

## CHAPTER 94: ANIMALS

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### *DOGS*

#### § 94.01 DEFINITIONS

For the purpose of this subchapter, the following definitions shall apply unless the context indicates or requires a different meaning.

**HARBORER OF A DOG.** Any person who has custody of any dog or permits the same to be kept or to stay on or about his or her premises.

**OWNER.** Any person, firm or corporation owning, harboring or keeping a dog.

**RUNNING-AT-LARGE OF DOGS.** Permitting any dog to go on or about the public streets, alleys or other places in the city, except on the premises of the owner or harborer thereof, and except on a leash, in an automobile or similar confinement, and at all times is under control.  
(Res. 0022, passed 8-14-2000)

#### § 94.02 DOG NUISANCES

(A) *Nuisances.*

- (1) The owner or custodian of any dog shall prevent the dog from committing in the city any act which constitutes a nuisance such as to habitually, frequently bark or cry, to frequent school grounds, parks or public beaches, to chase vehicles, to molest or annoy any person away from the property of his or her owner or custodian, or to damage or destroy public or private property.
- (2) Defecation on property other than that of the dog owner is a nuisance. Failure of the owner or custodian to prevent the dog from committing a nuisance is a violation of this subchapter.

(B) *Habitual barking.* It shall be unlawful for any person to keep or harbor a dog which habitually barks or cries. **HABITUAL BARKING** shall be defined as barking for repeated intervals of at least five minutes with less than one minute of interruption. The barking must also be audible off of the owner's or caretaker's premises.

(C) *Warrant required.* The Animal Control Officer or police officer shall not enter the property of the owner of an animal described in this section unless the officer has first obtained the permission of the owner to do so or has obtained a warrant issued by a court of competent jurisdiction, as provided for in § 10.20, to search for and seize the animal.

(Res. 0022, passed 8-14-2000) Penalty, see § 94.99

*Cross-reference: Manner of keeping, see § 94.35*

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### **§ 94.03 RUNNING-AT-LARGE PROHIBITED**

It shall be unlawful for the dog or cat of any person who owns, harbors or keeps a dog or cat, to run-at-large. A person, who owns, harbors or keeps a dog or cat which runs-at-large shall be guilty of a misdemeanor. Dogs or cats on a leash and accompanied by a responsible person or accompanied by and under the control and direction of a responsible person, so as to be effectively restrained by command as by leash, shall be permitted in streets or on public land unless the city has posted an area with signs reading Dogs or Cats Prohibited.

### **§ 94.04 LICENSES REQUIRED**

- (A) No person shall keep any dog within the city without securing an annual license from the city.
- (B) Records are kept for licenses issued with proof of vaccinations.
- (C) License fees shall be established by the City Council by ordinance.  
(Res. 0022, passed 8-14-2000) Penalty, see § 94.99

### **§ 94.05 AFFIXING TAGS**

- (A) The owner shall cause the tag to be affixed by a permanent metal fastener to the collar of the dog in such a manner that the tag may easily be seen.
- (B) The owner shall see that the tag is constantly worn by the dog in public.  
(Res. 0022, passed 8-14-2000)

### **§ 94.06 CONFINEMENT OF CERTAIN DOGS**

Every female dog in heat shall be confined in a building or other secure enclosure in such manner that it cannot come into contact with another dog, except for planned breeding.  
(Res. 0022, passed 8-14-2000)

### **§ 94.07 LIMIT OF DOGS AT ONE PREMISES**

Not more than two dogs over six months of age shall be kept on any one premises except at a licensed commercial kennel. However, if more than two dogs are now currently kept at the premises, the dogs will be permitted to remain if no violations occur under the provisions of this chapter.  
(Res. 0022, passed 8-14-2000)

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### **§ 94.08 ABANDONMENT**

It is unlawful for any person to abandon any dog or other animal within the city limits.  
(Res. 0022, passed 8-14-2000)

### **§ 94.09 QUARANTINE OF CERTAIN DOGS**

Any dog which bites a person shall be quarantined for such a time as may be directed by the city. During quarantine, the dog shall be securely confined and kept from contact with any other animal. At the discretion of the city, the quarantine may be on the premises of the owner. However, if the conditions require other confinement, the owner shall surrender the dog for the quarantine period to an animal shelter/clinic or shall, at his or her own expense, place it in a veterinary clinic as determined by the city.  
(Res. 0022, passed 8-14-2000)

### **§ 94.10 MUZZLING PROCLAMATION**

Whenever the prevalence of rabies renders the action necessary to protect the public health and safety, the Council shall issue a proclamation ordering every person owning or keeping a dog to muzzle it securely so that it cannot bite. No person shall violate the proclamation and any unmuzzled dog unrestrained during the time fixed in the proclamation shall be subject to impoundment as heretofore provided, and the owner of the dog shall be subject to the penalty hereinafter provided.  
(Res. 0022, passed 8-14-2000)

### **§ 94.11 PROCEEDINGS FOR DESTRUCTION OF CERTAIN DOGS**

(A) Upon sworn complaint to the Wright County Court that any of the facts set forth in division (A)(1) through (A)(4), the judge shall issue a summons directed to the owner of the dog commanding him or her to appear before the court to show cause why the dog should not be seized by Sheriff's Department or otherwise disposed of in the manner authorized in this subchapter:

- (1) That any dog at any time has destroyed property or habitually trespasses in a damaging manner on the property of persons other than the owner;
- (2) That any dog at any time has attacked or bitten a person outside the owner's or custodian's premises;
- (3) That any dog is vicious, shows vicious habits or molests pedestrians and/or interferes with vehicles on the public streets; or

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- (4) That any dog is deemed public nuisance as heretofore defined.
- (B) The summons shall be thereof and shall be served at least two days before the time of the scheduled court appearance. Upon the hearing and finding the facts true as complained of, the court may either order the dog killed, order the dog owner/custodian to remove it from the city limits or may order the owner or custodian to keep it confined to a designated place. If the owner or custodian violates the order, and Sheriff's Department may impound the dog described in the order. The provisions are in addition to and supplemental to other provisions of this subchapter.
- (C) Costs of the proceeding as specified by this subchapter shall be charged back and/or assessed to the owner or custodian of the dog, if the facts in the complaint are found to be true; or to the complainant, if the facts are found not to be true.
- (Res. 0022, passed 8-14-2000)

### **§ 94.12 IMPOUNDING**

Unclaimed dogs found unlicensed or running-at-large may be impounded by the city and/or Sheriff's Department. Notice of the impounding shall be given to the owner of the dog if known. If the owner is unknown, the city or deputy sheriff shall post a notice at City Hall. If the dog is not claimed within seven days including Saturday, Sunday or Monday of the posting the notice, the animal will become the property of the designated clinic/shelter as described under the adopted Animal Control contract and put up for adoption or euthanized if injured, ill or a suitable home cannot be found.

(Res. 0022, passed 8-14-2000)

### **§ 94.13 REDEMPTION**

Any dog to be redeemed from the impoundment location by the owner/custodian within the time stated in the notice shall pay the fee amount as designated in the Animal Control contract to the city. Any unpaid fee will be paid together with any impounding fines for each time the dog is impounded. All boarding costs for feeding the dog each day per the Animal Control Contract as approved by the City Council will be the responsibility of the owner and/or custodian.

(Res. 0022, passed 8-14-2000)

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### ***OTHER ANIMALS***

#### **§ 94.30 GENERAL PROHIBITION**

No person shall keep any horse, cattle, sheep or goat in the city or permit the animal to be kept on premises owned, occupied or controlled by him or her except under the conditions prescribed by this subchapter.

(Prior Code, § 504.01) Penalty, see § 94.99

#### **§ 94.31 AREAS WHERE KEEPING PROHIBITED**

No horse, cattle, sheep or goat shall be kept within the city except within the agricultural zone (or on a parcel of land exceeding three acres).

(Prior Code, § 504.02)

#### **§ 94.32 TREATMENT**

No person shall treat any animal in a cruel or inhumane manner.

(Prior Code, § 504.03)

#### **§ 94.33 ANIMALS AT-LARGE**

(A) No person shall permit any horse, mule, donkey, pony, cattle, sheep, goat, swine, rabbit, chicken, geese, duck or turkey of which he or she is the owner, caretaker or custodian to be at-large within the city.

(B) Any animal is deemed to be at-large when it is off the premises owned or rented by the owner or his or her agent and not under his or her individual restraint.

(C) Any animal shall not be allowed in Peterson Park during community festivals (such as Corn Carnival).

(Prior Code, § 504.04) (Ord. 2022.06, passed 10-10-2022)

#### **§ 94.34 DISEASED ANIMALS**

Any animal with a contagious disease shall be so confined that it cannot come within 50 feet of any public roadway or any place where animals belonging to or harbored by another person are kept.

(Prior Code, § 504.05)

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### **§ 94.35 MANNER OF KEEPING**

No person shall keep any dog, cat or other animal in the city in an unsanitary place or condition or in a manner resulting in objectionable odors or in such a way as to constitute a nuisance or disturbance by reason of barking, howling, fighting or other noise or in such a way as to permit the animal to annoy, injure or endanger any person or property.

(Prior Code, § 504.06)

***Cross-reference:***

*Dog nuisances, see § 94.02*

### **§ 94.36 CARE OF PREMISES**

(A) *Clean shelters.* Every structure and yard in which animals or fowl are kept shall be maintained in a clean and sanitary condition and free of rodents, vermin and objectionable odors. The interior walls, ceilings, floors, partitions and appurtenances of any structure shall be whitewashed or painted, as the Health Officer shall direct. Upon the complaint of any individual or otherwise, the Health Officer shall inspect the structure or yard and issue any order as may be reasonably necessary to carry out the provisions of §§ 94.30 through 94.35.

(B) *Manure.* Manure shall be removed with sufficient frequency to avoid nuisance from odors or from the breeding of flies, but at least once per month from October 1 to May 1 each year and once every two weeks at other times. Unless used for fertilizer, manure shall be removed by hauling beyond the city limits. If used for fertilizer, manure shall be spread upon the ground evenly and turned under at once or as soon as the frost leaves the ground.

(Prior Code, § 504.07)

### **§ 94.37 IMPOUNDING**

(A) *Who impounds.* The Public Works Director or any police officer may take up and impound in the city pound any animal or fowl found running-at-large in violation of this subchapter and shall provide proper sustenance for every animal impounded.

(B) *Notice.* Within 24 hours after any animal has been impounded, the pound master shall post notice in the City Hall and post office in the city describing the animal and stating that it has been impounded. He or she shall also make a reasonable attempt to give oral or written notice to the owner if known.

(C) *Release.* No animal impounded shall be released except to a person displaying a receipt from the City Clerk-Treasurer showing payment of the impounding fee or the sale price.

(D) *Fees.* The fee for impounding and feeding fowl and any other impounded animal, except a dog shall be as set by Council.

(A) *Sale.* If any impounded animal is not redeemed within six days, the pound master shall

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give an additional three-day posted notice, as provided in division (B) above, of the time and place when and where the animal shall be sold. If the pound master is unable to sell the animal on the day stated, he or she may sell the animal as soon thereafter as possible without further notice.

- (B)(F) *Illegal release.* No unauthorized person shall break into the pound or release any animal legally placed therein.
- (C) (Prior Code, § 504.08)

### **§ 94.99 PENALTY**

*General.* Any person violating any provision of this chapter shall be guilty of a misdemeanor.

(Res. 0022, passed 8-14-2000)