsted County.

2504. DEFINITIONS

2504.01. SCOPE. The definitions in this section apply to the content of this Ordinance.

2504.02. ANIMAL OWNER. "Animal owner" means the person(s) known to own or be responsible for a mammal capable of being infected with rabies. Such determination shall be based on factors such as the following - in descending order of priority:

- a. records of animal registration, license, vaccination, impoundment, recovery claim, insurance, or other records;
- b. be in control or otherwise responsible for the animal at the time of rabies exposure, based on witness observations; or

- c. in the absence of a or b above, any responsible person, including the bite victim, that is in control of the animal for quarantine, confinement, submission for rabies test, or rabies vaccination.

2504.03. CAT. "Cat" means a domesticated feline wholly of the species *Felis domesticus*, male or female, intact or neutered.

2504.04. COMPENDIUM. "Compendium" means the current published set of recommendations prepared by the National Association of State Public Health Veterinarians and filed with the Minnesota Board of Animal Health.

2504.05. CONFINED or CONFINEMENT. "Confined or Confinement" means temporarily and humanely enclosing and confining a rabies suspect animal throughout a quarantine period, at a place selected by the animal owner. Such place that must be consistent with information, advice, or an order provided by authorized representatives of the Municipality, County, and/or Minnesota Board of Animal Health; to observe the animal and prevent other animals and people from being exposed to the confined animal's: a) bites, b) scratches, c) mouth parts, or d) saliva.

2504.06. COUNTY. "County", depending on context of use in this ordinance, can mean either a) the geographic area within the boundaries of Olmsted County, Minnesota, or b) the officials representing Olmsted County Government, whether elected or appointed.

2504.07. DOG. "Dog" means a domesticated canine mammal wholly of the species *Canis familiaris*, male or female, intact or neutered.

2504.08. FARM ANIMAL. "Farm animal" means a domesticated species of hoofed mammal kept for agricultural purposes such as a horse, cow, sheep, goat, pig or llama.

2504.09. FERRET. "Ferret" means a domesticated ferret wholly of the species *Mustela putorius furo*, male or female, intact or neutered.

2504.10. IMPOUNDED or IMPOUNDMENT. "Impounded" or "Impoundment" means temporarily placing a mammal, capable of being infected with rabies, in an appropriately designed and maintained animal shelter (pound). Such shelter being operated by one of the following entities: a) a Municipality, b) a Minnesota licensed veterinarian, or c) a person or organization that is authorized by State, County, or Municipal Government. The purpose for impoundment is to manage and care for a mammal capable of being infected with rabies, including those that are a) rabies suspect; b) dangerous; or c) improperly confined, restrained, licensed, and /or affixed with a current rabies vaccination tag;

2504.11. MUNICIPAL OR MUNICIPALITY. "Municipal" or "Municipality" means a city or town as defined by Minnesota Law.

2504.12. OTHER ANIMAL KEPT AS A PET. "Other animal kept as a pet," means a mammal; other than a dog, cat, ferret, or farm animal kept as a pet; for which species a rabies vaccine is licensed.

2504.13. QUARANTINE. "Quarantine" means restriction of the activities of and access to rabies suspect animals that have been, or may have been, exposed to the communicable disease - rabies. The period of quarantine is intended to be during the period of incubation (or communicability) of the suspect disease, to observe the animal for evidence of disease and to prevent disease transmission.

2504.14. RABIES CONTROL AUTHORITY. "Rabies control authority" means the designated persons representing the County and its Municipalities for enforcement of this ordinance. It also means the designated persons representing the Minnesota Board of Animal Health and the Minnesota Department of Health, for the purposes of determining the appropriate actions to be taken for the control of rabies.

2504.15. RABIES SUSPECT ANIMAL. "Rabies Suspect Animal" is a mammal, that has been identified by the Compendium or appropriate representatives of the Minnesota Board of Animal Health or Minnesota Department of Health as a) capable of being infected with rabies and b) has caused an abrasion or puncture of the skin, or otherwise exposed a person or other animal to its mouth - parts or saliva.

2504.16. VACCINATION AGAINST RABIES. "Vaccination against rabies" means inoculation of a mammal, capable of being infected with rabies such as a dog, cat, ferret, farm animal, or other animal kept as a pet, with a rabies vaccine, licensed for that species by the United States Department of Agriculture and administered in accordance with the Compendium of Animal Rabies Control that is current at the time of inoculation. The vaccination must be performed by or under the direct supervision of a veterinarian duly licensed to practice veterinary medicine in the state in which the vaccine is administered. Any rabies suspect animal, of a species for which no rabies vaccination is licensed, must be considered unvaccinated for rabies, regardless of that animal's vaccination history.

2505. VACCINATION REQUIREMENTS.

2505.01. GENERAL. Within 60 days after the effective date of this ordinance, every dog, cat, ferret or other animal kept as a pet for which species a rabies vaccine is licensed, must be vaccinated against rabies. Animals that are too young to be vaccinated against rabies, as indicated by the Compendium, must be vaccinated against rabies within 30 days after they reach the minimum age for vaccination stated in the Compendium.

2505.02. NEWLY ACQUIRED OR IMPORTED ANIMALS. Unvaccinated dogs, cats, ferrets or other animals kept as pets and acquired or moved into the Municipalities of Olmsted County must be vaccinated within 30 days of purchase or arrival, unless under the minimum age specified in the Compendium.

2505.03. VACCINATION INTERVALS.

Subpart (a). NEWLY VACCINATED ANIMALS. All newly vaccinated animals must receive their first revaccination according to the Compendium, which currently requires revaccination one year following the initial vaccination, regardless of the age of the animal at the time of the initial vaccination.

Subpart (b). REVACINATION. A vaccinated dog, cat, ferret, or other animal kept as a pet must be re-vaccinated at 1) intervals not to exceed the effective duration of the vaccination as listed in the Compendium or 2) a shorter interval established by an applicable municipal ordinance.

2505.04. EXEMPTION. A dog, cat, ferret, or other animal kept as a pet brought into the County less than 30 days duration for purposes such as field trials, hunting, performance, show, or other exhibition is exempt from the vaccination requirements of this Ordinance provided that the animal is in compliance with all animal health and import laws of the State of Minnesota.

2506. DUTIES OF VETERINARIAN.

2506.01. PREPARATION OF VACCINATION CERTIFICATE. A veterinarian shall, at the time of vaccinating any animal for rabies, complete a valid Rabies Vaccination Certificate, consistent with the provisions of the Compendium.

2506.02. DISTRIBUTION AND MAINTENANCE OF CERTIFICATE COPIES. The veterinarian shall provide the original certificate to the animal owner. The veterinarian and animal owner shall keep the vaccination certificate until a new vaccination certificate has been issued, not to exceed three (3) years from the date of administering the vaccination.

2506.03. COUNTY RABIES SERVICES FEE.

Subpart (a). FEE PAYMENT & COLLECTION. The person (animal owner) presenting a dog, cat, ferret, or other animal kept as a pet, to a veterinarian in Olmsted County, for the purpose of obtaining rabies vaccination, shall pay a County Rabies Services Fee. The initial fee amount to be 0.50 dollars (Fifty cents). The amount thereafter to be determined by resolution of the County Board. The veterinarian shall collect the fee in conjunction with providing the rabies vaccination service.

Subpart (b). FEE TRANSFER TO COUNTY. The collected County Rabies Services fees shall be transferred to the County by the veterinarian. The schedule for such transfer shall be negotiated between representatives of veterinarian's providing rabies vaccinations in Olmsted County and the Olmsted County Administrator and found acceptable by resolution of the Olmsted County Board.

Subpart (c). VETERINARIAN'S DISCRETION. The veterinarian, at their discretion, is authorized to waive the County Rabies Services Fee when the following occurs:

1. the rabies vaccination is provided to a dog, cat, ferret, or other animal kept as a pet that is owned and resides outside of Olmsted County, and
2. the veterinarian maintains records sufficient to distinguish the vaccination was administered to an animal that is owned and resides outside of Olmsted County.

2506.04. COMPENSATION TO THE VETERINARIAN. No compensation for collecting the County Rabies Service Fee shall be provided to the veterinarian unless requested and such compensation is authorized by resolution of the County Board.

2506.05. MAINTENANCE OF RECORDS AND COST OF AUDIT.

Subpart (a). RECORDS OF RABIES VACCINATIONS AND FEES. Whether or not compensation is authorized, each participating veterinarian shall account for and maintain records of 1) the number of rabies vaccinations provided in Olmsted County, 2) fees collected, and 3) fees transferred to the Olmsted County office that is designated by resolution of the Olmsted County Board.

Subpart (b). AUDIT OF RECORDS. The veterinarian shall allow the County to audit records needed to assure an appropriate record, accounting, and presentation of County Rabies Service Fees to the County. The County shall be limited in such audit to 1) only those records needed to determine compliance with Subpart (a), and 2) normal business hours.

Subpart (c). AUDIT COSTS. Audit expense shall be paid by the County except when an audit determines the appropriate fees are not being submitted and the veterinarian is found to be at fault. In such case, the veterinarian shall be liable for paying the cost of the audit and the estimated loss of fees due to the county.

2507. VACCINATION IDENTIFICATION AND COST.

2507.01. VACCINATION TAG. The veterinarian shall issue to the animal owner at the time of vaccination, a metal or durable plastic vaccination tag that is serially numbered and consistent with the Compendium.

2507.02. TAG LOCATION. The animal owner must securely attach the tag to the collar or harness of the dog, cat, ferret or other animal kept as a pet. As an alternative, under the advice of a veterinarian, the vaccination tag may be attached to the animal in a visible location - such as an ear tag. When not on the animal the tag must be currently accessible on the current premises of the animal. If the vaccinated animal is a) out-of-doors, either

on or off the owner's premises, and b) not confined in a pet-transport cage or kennel, the vaccination tag must be on the animal.

2507.03. VACCINATION COST. The cost of rabies vaccination must be borne by the animal owner.

2508. QUARANTINE OF RABIES SUSPECT ANIMALS.

2508.01. DOG, CAT, FERRET, OR OTHER ANIMAL KEPT AS A PET.

Subpart (a). RABIES VACCINATED ANIMALS. A vaccinated dog, cat, ferret, or other animal kept as a pet that has bitten and caused an abrasion of the skin of a person, must be confined or impounded throughout the quarantine period, as provided by this ordinance, for a period of not less than ten (10) days. The animal must not be vaccinated against rabies during this ten-day quarantine period. After ten (10) days, the animal may be released from the quarantine, if there is no observed behavior change, illness, or other clinical signs of rabies.

Subpart (b). UNVACCINATED ANIMALS. An unvaccinated dog, cat, ferret, or other animal kept as a pet that has bitten and caused an abrasion of the skin of a person, must be confined or impounded throughout the quarantine period, as provided by this ordinance, for a period of not less than ten (10) days. The animal must not be vaccinated against rabies during this ten- (10) day quarantine period.

Subpart (c). CONCLUDING QUARANTINE. After ten (10) days the animal owner must take the unvaccinated animal to a licensed veterinarian for examination. If the veterinarian observes no clinical signs of rabies and as provided in the Compendium, the animal is of the appropriate age for rabies vaccination, the veterinarian shall immunize that animal for rabies.

2508.02. OTHER RABIES SUSPECT ANIMALS.

Subpart (a). RABIES SUSPECT DETERMINATION. When an animal, other than a dog, cat, ferret, or other animal kept as a pet has bitten and caused an abrasion of the skin of a person, representatives of the Minnesota Board of Animal Health or the Minnesota Department of Health shall be consulted for advice. When an appropriate representative of these agencies determines the involved animal can be rabies suspect, the animal must be a) humanely euthanized and tested for rabies or b) placed in quarantine.

Subpart (b). QUARANTINE. The quarantine can be through impoundment or confinement that is acceptable to the Municipality or County and approved by Minnesota Board of Animal Health or the Minnesota Department of Health. Such impoundment or confinement procedure must be monitored and enforced by the designated officer(s) of

the Municipality or County and the cost of such procedure and monitoring borne by the animal owner.

2508.03. RABIES SUSPECT STRAYS. If the dog, cat, ferret, or other animal kept as a pet, is a rabies suspect and stray without identification tags, the Municipality or County may have the animal confined or impounded for up to ten (10) days or humanely euthanized and tested for rabies.

2508.04. ILLNESS OR BEHAVIOR CHANGE DURING QUARANTINE. Any illness or behavior changes in an animal, under rabies quarantine, must be promptly reported by the animal owner or the animal's caretaker to a) the exposed individual(s), b) the animal owner's veterinarian, and c) the designated officer(s) of the Municipality or County. The animal shall be promptly placed under direct observation of a Minnesota Licensed veterinarian or euthanized and submitted to a qualified laboratory for examination, as directed by the appropriate state or local authority. The animal owner shall pay for fees and associated expenses for such action.

2508.05. VIOLATION OF QUARANTINE When a rabies control or other designated officer of the Municipality or County observes, or can reasonably determine from witness observations, that a rabies suspect animal is not properly confined, as provided by this ordinance, the designated officer(s) shall promptly impound the animal, to assure proper quarantine of the animal. The animal owner shall pay a Quarantine Administration Fee to the appropriate Municipality or the County investigating the case and assuring that the animal is placed in impoundment. That fee and the cost of impoundment shall be the responsibility of the animal owner.

2508.06. MODIFYING QUARANTINE OF RABIES VACCINATED ANIMALS. There may be situations where the residence or lodging of the animal owner requires a rabies-vaccinated animal under rabies quarantine, to be under the owner's control and briefly in areas that are accessible by members of the public. In such situations, the appropriate designated Municipal or County animal control authority may act to effect any of the following:

Subpart (a). Order the animal to be placed in impoundment.

Subpart (b). Modify the requirements for confinement to accommodate the brief presence of the animal in an area accessible by members of the public. Such modification may include requirements that the animal must be:

- § attended by an adult;
- § in a secure pet transport container/cage, or
- § on a leash and muzzled, when a dog.

Subpart (c). Issue a permit allowing the animal to be transported to another location for the balance of the quarantine. Such permit conditional on documentation and the

authority's satisfaction that there are adequate arrangements for appropriate confinement and monitoring of the status of the animal by an authority representing animal control, public health, law enforcement, or a licensed veterinarian.

2509. FEES FOR IMPOUNDMENT, QUARANTINE, AND RABIES SPECIMENS

2509.01. Fees associated with quarantining an animal, including impoundment, confinement, and administrative fees must be borne by the animal owner.

2509.02. Fees associated with preparing, shipping, and testing an animal specimen for rabies virus diagnosis must be borne by the animal owner.

2510. HANDLING OF ANIMALS ASSOCIATED WITH RABIES SUSPECT ANIMALS

The handling of animals, quarantines, and specimens associated with rabies suspect or potentially rabies suspect animals shall be according to the direction of representatives of the Minnesota Board of Animal Health and applicable Minnesota Statutes and Rules.

2511. IMPOUNDMENT OF ANIMALS WITHOUT RABIES VACCINATION TAG

2511.01. POUND. The Municipality or County may authorize a pound or pounds or form a cooperative agreement with a licensed veterinarian or kennel for the establishment and operation of a pound.

2511.02. IMPOUNDMENT. When a dog, cat or ferret or other animal kept as a pet is found off the owner's premises and not wearing a valid rabies vaccination tag, such animal may be impounded. All such animals must be given proper care and maintenance while in impoundment. When the animal is not being impounded under the authority of a Municipal ordinance, the animal must be kept at the pound not less than five (5) business days, including any day that the facility conducts regular business with the public for four (4) or more hours, unless reclaimed earlier by the owner.

2511.03. IMPOUNDMENT NOTICE AND RECLAMATION.

Subpart (a). Notice of impoundment of a dog, cat, ferret or other animal kept as a pet must be in accordance with applicable Municipal or County ordinance.

Subpart (b). Appropriately vaccinated animals impounded because they are not carrying a rabies vaccination tag may be reclaimed at any time by its owner by furnishing proof

of rabies vaccination, affixing the collar or harness with the appropriate rabies vaccination tag to the animal, and paying applicable fees prior to release.

Subpart (c). Such animals that are not appropriately rabies-vaccinated may be “conditionally reclaimed” by its owner during the period of impoundment by 1) payment of appropriate fees, 2) having the animal rabies vaccinated, consistent with the requirements of this ordinance; and 3) producing an exact copy of the vaccination certificate within 72 hours of the animal’s release from the pound.

2511.04. UNCLAIMED ANIMALS. The applicable Municipal or County authority may dispose of the animal in accordance with applicable laws when an animal is unclaimed at the end of five (5) business days, including any day that the facility conducts regular business with the public, for a minimum of four (4) hours.

2512. RESPONSIBILITY OF MEDICAL SERVICE PROVIDERS

2512.01. When a person is presented to a physician or other medical service provider, located in Olmsted County, seeking treatment for bites or other exposures that presents a potential rabies exposure, the physician or other medical service provider, shall request and record the following information from the bite victim:

- a. name, address, and telephone numbers of the person (and the parents of a minor) being treated;
- b. animal's description, date, and time the bite or exposure took place;
- c. address or location where the bite took place;
- d. name of animal owner, address of animal owner, and names of any witnesses; and
- e. any other appropriate information requested by the rabies control authority.

2512.02. Such information shall be recorded on a form acceptable to the rabies control authority. The recorded information shall then be provided to the following parties within 24 hours from the time that medical consultation and/or treatment is sought:

- a. the appropriate rabies control authority designated by resolution of the Olmsted County Board; and
- b. the bite victim for reference in communicating with the rabies control authority, animal owner, and physician.
- c. The physician or other medical service provider shall maintain a copy of the record available for review by the Rabies Control Authority for at least 30 days.

2513. UNVACCINATED ANIMAL BITE CASES

2513.01. ADMINISTRATIVE FEE. The owner of an unvaccinated rabies suspect animal including a dog, cat, ferret, or other animal kept as a pet that is of appropriate age for being rabies vaccinated, shall pay an administrative fee of \$75.00 to the appropriate Municipal or County authority. Such fee is separate from and in addition to any penalty prescribed by this ordinance.

2513.02. USE AND MODIFICATION OF FEES. The administrative fee offsets part of the Municipality's and/or County's costs associated with its services. Such fee may be modified from time to time by resolution of the County Board.

2514. INVESTIGATION OF RABIES SUSPECT ANIMALS

2514.01. For the purposes of administering the provisions of this ordinance, the designated Municipality and/or County official, may enter the premises upon which an animal is kept or harbored and demand to see the animal - including its license and rabies vaccination certificate.

2514.02. Such entry is subject to demonstration of just cause, with the owner's permission, or pursuant to the issuance of a proper warrant.

2515. ADMINISTRATIVE FEES AND REVENUES

2515.01. Revenues from Administrative Fees shall be used to offset Municipal and/or County costs associated with the services and responsibilities addressed in this ordinance or Minnesota Law. Those services include providing information, investigating bite cases, locating biting animals and their owners, monitoring confinement, impounding animals, and maintaining records about bite cases, rabies suspect animals, and dangerous and threatening animals. Administrative fees must be borne by the animal owner.

2515.02. Impoundment fees are separate from other administrative fees. Impoundment fees may include the cost associated with decontamination of impoundment facilities to prevent the spread of contagious animal diseases.

2515.03. Olmsted County's administrative fees can be set and updated periodically by Resolution of the Olmsted County Board of Commissioners.

2515.04. The above fees do not and are not intended to replace animal license or other administrative fees authorized and collected by Municipalities in Olmsted County.

2516. ENFORCEMENT OF VIOLATIONS AND APPEALS.

Except as otherwise provided by Minnesota law, the procedures which must be followed in the event an appeal of an impoundment notice or other civil notice of violation of this Ordinance is sought shall be governed by the Olmsted County Administrative Enforcement

and Appeals Procedure Ordinance set forth in Chapter 4000 of the Olmsted County Code of Ordinances.

2517. PENALTY FOR VIOLATION

Penalties for violation of this ordinance following issuance of a civil notice of violation pursuant to the County's Administrative Enforcement and Appeals Procedure Ordinance shall be as set forth in the Administrative Penalty Schedule for the County's public health ordinances. The animal owner shall be ordered to pay restitution to any affected person(s), Municipality, and the County.

2518. REPEAL

Public Health Regulation No. 36 is repealed in its entirety and replaced with this ordinance.

2519. SEVERABILITY AND SAVING CLAUSE

If any section or portion of this ordinance shall be found unconstitutional or otherwise invalid or unenforceable by a court of competent jurisdiction, that finding shall not serve as an invalidation of, or affect the validity or enforceability of any other section or provision of this ordinance.

2520. EFFECTIVE DATE

The changes to Sections 2516 and 2517 pertaining to the manner in which appeals of civil notices of violations are directed to a County Hearing Officer or to the Public Health Services Advisory Board for initial review pursuant to the County Administrative Enforcement and Appeals Procedure Ordinance shall take effect January 1, 2018.

Dated at Rochester, Minnesota, this 21st day of November 2017.

BOARD OF COUNTY COMMISSIONERS

/s/ Kenneth Brown

Kenneth Brown, Chair of the County Board

Attest: /s/ Heidi Welsch

Heidi Welsch, County Clerk-Administrator

END OF CHAPTER 2500