



## Legislation Details (With Text)

|                        |                                                                                                                           |                      |                                   |
|------------------------|---------------------------------------------------------------------------------------------------------------------------|----------------------|-----------------------------------|
| <b>File #:</b>         | 16-009-O                                                                                                                  | <b>Name:</b>         |                                   |
| <b>Type:</b>           | Ordinance                                                                                                                 | <b>Status:</b>       | Passed                            |
| <b>File created:</b>   | 1/27/2016                                                                                                                 | <b>In control:</b>   | Planning and Economic Development |
| <b>On agenda:</b>      | 2/8/2016                                                                                                                  | <b>Final action:</b> | 2/22/2016                         |
| <b>Enactment date:</b> | 2/22/2016                                                                                                                 | <b>Enactment #:</b>  | 10437                             |
| <b>Title:</b>          | AN ORDINANCE AMENDING CHAPTER 6, ARTICLE VII, OF THE DULUTH CITY CODE, 1959, AS AMENDED, RELATING TO NONDOMESTIC ANIMALS. |                      |                                   |

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

| Date      | Ver. | Action By    | Action   | Result |
|-----------|------|--------------|----------|--------|
| 2/22/2016 | 1    | City Council | adopted  | Pass   |
| 2/22/2016 | 1    | City Clerk   | attested |        |
| 2/22/2016 | 1    | Mayor        | approved |        |
| 2/8/2016  | 1    | City Council |          |        |

AN ORDINANCE AMENDING CHAPTER 6, ARTICLE VII, OF THE DULUTH CITY CODE, 1959, AS AMENDED, RELATING TO NONDOMESTIC ANIMALS.

### CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That Chapter 6, Section 72, of the Duluth City Code, 1959, as amended, is hereby amended to read as follows:

#### **Sec. 6-72. Definitions.**

For the purposes of this Chapter, the following words and phrases shall mean:

(a) Farm animal. A domesticated species of fowl, or hooved mammal commonly kept for agricultural purpose such as a horse, cow, sheep, pig or llama; such hooved mammals having a weight at maturity that typically exceeds 50 pounds.

(b) Small hooved mammal. A domesticated hooved mammal commonly kept for agricultural purposes, but not necessarily being kept for those purposes by the owner, such as a sheep or pig, having a weight at maturity that does not exceed 50 pounds.

(b)c) Nondomesticated animal. Every mammal, fowl and reptile species, including those born or raised in captivity, except the following:

(1) Domestic dogs (excluding hybrids with wolves, coyotes, or jackals) properly vaccinated against rabies pursuant to law;

(2) Domestic cats (excluding hybrids with ocelots or margays) properly vaccinated against rabies pursuant to law;

(3) Farm animals, including bees, Vietnamese pot-bellied pigs and pigeons, provided that no more than three Vietnamese pot-bellied pigs and no more than ten pigeons can be kept on any one lot or premises;

- (4) Rodents, including hamsters, mice, gerbils, white rats or guinea pigs capable of being maintained continuously in cages;
- (5) Rabbits;
- (6) Species of common cage birds;
- (7) Nonpoisonous snakes of a species that commonly does not grow in excess of eight feet in length;
- (8) Chinchillas, hedgehogs, nonpoisonous lizards and other similar small animals capable of being maintained continuously in cages;
- (9) Fish, unless prohibited by state or federal law;
- (10) Neutered male or spayed female domestic ferrets;
- (ed) Veterinary hospital. Any establishment maintained or operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases and injuries of animals;
- (de) Zoological park. Any facility operated by a person, partnership, corporation, or governmental agency, other than a pet shop or kennel, displaying or exhibiting one or more species of nondomesticated animals.

Section 2. That Chapter 6, Article VII of the Duluth City Code, 1959, as amended, is hereby amended to add the following title between Sec. 6-78 and Sec. 6-79:

**Division I. Licensing Requirements & Processes**

Section 3. That Chapter 6, Section 80.2 and Section 80.3, of the Duluth City Code, 1959, as amended, are hereby added to read as follows:

**Sec. 6-80.2. Obtaining a license to keep small hoofed mammals.**

(a) Any person who keeps small hoofed mammals in the city of Duluth other than areas zoned Rural-Conservation (R-C) or Residential-Rural 1 (RR-1) under sections 50-14.2 and 50-14.3 of this Code, shall obtain an annual license prior to acquiring any small hoofed mammal. Only one license shall be allowed per one-family dwelling or two-family dwelling as defined in Section 50-41 of this Code. A license granted to a two-family dwelling shall require written permission from the occupants of both dwelling units. The license year commences on January 1 and ends on the following December 31. Applications shall be made to the city clerk. The city clerk shall collect the license fee.

(b) Fees to be charged for the issuance of a license to keep small hoofed mammals shall be set in accordance with Section 31-6(a) of this Code;

(c) The applicant shall provide at time of annual licensure a list of all property owners within 150' of the boundaries of the property where the small hoofed mammals are to be kept and, in order to be eligible to receive a license to keep small hoofed mammals, the written approval of the owners of 51% of the properties within the 150' area shall also be provided;

(d) All licenses shall be conditioned upon passing a mandatory inspection by the animal control authority;

(e) The animal control authority may refuse to grant or may revoke a license if the small hoofed mammals become a nuisance, as evidenced by a third admitted or judicially-determined violation of the Duluth City Code within 12 months of the first of the three admitted or judicially-determined violations;

(f) The animal control authority may refuse to grant or may revoke a license to a person convicted of cruelty to animals under a code, ordinance or statute from this state, or a code, ordinance or statute from another state;

**Sec. 6-80.3. Keeping of small hoofed mammals.**

(a) Each person holding a license to keep small hoofed mammals within the city of Duluth shall comply with the following:

- (1) The principle use of the property where the small hoofed mammals are to be

kept is a one-family dwelling or two-family dwelling on a lot greater than 2 acres as defined in Section 50-41 of this Code;

- (2) No person shall keep more than three small hoofed mammals;
- (3) No person shall slaughter any small hoofed mammal within the city of Duluth;
- (4) Small hoofed mammals shall be provided a secure and well-ventilated roofed structure in compliance with the current zoning and building codes;
- (5) The roofed structure shall be fully enclosed, wind proof, and be of an appropriate size and design for the small hoofed mammals to be kept according to policies established by the city of Duluth;
- (6) The floors and walls of the roofed structure shall be kept in a clean, sanitary and healthy condition with all dropping and body excretions collected on a daily basis and placed in a fire-proof covered container until applied as fertilizer, composted or transported off the premises, except for swine droppings and body excretions which shall neither be composted nor used as fertilizer;
- (7) Small hoofed mammals shall be kept in the roofed structure or any attached fenced yard enclosure at all times;
- (8) The fence around the yard enclosure shall be securely constructed so as to prevent the harm or escape of the small hoofed mammals;
- (9) The fenced yard enclosure shall be well drained so there is no accumulation of moisture and runoff is controlled;
- (10) No roofed structure or fenced yard enclosure shall be located closer than 75 feet to any lot line, however, this requirement shall not apply to pasture or grazing areas.

Section 4: That this ordinance shall take effect 30 days after its passage and publication.

STATEMENT OF PURPOSE: This ordinance amends Chapter 6, of the Duluth City Code to allow for and regulate the keeping of small hoofed mammals such as small goats and sheep, swine and small horses within the Duluth city limits.