



Board of County Commissioners Agenda Request

4A

Agenda Item #

Requested Meeting Date: 12/20/16

Title of Item: Disposition of 2 dogs held by the sheriff's office

<input checked="" type="checkbox"/> REGULAR AGENDA <input type="checkbox"/> CONSENT AGENDA <input type="checkbox"/> INFORMATION ONLY	Action Requested: <input type="checkbox"/> Approve/Deny Motion <input type="checkbox"/> Adopt Resolution (attach draft)	<input checked="" type="checkbox"/> Direction Requested <input checked="" type="checkbox"/> Discussion Item <input type="checkbox"/> Hold Public Hearing* <small>*provide copy of hearing notice that was published</small>
Submitted by: Undersheriff John Drahota		Department: Sheriff's Office
Presenter (Name and Title): John Drahota-Undersheriff		Estimated Time Needed: 20 minutes
Summary of Issue: <p>2 dogs were found locked in a livestock structure at the Aitkin County Fairgrounds on 11/12/16. The dogs were taken to the City Dog Pound at the request of the Sheriff's Office. The owner was later identified as Tara Fries. Tara claims her brother was to care for the dogs due to her being evicted from her home and it was her brother who left the dogs at the fairgrounds, unknown to her. The sheriff's office has not been able to locate the brother to verify Tara's information. Tara does not have a home and does not have funds to pay the boarding fees, assuming the dogs were returned to her.</p> <p>Tara has not returned phone calls to consider voluntarily relinquishing ownership.</p>		
Alternatives, Options, Effects on Others/Comments:		
Recommended Action/Motion: Since the owner (Tara) did not reclaim the animals within 10 days, it is recommended that the Sheriff's Office follow state statute as it pertains to abandoned animals. The owner would lose ownership rights and the animals would be adopted.		
Financial Impact: Is there a cost associated with this request? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No What is the total cost, with tax and shipping? \$ 1560.00 as of 12/20/16 Is this budgeted? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <i>Please Explain:</i> Boarding fees are accruing at the rate of \$40.00 per day. The sooner the animals are able to be given a new home, the less impact to the county.		

2016 Minnesota Statutes

Authenticate**346.37 GENERAL PROVISIONS.**

Subdivision 1. Abandoned animals. (a) If an animal is left with a veterinarian, boarding facility, or commercial facility pursuant to a written agreement with the owner or person in possession of the animal and the owner or lawful possessor of the animal has not claimed the animal within ten days after notice in accordance with paragraph (b) or (d), the animal is abandoned and the owner has no further rights or claim to the animal.

(b) The notice required under paragraph (a), must be given by the veterinarian, boarding facility, or commercial facility to the owner or the owner's agent at the person's last known address by certified mail, return receipt requested, or may be served upon the owner or owner's agent in the manner that a summons is served in a civil court action in the district courts. The notice must notify the owner or owner's agent that the animal may be redeemed by paying all prior expenses incurred within ten days or the animal is abandoned and will be disposed of in accordance with this subdivision.

(c) If the animal is not claimed within ten days, the veterinarian, boarding facility, or commercial facility becomes the owner of the animal and the animal may be disposed of by the veterinarian, boarding facility, or commercial facility as they consider proper. Upon the veterinarian, boarding facility, or commercial facility becoming the owner of the animal, the veterinarian, boarding facility, or commercial facility is relieved of any liability for disposal of the animal.

(d) If the notice under paragraph (c) is not given to the owner or owner's agent, or if the address of the owner or owner's agent is not known, notice must be given by the veterinarian, boarding facility, or commercial facility by publishing one notice in a legal newspaper circulated in the county where the animal was delivered to the veterinarian, boarding facility, or commercial facility not less than ten days before the animal is to become the property of the veterinarian, boarding facility, or commercial facility under paragraph (c). The published notice must contain the information required in paragraph (b).

(e) Each veterinarian, boarding facility, or commercial facility shall warn its patrons of the provisions of this subdivision by a conspicuously posted notice or by conspicuous type in a written document delivered to the owner or the owner's agent.

Subd. 2. Good Samaritans. A person is not liable for rendering humane assistance to an injured pet or companion animal.

Subd. 3. Cruel training or handling. A person may not inflict cruelty on a pet or companion animal by the use of a cruel training or handling device or method.

Subd. 4. Health care. Adequate health care, including parasite and pest control, must be provided to each pet or companion animal.

Subd. 5. Interpretation of terms. A dispute as to the meaning of "abuse," "cruelty," or "neglect" shall be resolved by an expert opinion.

Subd. 6. Reports of abuse, cruelty, or neglect. A veterinarian must report known or suspected cases of abuse, cruelty, or neglect to peace officers and humane agents as provided in [343.12](#) and [343.29](#).

History: [1983 c 358 s 3](#); [1987 c 394 s 10](#); [1994 c 401 s 1](#)

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