

CHAPTER 346

ANIMALS; ESTRAYS, DAMAGE, CRUELTY

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346.03 APPRAISEMENT.

Every finder of an estray of the value of \$10 or more at the time of taking up shall, within one month, have it appraised by a county or municipal judge. The certificate of appraisalment shall be filed with the town clerk. The finder shall pay 50 cents for the certificate and six cents per mile for each mile necessarily traveled to make the appraisal.

History: 1983 c 359 s 34

346.04 CHARGES FOR KEEPING.

The person entitled to the possession of any estray, at any time within one year after notice is filed with the town clerk, may have it restored to him upon proving his right to it and paying all lawful charges that occur in relation to it. If the person and the finder cannot agree as to the amount of the charges, or upon what should be allowed for the use of the estray, either party, on notice to the other, may apply to a county or municipal court judge to settle the disagreement. The judge may examine witnesses on oath. If any amount is owed to the finder, over the value of the use of the estray, the money, with costs, shall be a lien upon the estray. The costs of the adjudication shall be allocated by the judge.

History: 1983 c 359 s 35

346.09 ANIMALS DOING DAMAGE.

Subdivision 1. **Notice; appraisers.** The person distraining shall give notice to the owner of the beast, if known to him, within 24 hours if he resides in the same town, and within 48 hours if he resides in another town in the same county, Sundays excepted. The notice shall specify the time when and the place where distrained, the number of beasts, and the place of their detention, and that at a time and place stated therein, which shall not be less than 12 hours after the service of the notice, nor more than three days after the distress, he will apply to a designated county or municipal judge of the county for the appointment of appraisers to appraise the damages. If the owner is unknown or does not reside in the county, the distraining person shall apply for the appointment of appraisers within 24 hours after the distress without notice. After the application, the judge shall appoint three disinterested residents of the town to appraise the damages.

[For text of subd 2, see M.S.1982]

History: 1983 c 359 s 36

346.35 CITATION.

Sections 346.35 to 346.44 may be cited as the "Pet and Companion Animal Welfare Act."

History: 1983 c 358 s 1

346.36 DEFINITIONS.

Subdivision 1. **Scope.** Sections 346.35 to 346.44 shall only apply to veterinarians, animal boarding facilities, and commercial animal facilities. As used in sections 346.35 to 346.44 the terms defined in this section have the meanings given them.

Subd. 2. **Abuse.** "Abuse" means intentionally causing unnecessary pain, injury, suffering, or harassment to a pet or companion animal.

Subd. 3. **Cruelty.** "Cruelty" means causing or allowing unnecessary pain, suffering, or unjustifiable injury or death to a pet or companion animal.

Subd. 4. **Expert opinion.** "Expert opinion" means the opinion of at least one licensed Minnesota veterinarian selected by an investigating officer.

Subd. 5. **Neglect.** "Neglect" means failure to provide the minimum care required for the health and well-being of a pet or companion animal.

Subd. 6. **Pet or companion animal.** "Pet" or "companion animal" means a nonhuman mammal, bird, or reptile impounded or held for breeding, or possessed by, cared for, or controlled by a person for the present or future enjoyment of that person or another.

Subd. 7. **Shelter; confinement area.** "Shelter" or "confinement area" means an enclosure provided to protect or confine a pet or companion animal when it is not in transit.

History: 1983 c 216 art 2 s 14; 1983 c 358 s 2

346.37 GENERAL PROVISIONS.

Subdivision 1. **Abandoned animals.** Whenever an animal is left with a veterinarian, boarding facility, or commercial facility pursuant to a written agreement and the owner does not claim the animal by the agreed date, the animal is abandoned. If the owner or custodian is unknown and cannot with reasonable effort be ascertained, or does not within six working days after mailing of notice by certified mail to the last known address redeem the animal by paying the expenses incurred, the animal may become the ward of the veterinarian, boarding facility, or commercial facility. 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 receipt.

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 the state humane society or a local humane society.

History: 1983 c 358 s 3

346.38 EQUINES.

Subdivision 1. **Definition.** "Equines" are horses, ponies, mules, and burros.

Subd. 2. **Food.** Equines must be provided with food of sufficient quantity and quality to allow for normal growth or the maintenance of body weight. Feed standards shall be those recommended by the National Research Council.

Subd. 3. **Water.** Equines must be provided with clean, potable water in sufficient quantity to satisfy the animal's needs or supplied by free choice. Snow or ice is not an adequate water source.

Subd. 4. **Shelter.** Equines must be provided a minimum of free choice protection or manmade shelter from direct rays of the sun when temperatures exceed 95 degrees Fahrenheit, from wind, and from freezing precipitation. Natural or manmade shelters must be of sufficient size to provide the necessary protection. Manmade shelters must be structurally sound, free of injurious matter, maintained in good repair, and ventilated.

Subd. 5. **Space and cleanliness requirements.** Manmade shelters except for tie stalls must provide space for the animal to roll with a minimum danger of being cast. Stalls must be cleaned and kept dry to the extent the animal is not required to lie or stand in fluids. Bedding must be provided in all stalls, kept reasonably clean, and periodically changed. The nature of the bedding must not pose a health hazard to the animal.

Subd. 6. **Exercise.** Equines must be provided opportunity for periodic exercise, either through free choice or through a forced work program, unless exercise is restricted by a licensed veterinarian.

Subd. 7. **Hoof care.** All equines must have their hooves properly trimmed periodically to prevent lameness.

Subd. 8. **Transportation.** A vehicle used to transport an equine must have a floor capable of supporting the animal's weight safely. Floors must be of nonskid construction or of nonskid material sufficient to provide the animal with traction while in transport. A minimum of 12 inches must be allowed between the withers of the largest equine and the structure above the animal while it is in a natural standing position. Sturdy partitions must be provided at a minimum of approximately every ten feet inside the vehicle. Interior compartments of transporting vehicles must be of smooth construction with no protruding or sharp objects and must provide ventilation. Food and water must be provided in sufficient quantities to minimize stress and maintain hydration.

History: 1983 c 358 s 4

346.39 DOGS AND CATS.

Subdivision 1. **Food.** Dogs and cats must be provided with food of sufficient quantity and quality to allow for normal growth or the maintenance of body weight. Feed standards shall be those recommended by the National Research Council.

Subd. 2. **Water.** Dogs and cats must be provided with clean, potable water in sufficient quantity to satisfy the animal's needs or supplied by free choice. Snow or ice is not an adequate water source.

Subd. 3. **Transportation and shipment.** When dogs or cats are transported in crates or containers, the crates or containers must be constructed of nonabrasive wire or a smooth, durable material suitable for the animals. Crates and containers must be clean, adequately ventilated, contain sufficient space to allow the animals to turn around, and provide maximum safety and protection to the animals. Exercise for 20 to 30 minutes and water must be provided at least once every eight hours. Food must be provided at least once every 24 hours or more often, if necessary, to maintain the health and condition of the animals.

Subd. 4. **Shelter size.** A confinement area must provide sufficient space to allow each animal to turn about freely and to easily stand, sit, and lie in a normal position. Each confined animal must be provided a minimum square footage of floor space as measured from the tip of its nose to the base of its tail, plus 25 percent, expressed in square feet. The formula for computing minimum square footage is: (length of animal plus 25 percent) times (length of animal plus 25 percent), divided by 144. A shaded area must be provided sufficient to protect the animal from the direct rays of the sun at all times during the months of May to October.

Subd. 5. **Exercise.** All dogs and cats must be provided the opportunity for periodic exercise, either through free choice or through a forced work program, unless exercise is restricted by a licensed veterinarian.

Subd. 6. **Group housing and breeding.** Animals housed together must be kept in compatible groups. Animals must not be bred so often as to endanger their health.

Subd. 7. **Temperature.** Confinement areas must be maintained at a temperature suitable for the animal involved.

Subd. 8. **Ventilation.** An indoor confinement area must be ventilated. Drafts, odors, and moisture condensation must be minimized. Auxiliary ventilation, such as exhaust fans, vents, and air conditioning, must be used when the ambient temperature rises to a level that may endanger the health of the animal.

Subd. 9. **Lighting.** An indoor confinement area must have at least eight hours of illumination sufficient to permit routine inspection and cleaning.

Subd. 10. **Confinement and exercise area surfaces.** Where applicable, the interior surfaces of confinement and exercise areas, including crates or containers, must be constructed and maintained so that they are substantially impervious to moisture and may be readily cleaned. They must protect the animal from injury and be kept in good repair.

Subd. 11. **Drainage.** Where applicable, a suitable method must be used to rapidly eliminate excess fluids from confinement areas.

Subd. 12. **Sanitation.** Food and water receptacles must be accessible to each animal and located so as to minimize contamination by excreta. Feeding and water receptacles must be kept clean. Disposable food receptacles must be discarded when soiled. Measures must be taken to protect animals from being contaminated with water, wastes, and harmful chemicals. Wastes must be disposed of properly. Where applicable, flushing methods and a disinfectant must be used periodically. Bedding, if used, must be kept clean and dry. Outdoor enclosures must be kept clean and base material replaced as necessary.

History: 1983 c 358 s 5

346.40 PET BIRDS.

Subdivision 1. **Food.** Birds must be fed at least once each day except as otherwise required to provide adequate health care. The food must be wholesome, palatable, and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the bird, and must be free from contamination.

Subd. 2. **Water.** Except for birds in shipment for less than four hours, all birds must be provided with clean, potable water in sufficient quantity to satisfy the bird's needs or supplied by free choice. Snow or ice is not an adequate water source.

Subd. 3. **Transportation.** Birds may be transported only in containers constructed of a smooth, durable material. Containers must:

- (a) be suitable for the species being shipped;
- (b) be constructed to prevent escape or chewing of the container by the bird that may be injurious to the health of the bird;
- (c) have ventilation on only one side to prevent cross drafts;
- (d) provide enough space for the bird to stand up, turn around, and obtain necessary food, water, and roosting space;
- (e) have fresh food and water available to the bird at all times if the shipping period exceeds four hours.

Subd. 4. **Shelter or cage construction.** A shelter or cage for a bird must be constructed of materials that are impervious to moisture and can be readily cleaned. Perches or other space must be provided to allow the bird to roost without physical harassment from other birds.

Subd. 5. **Exercise.** Room must be provided for a bird to obtain exercise to maintain itself in good health.

Subd. 6. **Temperature.** A confinement area must be maintained at a temperature suitable for the bird involved.

Subd. 7. **Ventilation.** A bird shelter or cage must provide ventilation with minimized drafts, odors, and moisture condensation.

Subd. 8. **Lighting.** Shelters or cages for birds must have at least eight hours of either natural or artificial light to allow for intake of food and water. Lighting must be of sufficient intensity and distribution to permit routine inspection and cleaning on a regular basis.

Subd. 9. **Sanitation.** Excreta must be removed from the bottom of a bird cage on a regular basis to prevent the contamination of the caged bird. The cage, perches, and food and water receptacles must be cleaned on a regular basis.

History: 1983 c 358 s 6

346.41 RODENTS.

Subdivision 1. **Food.** Food must be made available to every pet rodent at least once a day. This food must be fresh, wholesome, palatable, free from contamination, and of sufficient nutritive value to meet the normal daily requirements necessary to maintain the health and condition of the animal.

Subd. 2. **Water.** A pet rodent must be provided with clean, potable water in sufficient quantity to satisfy the animal's needs or supplied by free choice. Snow or ice is not an adequate water source.

Subd. 3. **Transportation.** Rodents may be transported only in containers constructed of a smooth, durable material. Containers must:

- (a) be constructed so as to prevent escape or injury by chewing;
- (b) provide fresh air to each contained animal and yet prevent exposure to injurious drafts;
- (c) provide enough space for each animal to stand up, turn around, and obtain necessary food and water;
- (d) have fresh food and water available to each animal during all shipping periods exceeding six hours. Food and water requirements may be met by providing vegetables or fruits sufficient to meet an animal's food and water needs.

Subd. 4. **Shelter and cage construction.** Shelters or cages must be constructed in a manner that allows cleaning of the entire surface area. The materials used

must be of sufficient strength to prevent escape or injury by chewing and to protect the animal from predators.

A shelter or cage with a solid bottom must be constructed of materials that are impervious to moisture. A shelter or cage with a wire or mesh bottom must be constructed to allow excreta to pass through the spaces in the wire or mesh. The wire or mesh floor must be constructed to prevent injury to the feet and legs of the animals.

Outdoor confinement areas must provide sufficient shade to protect the animal from the direct rays of the sun and shelter the animal from rain or snow.

Subd. 5. **Exercise.** A shelter or cage must be of sufficient height and have sufficient floor space to allow the caged animals to obtain proper exercise and maintain good health.

Subd. 6. **Temperature.** A confinement area must be maintained at a temperature suitable for the confined animal.

Subd. 7. **Ventilation.** A shelter or cage must provide ventilation to the confined animals. It must be constructed to minimize drafts, odors, and moisture condensation. Additional ventilation must be provided when the ambient temperature rises to a level that may endanger the health of the animal.

Subd. 8. **Lighting.** Lighting of sufficient intensity and distribution must be available to permit routine inspection and regular cleaning.

Subd. 9. **Sanitation.** A shelter or cage must be cleaned on a regular basis to prevent the accumulation of excreta, hair, contaminated or wet litter, and uneaten or contaminated food. If the shelter or cage has a solid floor, the floor must be covered with clean, dry bedding which must be changed at least once a week. If the shelter or cage has a wire or mesh floor, the catch pans or troughs under the cage must be cleaned at least once a week. If the cage or shelter becomes soiled or wet to a degree that may be harmful to the caged animals due to water leakage, dead animals, or spoiled foods, the animals must be transferred to clean, dry quarters as soon as possible after discovery of the condition. The shelter or cage, and food and water receptacles, must be regularly cleaned.

Subd. 10. **Chewing materials.** A rodent must be provided with materials that allow necessary chewing to prevent detrimental overgrowth of the animal's teeth.

History: 1983 c 358 s 7

346.42 OTHER ANIMALS.

Animals not covered in detail in sections 346.38 to 346.41 must be maintained in accordance with a general standard of care necessary for the species as determined by an expert opinion.

History: 1983 c 358 s 8

346.43 FARM ANIMALS EXCLUDED.

Sections 346.35 to 346.44 do not apply to the care or treatment of an agricultural or farm animal which is used for food or other products or any other agricultural use.

History: 1983 c 358 s 9

346.44 PENALTIES.

Except where otherwise indicated, a person found guilty of failure to comply with a provision of sections 346.36 to 346.42 is guilty of a misdemeanor.

History: 1983 c 358 s 10