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SECTION 8.1: REGULATING THE KEEPING OF DOMESTICATED ANIMALS

8.1.01 Definitions: As used in this Chapter, the following terms shall have the meanings provided unless the context otherwise indicates:

Subd. 1 Animal. “Animal” shall mean any mammal, reptile, amphibian, fish, bird (including all fowl and poultry) or other member commonly accepted as a part of the animal kingdom. Animals shall be classified as follows:

- A. **Domestic.** “Domestic animals” shall mean those animals commonly accepted as domesticated household pets. Unless otherwise defined, such animals shall include dogs, cats, caged birds, gerbils, hamsters, guinea pigs, domestic rabbits, fish, non-poisonous, non-venomous and non-constricting reptiles or amphibians, or other similar animals.
- B. **Non-Domestic.** “Non-Domestic animals” shall mean those animals commonly considered to be naturally wild and not naturally trained or domesticated, or which are commonly considered to be inherently dangerous to the health, safety, and welfare of the people. Unless otherwise defined, such animals shall include:
 - (1) Any member of the large cat family (family felidae) including lions, tigers, cougars, bobcats, leopards and jaguars, but excluding commonly domesticated house cats.
 - (2) Any naturally wild member of the canine family (family canidae) including wolves, foxes, coyotes, dingoes, and jackals, but excluding commonly accepted domesticated dogs.
 - (3) Any crossbreeds such as the crossbreed between a wolf and a dog, unless the crossbreed is commonly accepted as a domesticated house pet.
 - (4) Any member or relative of the rodent family, including any skunk (whether or not descended), raccoon, squirrel, or ferret, but excluding those members otherwise defined herein or commonly accepted as domesticated pets.
 - (5) Any poisonous, venomous, constricting, or inherently dangerous member of the reptile or amphibian families including, but not limited to, rattlesnakes, boa constrictors, pit vipers, crocodiles and alligators.
 - (6) Any other animal which is not explicitly listed in this section but which can reasonably be defined by the terms of this subpart, including, but not limited to bears, deer, monkeys and game fish.
- C. **Farm Animals.** “Farm animals” shall mean those animals commonly associated with a farm or performing work in an agricultural setting. Unless otherwise defined, such animals shall include members of the equestrian family (horses, mules), bovine family (cows, bulls), sheep, poultry (chickens, turkeys), fowl (ducks, geese), swine (including farm pigs and Vietnamese pot-bellied pigs), goats, bees, and other animals typically associated with a farm, ranch, or stable.

Subd. 2 Dog. "Dog" shall be intended to mean both male and female domesticated members of the canine family commonly accepted as household pets.

Subd. 3 Cat. "Cat" shall mean both the male and female of the domesticated members of the feline family commonly accepted as household pets.

Subd. 4 Owner. "Owner," when used in relation to an animal, shall include every person or persons, firm, association or corporation who owns, harbors or keeps an animal.

Subd. 5 Commercial Kennel. "Commercial Kennel" shall mean any place located within the FR, RC or OM Zoning Districts as shall be defined in the City Zoning Code or Ordinance and where the business of keeping, raising, selling, boarding, breeding, or showing, of dogs or cats is conducted, in full conformance with applicable Zoning District regulations including, but not specifically limited to, pet shops, animal hospitals and grooming facilities. Commercial kennels are allowed as a conditional use within the City. (Refer to Chapter 17, Zoning Ordinance, for the conditional use requirements.)

Subd. 6 Private Kennel. "Private Kennel" shall mean any premises, regardless of how zoned or used, within the City Limits of the City, where four or five dogs or cats in combination, six months or older, are kept, maintained or harbored as pets or for some other purposes, but not for purposes of selling, boarding, breeding, showing, treating or grooming, or other commercial purposes.

Subd. 7 Poundmaster. "Poundmaster" shall be construed to mean Chief of Police or his or her designated agent, such as Animal Control Officer.

Subd. 8 Animal Control Officer. "Animal Control Officer" shall be construed to mean the person appointed by the Chief of Police, with the consent of the City Council, to act as the animal control officer in enforcing the provisions of this Section and other animal control Code or Ordinances of the City. The animal control officer need not be licensed as a peace officer, constable or part-time peace officer.

Subd. 9 Public Nuisance Dog. "Public Nuisance Dog" shall be intended to mean any dog which:

- A. Is repeatedly found at large;
- B. Damages the property of anyone other than its owner;
- C. Is a "vicious dog," meaning a dog that constitutes a physical threat to human beings or other animals by virtue of one or more attacks of such severity as to cause property damage or physical injury;
- D. Causes fouling of the air by unreasonable odors;
- E. Causes unsanitary conditions of enclosures or surroundings;
- F. Excessively, habitually or frequently makes disturbing noises by barking, yelping, howling, crying or otherwise disturbing the peace;
- G. Molests passer(s)-by or passing vehicles;
- H. Attacks other domestic animals;
- I. Has been designated by the poundmaster or police officers to be a public nuisance dog by virtue of being a menace to the public health, welfare and safety; and
- J. Frequents school grounds or parks.

Subd. 10 Running at Large. "At Large" shall be intended to mean off the premises of the owner and not under the control of the owner or a member of his or her immediate family either by leash, cord, chain or otherwise. No person owning, keeping or harboring an animal shall permit the animal to run at large. For the purposes of this section, an animal shall be deemed to be running at large:

- A. When the animal is off the premises of the owner and not under the control of the owner, a member of the owner's immediate family or other responsible person by means of a leash, chain or harness of suitable strength, unless:
 - 1. The animal shall be confined in a shipping receptacle or a closed vehicle; and/or;
 - 2. The animal shall be actually participating in a bona fide field trial, show or exhibition, training school, obedience school or similar activity.
- B. When the animal commits damage to the property of anyone other than the owner or injury to the person of anyone other than the owner, except in defense of the animal's owner or the owner's family.

SECTION 8.2: DOGS AND CATS

8.2.01 Dog and Cat Licenses Required. All dogs and cats kept, harbored or maintained by their owner in the City shall be licensed if over six months of age. Dog or Cat licenses shall be issued by the City Administrator upon payment of a license fee for each unneutered male, each unspayed female, and each spayed female or neutered male which fee shall be established by resolution as adopted from time to time by the City Council. The owner shall apply for the license upon printed forms provided for such purpose by the City and shall state his or her name and address, and the name, breed, color and sex of each dog or cat owned or kept by him or her. The provisions of this Section shall not be intended to apply to dogs or cats whose owners are non-residents temporarily within the City, nor to dogs or cats brought into the City for the purpose of participating in any animal show, nor service dogs properly trained to assist disabled persons when the dogs are actually providing service to disabled persons.

8.2.02 Tag and Collar. Upon payment of the license fee, the Administrator shall issue to the owner a receipt and a metallic tag for each dog or cat so licensed. The shape of the tag shall be changed each year and shall have stamped thereon the year for which it was issued and a number corresponding to the number on the receipt. Every owner shall be required to provide each dog or cat with a collar to which the license tag shall be affixed, and shall see that the collar and tag are constantly worn. In case the license tag is lost or destroyed, a duplicate shall be issued by the Administrator upon presentation of receipt showing the payment of the license fee for the current year and an additional payment fee for the duplicate. License tags shall not be transferrable from one animal to another and no refunds shall be made on any license fee because of the death of the dog or cat regardless of whether the owner leaves the City before expiration of the license period.

8.2.03 Keeping Of Dogs and Cats Limited. It shall be unlawful for any person to keep, harbor or have custody or control at any one time, except as otherwise allowed for in this Section, more than three (3) dogs over the age of six months, more than three (3) cats over the age of six months, or a combination of more than three (3) dogs or cats over the age of six months in any residential dwelling unit or upon such person's premises, whether owned, leased or otherwise occupied or possessed by such person unless one of the following exceptions apply.

(Ordinance 245A, 313A)

Subd. 1. Exceptions. It shall not be unlawful for a person to keep, harbor or have custody or control of more than three (3) dogs and/or three (3) cats (not to exceed a total of five animals at any one time), provided one of the following conditions exists:

- A. Such person is in the process of applying for a one-time nonrenewable Private Kennel License consistent with the provisions of this Section; or,
- B. Such person is granted a Private Kennel License for the purpose of providing a period of time *not less than six months but not to exceed three years*, in which to find another place where the dogs and cats numbering in excess of three (3) dogs and/or (3) cats can be legally, safely and humanely harbored.
- C. Such person keeps, harbors or has custody or control of no more than three (3) dogs and three (3) cats over six months old and a number of puppies and kittens under six (6) months old, all of the same litter, which are offspring of animals lawfully kept, harbored or in the custody or control of such person at such person's premises. However, it shall be unlawful for such person to keep, harbor or have custody or control of more than one such litter at any one time, unless such person obtains a Private Kennel License.

8.2.04 Vaccination of Dogs and Cats Required.

Subd. 1. All dogs and cats kept, harbored, maintained, or transported within the City shall be vaccinated at least once every three years by a licensed veterinarian for rabies (with a live modified vaccine) and distemper.

Subd. 2. The owners of all dogs and cats kept, harbored, maintained, or transported within the City shall be required to maintain records of the date of all required vaccinations and a certificate of vaccination shall be maintained which includes all of the following information: owners name and address, animals name, sex, description and weight, type of vaccine, and the signature of the veterinarian. This certificate shall upon demand be produced to the City Administrator's office or a police officer within seven days or shall constitute a violation of this section.

8.2.05 Dog and Cat Nuisances.

Subd. 1. Dog Nuisance. The owner of any dog shall be responsible to prevent the dog from committing any act in the City of Cloquet which constitutes a nuisance under this Code. Failure of the owner of a dog to prevent the dog from committing such a nuisance is a violation of this Code and is punishable as provided herein. In the case of a dog or dogs disturbing the peace by excessively, habitually or frequently barking, yelping, howling, crying or making any other noise for a period of ten consecutive minutes or intermittently for 30 minutes or more at any time either day or night or otherwise disturbing the peace and tranquility of neighbors or other citizens, such actions will be deemed a nuisance if reported to the City and the behavior is verified by witnesses, an Animal Control Officer or a City Peace Officer.

Subd. 2. Cat Nuisance. The owner of any cat shall prevent the cat from committing any act in the City which constitutes a nuisance by destroying, damaging or defiling property; creates an offense by way of noise, odor, or public sanitation; is a danger to the public health; molests other animals or human beings; is in heat and unconfined; or is repeatedly found at large after receiving notice from the City of the commission of such acts. No person shall own or possess any cat which violates the provisions of this Section after receiving notice from the City of the prior commission of such acts by the cat in question. Such cats shall be declared to be a public nuisance.

Subd. 3 Notice of Owner. Thereafter, and prior to the issuance of any violation of this Code for a dog or cat nuisance, the City Police Department, City Attorney or the City Administrator's Office for the City of Cloquet, shall give the owner of such a dog or cat a written notice by certified mail or by personal service noting the date and nature of the alleged violation. If the owner of the dog or cat is not known, then such written notice shall be sent by certified mail to the occupant of the premises where the animal is being kept or harbored. If the owner is not known, and an occupant cannot be found upon the premises, said written notice shall be posted for at least five (5) business days in the City Hall of the City of Cloquet in a conspicuous place and shall be addressed: "To Whom it May Concern". Said notice of a dog or cat violation shall describe the dog or cat constituting the nuisance, it shall include the location of the alleged violation and shall state the grounds on which the dog or cat and the owner are being cited for a violation of the Code.

8.2.06 Running at Large Prohibited. No owner or keeper of any dog shall negligently or intentionally permit the animal to run at large, as that term is defined in Subd. 10 of Section 8.1.01, within the urban corporate limits of the City of Cloquet, as set forth below. Given the potentially serious public health and safety concerns, it is the City's intent that with respect to the application of this section that the standard of negligence to be applied in considering a violation will be that of ordinary negligence as is required in a civil action. The City limits, for purposes of this Section, shall be described as follows:

"All lands lying within the following lines within the boundaries of the City described as follows: Commencing at the point of intersection of the North Road and the easterly boundary line of the City; thence northerly along the easterly boundary line of the City for a distance of 660 feet to a point; thence westerly on an extended line parallel to and 660 feet north of the North Road to the easterly edge of the St. Louis River; thence southeasterly along the easterly edge of the St. Louis River to the North Road; thence westerly on an imaginary line across the St. Louis River to the Jarvi Road on the westerly side of the St. Louis River and continuing along said Jarvi Road in a westerly direction to the Reservation Road; thence southerly on an extended line of the Reservation Road to the intersection of County Road No. 7 and Trettle Lane; thence southerly along Trettle Lane to Airport Road; thence easterly on Airport Road to Pinewood Drive; thence southerly on the westerly boundary of Ward No. 1 of the City to the southerly boundary line of the City; thence easterly on the southerly line of the City limits of the City to the easterly boundary line of the City; thence northerly on the easterly boundary line of the City, following the boundary line to the point of intersection with the North Road, the point of beginning."

8.2.07 Impounding of Animals.

Subd. 1. The Animal Control Officer, a City peace officer and any other authorized agents appointed by the City Council shall have the authority to seize, impound or restrain any animal maintained in violation of this Code or which bites a person or causes an annoyance to individuals, or which runs at large. All animals seized or restrained pursuant to this subsection shall be impounded and the owner assessed a per diem charge based upon the cost of holding and maintaining the animal. Immediately upon the impounding of an animal wearing a current license tag, the designated Animal Control Officer shall make every reasonable effort to notify the owner or harbinger of the impoundment, and of the conditions whereby the owner or harbinger may regain custody of the animal. Verbal notice shall be immediately confirmed in writing by the designated Animal Control Officer, any peace officer or agent of the City.

Subd. 2. Any animal so impounded shall be held until claimed by the animal's owner or until it is destroyed. Any animal so impounded shall be kept, with humane treatment and sufficient food and water for its comfort, at least five regular business days, unless the animal is a dangerous animal as defined under M.S. Sections 347.50 to 347.54, as it may be amended from time to time, in which case it shall be kept for seven days, and except if the animal is a cruelly-treated animal under M.S. Sections 343.20 to 343.235, as it may be amended from time to time, or has not been properly inoculated as required herein in which case it shall be kept for ten days to make sure that the animal is free from disease. After that time, it may be destroyed unless properly reclaimed by its owner. The owner will remain liable for all charges incurred by the City in impounding, holding or destroying the animal.

8.2.08 Notice to Owner and Redemption. Not later than three days after the impounding of any dog or cat, the owner shall be notified, or if the owner of the animal is unknown written notice shall be posted for three days at the City Hall and the Animal Control Shelter, or designated Veterinarian Hospital used by the City as a pound, describing the animal and the time and place of taking the impoundment. The owner of any animal so impounded may reclaim the animal upon payment of the license fee and additional charge which shall be established by resolution as adopted from time to time by the City Council as a late fee penalty for failure to license as required by this Section. In addition the animal owner shall be responsible to pay for all costs and charges incurred by the City for impounding and maintenance of the animal. The owner shall be notified that the Veterinarian will inject the impounded animal with rabies shots if the animal is overdue for injection or if the Veterinarian cannot obtain information as to the last date of rabies shots for the animal. The cost of the injection for rabies shots shall be paid for by the owner. The following items are charges that shall be paid to the keeper of the animal or Veterinarian at a cost which shall be established by resolution as adopted from time to time by the City Council:

- A. Cost of Rabies shot.
- B. Cost for impounding the animal during normal business hours and for impounding a dog after normal business hours (after 6:00 p.m.).
- C. Costs of keeping any animal.
- D. All costs related to the service or giving of notice.

8.2.09 Disposition of Unclaimed or Infected Dogs or Cats. It shall be the duty of the Animal Control Officer, or the Animal Shelter as designated by a City officer or agent to keep all dogs and cats so impounded for a period of five (5) regular business days. If upon the expiration of five (5) regular business days from the date of notice to the owner or the posting of the notice, the dog or cat shall not have been redeemed, it may be destroyed. Any unlicensed dog or cat required by law to be licensed, or any dog or cat which appears to a licensed veterinarian to be suffering from rabies or affected with hydrophobia, mange or other infectious or dangerous disease shall not be released but may be forthwith destroyed with all costs accessible to the owner.

8.2.10 Muzzling. Whenever it becomes necessary to safeguard the public from the dangers of hydrophobia, the Mayor, if he or she deems it necessary, may issue a proclamation ordering every person owning or keeping a dog to confine it securely on his or her premises unless the dog shall have a muzzle of sufficient strength to prevent it from biting any person. Any unmuzzled dog running at large during the time of the proclamation shall be seized and impounded unless noticeably infected with rabies. All dogs so noticeably infected with rabies and displaying vicious propensities shall be killed by any peace officer or animal control officer without notice to the owner.

Dogs impounded during the first two days of the proclamation shall, if claimed within four days, be released to the owner, unless infected with rabies, and upon payment of the impounding charges, maintenance and serving of the notice provided in this Section. If unclaimed after that period, the dog may be summarily destroyed.

8.2.11 Rabies Notice. If a dog or cat is believed to have rabies or has been bitten by a dog or cat suspected of having rabies, the animal shall be confined by a leash or chain on the owner's premises and shall be placed under the observation of a veterinarian at the expense of the owner for a period of two weeks. The owner shall notify the animal control officer or the City police of the fact that his or her animal has been exposed to rabies and at his or her discretion the animal control officer as designated by the City is empowered to have the animal removed from the owner's premises to a veterinary hospital or designated animal shelter and there placed under observation for a period of two weeks at the expense of the owner.

It shall be unlawful for any person who has reason to know that a dog or cat has rabies to take the animal off his or her premises or beyond the limits of the City without written permission of the City designated animal control officer or the Chief of Police. Every owner, or other person, upon ascertaining a dog or cat is rabid shall immediately notify the City designated animal control officer or a police officer who shall either remove the animal to the pound or summarily destroy it.

8.2.12 Proceedings for Destruction of Certain Dogs and Cats. Upon sworn complaint to the District Court and upon good cause shown that any one of the following conditions exist, the Court may issue an Order to Show Cause why a dog or cat should not be destroyed:

- A. That any dog or cat at any time has destroyed property, attacked a domesticated pet properly on its own premises or has habitually trespassed in a damaging manner on the property of persons other than the owner;
- B. That any dog or cat at any time has attacked or bitten a person outside the owner's premises;
- C. That any dog or cat is vicious or shows vicious habits or molests pedestrians or interferes with vehicles on the public streets; or,
- D. That any dog or cat is a public nuisance as defined herein.

If the Court determines that one of these situations has been established by a showing of good cause, the Judge shall issue a Summons directed to the owner of the dog or cat commanding him or her to appear before the Court to show cause why the animal should not be seized by the animal control officer and/or police officer or otherwise disposed of in the manner authorized in this Section.

The Summons shall be returnable not less than two (2) nor more than six (6) days from the date thereof and shall be served at least two (2) days before the time of the scheduled appearance. Upon the hearing and finding the facts true as complained of and upon good cause shown, the Court may either order the animal killed or order the owner or custodian to remove it from the City, or may order the owner or custodian to keep it confined to a designated place. If the owner violates the order, the animal control officer and/or any police officer may impound the animal described in the order at the expense of the owner. The provisions of this Section are in addition to and supplemental to other provisions of this Chapter.

8.2.13 Private Kennel License.

Subd. 1 Private Kennel License. A Private Kennel License, may at the discretion of the City Council be granted to an applicant for the license only upon good cause shown, provided:

- A. Such application is made in accordance with this Section; and
- B. The applicant for the Private Kennel License properly licenses all the dogs and cats the applicant is keeping, harboring, or has in his or her control, in accordance with all Code provisions or ordinances at the time application for the license is made; and,
- C. The applicant obtains the written consent from all residential landowners located within one hundred (100) feet of the property line of the applicant; and
- D. The applicant pays all fees set forth by this Section and complies with the conditions set forth by the City Council at the time the license is granted.

Subd. 2 License Application. Application for a Private Kennel License shall be made to the City Administrator upon forms supplied by the City Administrator. The application shall state:

- A. The name and address of the applicant; and,
- B. That the applicant keeps, harbors, has custody of or control of a combined total of four or five dogs and/or cats in combination, each of greater age than six (6) months in age; and
- C. The property address and legal description of the proposed kennel site; and,
- D. The age, breed and sex of all of the dogs and cats that the applicant keeps, harbors or has custody or control of; and,
- E. That the applicant has properly licensed all such dogs and cats or has applied for licenses for all such animals in conformity with all City Code or Ordinances requiring the licensing within the City; and,
- F. The applicant provides proof of rabies vaccination by a licensed veterinarian for all dogs and cats that the applicant keeps, harbors, or has custody or control of; and
- G. The applicant has attached to the application a sketch or drawing of the proposed kennel describing the construction, operation, purpose and approximate number of animals to be kept, harbored or to be in the custody or control of the applicant or confined in such kennel.
- H. If the applicant is a renter or tenant, a written letter of support/approval from the property owner on which such kennel license is sought must be obtained.

Subd. 3 Private Kennel License Fee. The fee for a Private Kennel License shall be established by resolution as adopted from time to time by the City Council and shall be paid at the time the license is issued.

Subd. 4 Private Kennels for Less than Three Dogs and Three Cats. Nothing in this Section shall be construed or interpreted to mean the City Council of the City of Cloquet desires that people having custody or control of three (3) or fewer dogs and cats should not provide lawful, proper, safe and humane kennels and shelter for such animals in accordance with all requirements of law or should not properly license all such animals within the City.

Subd. 5 Hearing Required. A public hearing before the City Council, shall be required for all applications for Private Kennel Licenses and shall be placed on the agenda of the City Council for a public hearing at a regular City Council meeting within 30 days after the application is received by the City. Not less than seven days before the date of the public hearing, the City Administrator shall mail notice of the hearing to the applicant and to the owners of the property within 100 feet of the proposed kennel location. The failure of any owner to receive the notice shall not invalidate the proceeding.
(Ordinance 313A)

Subd. 6 Council Approval. The City Council may, in its discretion, approve any Private Kennel License application and may attach to the approval any conditions necessary to insure compliance with this Section and any other conditions necessary to protect the health, safety, welfare and property values of other property in the immediate area of the proposed kennel. The form of approval for a license shall be the resolution of approval, a certified copy of which shall be forwarded to the applicant.

Subd. 7 Standards for Kennels. Kennels shall be designed, operated and maintained according to the following standards:

- A. Private Kennels. A private kennel shall consist of an enclosed area in which all animals are confined when not under restraint and shall be constructed so as to prevent the animals from running at large. Any such kennel shall be so constructed as to provide shelter for all animals, shall be kept in good repair, and maintained in a clean and sanitary condition. It shall be unlawful to maintain a private kennel in a way which constitutes a violation of this Section or which constitutes a nuisance under this Code, or in violation of any condition imposed by the City Council at the time the license is granted.

Subd. 8 Penalty. Any person who keeps, harbors, controls or has custody of more than three (3) dogs, more than three (3) cats without a private kennel license, or a combination of more than 5 dogs and cats in violation of this section, shall be deemed guilty of a petty misdemeanor. Each day a violation of this Section exists shall be deemed to be a separate offense.

8.2.14 Citations. The designated Animal Control Officer shall be hereby authorized and empowered to issue a citation or citations in lieu of arrest or continued detention of any person who is believed to have violated the provisions of this Section, in conjunction with the powers and limitations set forth in this Code. Nothing contained in this Section shall limit the authority of any City Police Officer to issue a citation or perform all lawful acts in connection with the enforcement of any provision of this Section or any other applicable City Ordinance.

8.2.15 Penalty . Except as otherwise provided, any owner found violating any provision of this Section shall be guilty of a misdemeanor. "Further a person which holds a private kennel license, who is in violation of these provisions, may have such license revoked by the City Council after a hearing has been held by the Council."

SECTION 8.3 PET AND ANIMAL WASTE

8.3.01 Purpose. It shall be the purpose of this Section to protect the public health, safety and welfare, and to guard against the transmission of disease, and to promote City beautification by requiring the owners of all animals, including pets, within the City to be immediately responsible for the animal waste and feces produced by those animals.

8.3.02 Waste Removal Required. The Council finds and hereby requires that the owners of all pets and animals within the City owe an obligation to their friends, neighbors and members of the public to properly pick up and dispose of any animal waste produced by their animal in an expeditious, safe and proper manner. Every owner (or person in possession) of every dog, cat, pet or other animal while that pet or animal is located within the City shall be required to properly pick up and dispose of any feces produced by the animal immediately or as soon as is practicable so that such animal waste or feces is not left on City property or the private property of another.

8.3.03 Citations. All law enforcement personnel, including the Animal Control Officer, shall hereby be authorized and empowered to issue a citation or citations in lieu of arrest or continued detention to any person who is believed to have violated the provisions of this Section.

8.3.04 Penalty. Any animal owner or person found in violation of a provision of this Section shall be guilty of a petty misdemeanor. Each violation of this offense Section shall be considered a separate offense.

SECTION 8.4: DANGEROUS, NON-DOMESTIC AND FARM ANIMALS

8.4.01 Non-Domestic Animals. It shall be illegal for any person to own, possess, harbor, or offer for sale any non-domesticated animal (as that term is defined herein) with the City limits. Any owner of such an animal at the time of the adoption of this Code shall have thirty (30) days in which to remove the animal from the City after which time the City may impound the animal as provided herein and charge the owner all costs. An exception shall be made to this prohibition for animals specifically trained for and actually providing assistance to the handicapped or disabled, and for those animals brought into the City as part of an operating zoo, veterinarian clinic, scientific research laboratory, or a licensed show or exhibition.

8.4.02 Farm Animals. Farm animals shall only be kept in an agricultural district of the City, or on a residential lot of at least ten (10) acres in size provided that no animal shelter shall be within three hundred (300) feet of adjoining piece of property. An exception shall be made for animals brought into the City as part of an operating zoo, veterinarian clinic, scientific research laboratory, or a licensed show or exhibition

8.4.03 Reporting Escape of Dangerous Animals Required.

Subd. 1. The owner or keeper of any member of a species of the animal kingdom that escapes from his or her custody or control and that is not indigenous to this state or presents a risk of serious physical harm to persons or property, or both, shall within one hour after he or she discovers or reasonably should have discovered the escape, report it to a law enforcement officer of the City, the County Sheriff either directly or by dialing 911 and providing a report and the City Administrator.

Subd. 2. If the office of the City Administrator is closed to the public at the time a report is required, then it is sufficient compliance to notify law enforcement by calling 911 if the owner or keeper makes the report within one hour after becoming aware of the fact that the City office is not open to the public.

8.4.04 Possession, Sale of Wild, Potentially Dangerous Animals; Prohibitions.

Subd. 1. No person shall keep, own, harbor, have charge of, maintain or have control of within the City of a wild, non-native or potentially dangerous animal.

Subd. 2. No person shall possess with intent to sell, offer for sale or buy or attempt to buy within the City a wild, non-native or potentially dangerous animal.

Subd. 3. For the purpose of this section, the phrase “wild, non-native or potentially dangerous animal” means an animal which is wild by nature and not customarily domesticated in the city and which because of its size, disposition or other characteristics inherently constitutes a danger to human life or property. A wild and potentially dangerous animal shall include, but not be limited to:

- A. Apes: chimpanzees (*Pan*); gibbons (*Hylobates*); gorillas (*Gorilla*); orangutans (*Pongo*); and siamangs (*Symphalangus*);
- B. Baboons (*Papoi*, *Mandrillus*);
- C. Bears (*Ursidae*);
- D. Cheetahs (*Acinonyx jubatus*);
- E. Coyotes (*Canis latrans*) and coyote-dog hybrids;
- F. Elephants (*Elephas* and *Loxodonta*);
- G. Hyenas (*Hyaenidae*);
- H. Jaguars (*Panthera onca*);
- I. Leopards (*Panthera pardus*);
- J. Lions (*Panthera leo*);

- K. Lynxes (*Lynx*);
- L. Pumas (*Felis concolor*); also known as cougars, mountain lions and panthers;
- M. Tigers (*Panthera tigris*);
- N. Wolves (*Canis lupus*) and wolf-dog hybrids;
- O. Wild cats (jungle cat, ocelot, margay, serval, caracal, leopard cat) and wildcat-domestic cat hybrids; and
- P. Large snakes or poisonous spiders or lizards.

Subd. 4. For the purposes of this section, the phrase “wild or potentially dangerous animal” does not include an animal that is in the possession or control of any of the following agencies, organizations, its employees or agents:

- A. The Minnesota Department of Natural Resources;
- B. The Minnesota Agriculture Department;
- C. An incorporated humane society;
- D. A veterinarian holding a valid license under state law who has custody of the a animal for the purpose of providing medical treatment of the animal;
- E. Any organization that is an accredited member of the American Association of Zoological Parks and Aquariums;
- F. An agency or official of the United States government acting in its official capacity;
- G. Any research facility within the meaning of the Animal Welfare Act, being 7USC 2131, as it may be amended from time to time;
- H. A common carrier with possession of the animal while transporting;
- I. Any person who is not currently dwelling in the city, who is traveling through the city with any wild or potentially dangerous animal, and who is in the city for no more than 24 hours and the wild or potentially dangerous animal is maintained in quarters so constructed which are humane and will prevent escape;
- J. The International Society for the Preservation of Wild Animals;
- K. Research facilities of the International Society for Endangered Cats; or
- L. Any circus or professional entertainer present within the city for the purpose of entertainment to the general public; provided, that the wild or potentially dangerous animal is maintained in quarters so constructed which are humane and will prevent escape.

Subd. 5. In addition to the penalty provided herein for a violation of this section, any person found guilty of violating this section shall also be liable to the City for all expenses, whether incurred by the City or advanced by the City, for the shelter, food, veterinary expenses, boarding and transportation of the seized wild or dangerous animal, and such other expenses as may be required in the relocation or destruction of any such wild or dangerous animal.

8.4.05 Seizure of Certain Animals Allowed. Any police officer or animal control officer may enter upon private property and seize any animal provided that the following conditions exist:

- A. There is an identified reliable complainant making a contemporaneous complaint about the animal;

- B. The officer reasonably believes that the animal is either a barking dog, is an animal subjected to cruelty, or is an animal at large;
- C. The officer can demonstrate that there has been at least one verified previous complaint of a barking dog; inhumane treatment of the animal; or that the animal was at large at this address on a prior date;
- D. The officer has made a reasonable attempt to contact the owner of the property and those attempts have either failed or have been ignored;
- E. The seizure will not involve the forced entry into a private residence. Use of a pass key obtained from a property manager, landlord, innkeeper, or other authorized person to have such key shall not be considered unauthorized entry; and,
- F. Written notice of the seizure is left in a conspicuous place if personal contact with the owner of the dog is not possible.

8.4.06 Animals Presenting a Danger to Health and Safety of City. If, in the reasonable belief of any person or police officer, an animal presents an immediate danger to the health and safety of any person, or the animal is threatening imminent harm to any person, or the animal is in the process of attacking any person, the officer may destroy the animal in a proper and humane manner. Otherwise the person or officer may apprehend the animal and deliver it to the pound for confinement. If the animal is destroyed, all charges to dispose of the animal is payable by the owner of the animal. If the animal is found not to be a danger to the health and safety of the City, it may be released to the owner or keeper.

8.4.07 Diseased Animals.

Subd. 1 Running at Large. No person shall keep or allow to be kept on his or her premises, or on premises occupied by them, nor permit to run at large in the City, any animal which is diseased so as to be a danger to the health and safety of the City, even though the animal be properly licensed under this Section.

Subd. 2 Confinement. Any animal reasonably suspected of being diseased and presenting a threat to the health and safety of the public, may be apprehended and confined in the pound by any person or police officer. The police officer shall have a qualified veterinarian examine the animal. If the animal is found to be diseased in such a manner so as to be a danger to the health and safety of the City, the officer shall cause such animal to be painlessly killed and shall properly dispose of the remains. The owner or keeper of the animal killed under this Section shall be liable for all costs of maintaining and disposing of the animal, plus the costs of any veterinarian examinations.

Subd. 3 Release. If the animal, upon examination, is not found to be diseased within the meaning of this Section, the animal shall be released to the owner or keeper free of charge.

8.4.08 Dangerous Animals.

Subd. 1. Attack by an animal. It shall be unlawful for any person's animal to inflict or attempt to inflict bodily injury to any person or other animal whether or not the owner is present. This section shall not apply to an attack by a dog under the control of an on-duty law enforcement officer or to an attack upon an uninvited intruder who has entered the owner's home with criminal intent.

Subd. 2. Destruction of dangerous animal. The animal control officer shall have the authority to order the destruction of dangerous animals in accordance with the terms established by this ordinance.

Subd. 3. Definitions.

- (1) A dangerous animal is an animal which has:

- a. Caused bodily injury or disfigurement to any person on public or private property; or
 - b. Engaged in any attack on any person under circumstances which would indicate danger to personal safety; or
 - c. Exhibited unusually aggressive behavior, such as an attack on another animal; or
 - d. Bitten one (1) or more persons on two (2) or more occasions; or
 - e. Been found to be potentially dangerous and/or the owner has personal knowledge of the same, the animal aggressively bites, attacks, or endangers the safety of humans or domestic animals.
- (2) A potentially dangerous animal is an animal which has:
- a. Bitten a human or a domestic animal on public or private property; or
 - b. When unprovoked, chased or approached a person upon the streets, sidewalks, or any public property in an apparent attitude of attack; or
 - c. Has engaged in unprovoked attacks causing injury or otherwise threatening the safety of humans or domestic animals.
- (3) Proper enclosure. Proper enclosure means securely confined indoors or in a securely locked pen or structure suitable to prevent the animal from escaping and to provide protection for the animal from the elements. A proper enclosure does not include a porch, patio, or any part of a house, garage, or other structure that would allow the animal to exit of its own volition, or any house or structure in which windows are open or in which door or window screens are the only barriers which prevent the animal from exiting. The enclosure shall not allow the egress of the animal in any manner without human assistance. A pen or kennel shall meet the following minimum specifications:
- a. Have a minimum overall floor size of thirty-two (32) square feet.
 - b. Sidewalls shall have a minimum height of five (5) feet and be constructed of 11-gauge or heavier wire. Openings in the wire shall not exceed two (2) inches, support posts shall be one-and-one-quarter-inch or larger steel pipe buried in the ground eighteen (18) inches or more. When a concrete floor is not provided, the sidewalls shall be buried a minimum of eighteen (18) inches in the ground.
 - c. A cover over the entire pen or kennel shall be provided. The cover shall be constructed of the same gauge wire or heavier as the sidewalls and shall also have no openings in the wire greater than two (2) inches.
 - d. An entrance/exit gate shall be provided and be constructed of the same material as the sidewalls and shall also have no openings in the wire greater than two (2) inches. The gate shall be equipped with a device capable of being locked and shall be locked at all times when the animal is in the pen or kennel.
- (4) **Unprovoked.** Unprovoked shall mean the condition in which the animal is not purposely excited, stimulated, agitated or disturbed.

Subd. 4. Designation as potentially dangerous animal. The animal control officer, a City peace officer or the City Attorney shall designate any animal as a potentially dangerous animal upon receiving such evidence that such potentially dangerous animal has, when unprovoked, then bitten, attacked, or threatened the safety of a person or a domestic animal as stated in subparagraph (c)(2). When an animal is declared potentially dangerous, the animal control officer shall cause one (1) owner of the potentially dangerous animal to be notified in writing that such animal is potentially dangerous.

Subd. 5. Evidence justifying designation. The animal control officer, a peace officer or the City Attorney shall have the authority to designate any animal as a dangerous animal upon receiving evidence of the following:

- (1) That the animal has, when unprovoked, bitten, attacked, or threatened the safety of a person or domestic animal as stated in subparagraph (c)(1).
- (2) That the animal has been declared potentially dangerous and such animal has then bitten, attacked, or threatened the safety of a person or domestic animal as stated in subparagraph (c)(1).

Subd. 6. Authority to order destruction. The animal control officer, upon finding that an animal is dangerous hereunder, is authorized to order, as part of the disposition of the case, that the animal be destroyed based on a written order containing one (1) or more of the following findings of fact:

- (1) The animal is dangerous as demonstrated by a vicious attack, an unprovoked attack, an attack without warning or multiple attacks; or
- (2) The owner of the animal has demonstrated an inability or unwillingness to control the animal in order to prevent injury to persons or other animals.

Subd. 7. Procedure. The animal control officer, after having determined that an animal is dangerous, may proceed in the following manner:

- (1) The animal control officer shall cause one (1) owner of the animal to be notified in writing or in person that the animal is dangerous and may order the animal seized or make such orders as deemed proper. This owner shall be notified as to dates, times, places and parties bitten, and shall be given fourteen (14) days to appeal this order by requesting a hearing before the city council for a review of this determination.
 - a. If no appeal is filed, the orders issued will stand or the animal control officer may order the animal destroyed.
 - b. If an owner requests a hearing for determination as to the dangerous nature of the animal, the hearing shall be held before the city council, which shall set a date for hearing not more than three (3) weeks after demand for the hearing. The records of the animal control or city clerk's office shall be admissible for consideration by the animal control officer without further foundation. After considering all evidence pertaining to the temperament of the animal, the city council shall make an order as it deems proper. The city council may order that the animal control officer take the animal into custody for destruction, if such animal is not currently in custody. If the animal is ordered into custody for destruction, the owner shall immediately make the animal available to the animal control officer.
 - c. No person shall harbor an animal after it has been found by to be dangerous and ordered into custody for destruction.

Subd. 8. Stopping an attack. If any police officer or animal control officer is witness to an attack by an animal upon a person or another animal, the officer may take whatever means the officer deems appropriate to bring the attack to an end and prevent further injury to the victim.

Subd. 9. Notification of new address. The owner of an animal which has been identified as dangerous or potentially dangerous must notify the animal control officer in writing if the animal is to be relocated from its current address or given or sold to another person. The notification must be given in writing at least fourteen (14) days prior to the relocation or transfer of ownership. The notification must include the current owner's name and address, the relocation address, and the name of the new owner, if any.

8.4.09 Dangerous animal requirements.

Subd. 1. Requirements. If the city council does not order the destruction of an animal that has been declared dangerous, the city council may, as an alternative, order any or all of the following:

- (1) That the owner provide and maintain a proper enclosure for the dangerous animal as specified in section 8.04.08, Subd. 3(3);
- (2) Post the front and the rear of the premises with clearly visible warning signs, including a warning symbol to inform children, that there is a dangerous animal on the property as specified in Minnesota Statute 347.51;
- (3) Provide and show proof annually of public liability insurance in the minimum amount of three hundred thousand dollars (\$300,000.00);
- (4) If the animal is a dog and is outside the proper enclosure, the dog must be muzzled and restrained by a substantial chain or leash (not to exceed six (6) feet in length) and under the physical restraint of a person sixteen (16) years of age or older. The muzzle must be of such design as to prevent the dog from biting any person or animal, but will not cause injury to the dog or interfere with its vision or respiration;
- (5) If the animal is a dog, it must have an easily identifiable, standardized tag identifying the dog as dangerous affixed to its collar at all times as specified in Minnesota Statute 347.51;
- (6) All animals deemed dangerous by the animal control officer shall be registered with the County in which this city is located within fourteen (14) days after the date the animal was so deemed and provide satisfactory proof thereof to the animal control officer.
- (7) If the animal is a dog, the dog must be licensed and up to date on rabies vaccination. If the animal is a cat or ferret, it must be up to date with rabies vaccination.

Subd. 2. Seizure. Animal control shall immediately seize any dangerous animal if the owner does not meet each of the above requirements within fourteen (14) days after the date notice is sent to the owner that the animal is dangerous. Seizure may be appealed to district court by serving a summons and petition upon the city and filing it with the district court.

Subd. 3. Reclaiming animals. A dangerous animal seized under subsection 8.04.09, Subd. 2, may be reclaimed by the owner of the animal upon payment of impounding and boarding fees, and presenting proof to animal control that each of the requirements under subsection 8.04.09, Subd. 2, is fulfilled. An animal not reclaimed under this section within fourteen (14) days may be disposed of as provided under section 8.04.08, Subd. 6, and the owner is liable to animal control for costs incurred in confining the animal.

Subd. 4. Subsequent offenses. If an owner of an animal has subsequently violated the provisions under section 8.04.08 with the same animal, the animal must be seized by animal control. The owner may request a hearing as defined in section 8.04.08, Subd. 6. If the owner is found to have violated the provisions for which the animal was seized, the animal control officer shall order the animal destroyed in a proper and humane manner and the owner shall pay the costs of confining the animal. If the person is found not to have violated the provisions for which the animal was seized, the owner may reclaim the animal under the provisions of subsection 8.04.09, Subd. 3. If the animal is not yet reclaimed by the owner within fourteen (14) days after the date the owner is notified that the animal may be reclaimed, the animal may be disposed of as provided under section 8.04.08, Subd. 6 and the owner is liable to the animal control for the costs incurred in confining, impounding and disposing of the animal.

8.4.10 Interference with Officers. No person shall in any manner molest, hinder, or interfere with any person authorized by the Council to capture dogs, cats or other animals and convey them to the pound while engaged in such operation. Nor shall any unauthorized person break open the pound, or attempt to do so, or take or attempt to take from any agent any animal taken up by him or her in compliance with this Chapter, or in any other manner to interfere with or hinder such officer in the discharge of his or her duties under this Chapter.

SECTION 8.5: FEEDING OF DEER PROHIBITED

8.5.01 Prohibition to the Feeding of Deer Within the Urban City Limits. It shall be unlawful for any person to place, or permit to be placed on the ground or within four (4) feet of the ground surface, either on property owned or controlled by such person or on property controlled by others, and located within the urban city limits of the City of Cloquet (unless that property is screened in a manner which prevents deer from feeding thereon) any grain, fodder, salt licks or any other food including feed for birds, which may reasonably be expected to result in encouragement of deer feeding thereon.

- A. The prohibition shall not apply to:
1. Feeding programs or efforts undertaken by or under the auspices of the Minnesota Department of Natural Resources or for designated public purpose as approved by the City Council; and,
 2. Veterinarians, City Animal Control Officers, or County, State, or Federal game official who, in the course of their duties, have deer in their custody; and,
 3. Any food places upon the property for the purpose of entrapping or otherwise taking deer where such trapping or taking is pursuant to a permit issued by the Minnesota Department of Natural Resources; and,
 4. Any property located within the defined city limits of the City of Cloquet which is zoned as a Farm Residential District. For purposes of this Ordinance, all other properties located within the City of Cloquet will be considered a part of the urban City of Cloquet.
- B. **Penalties for violation.** Any person violating, or otherwise refusing to comply with any provisions of this section shall be guilty of a petty misdemeanor. Each day a violation of this section is committed or permitted to continue shall constitute a separate offense and shall be punishable as such under this section.
(Ordinance 321A)

SECTION 8.6: GENERAL PENALTIES FOR VIOLATION OF CHAPTER 8

8.6.01 Violations and Penalties Generally.

Subd. 1 Separate Offenses. Each day a violation of this Chapter of the Code is committed or permitted to continue shall constitute a separate offense and shall be punishable as such under this Section.

Subd. 2 Misdemeanor. Unless otherwise provided, violations of this Chapter shall constitute a misdemeanor.