

FINANCE COMMITTEE

08-059-0

REPLACEMENT 2

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE ADDING SECTIONS 6-79 AND 6-79.1 OF THE DULUTH CITY CODE, 1959, AS AMENDED, PERTAINING TO OBTAINING A LICENSE TO KEEP CHICKENS IN CITY.

BY COUNCILORS GILBERT AND GARDNER:

The city of Duluth does ordain:

Section 1. That Section 6-79 of the Duluth City Code, 1959, as amended, be added to read as follows:

Sec. 6-79. Obtaining a license to keep chickens.

(a) Any person who keeps chickens in the city of Duluth other than areas zoned S suburban districts under Section 50-51 of this Code, shall obtain an annual license prior to acquiring the chickens. 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 chickens shall be set in accordance with Section 31-6(a) of this Code;

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

(d) The animal control authority may refuse to grant or may revoke a license if the chickens 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;

(e) 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;

(f) All reports of such inspections and reviews shall be in writing and maintained by the animal control authority.

Section 2. That Section 6-79.1 of the Duluth City Code, 1959, as amended, be added to read as follows:

Sec. 6-79.1. Keeping of chickens.

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

(1) The principle use of the property where the chickens are to be kept is a single family dwelling as defined in Section 50-1.18 of Duluth City Code;

(2) No person shall keep more than five chickens;

(3) No person shall keep a rooster;

(4) No person shall keep any chickens inside the single family dwelling;

(5) No person shall slaughter any chickens within the city of Duluth;

(6) Chickens shall be provided a secure and well ventilated roofed structure in compliance with the current zoning and building codes;

(7) The roofed structure shall be fully enclosed, wind proof, have one square foot of window to 15 square feet of floor space and have a heat source to maintain an adequate indoor temperature during extreme cold conditions;

(8) 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;

(9) Chickens shall be kept in the roofed structure or any attached fenced yard enclosure at all times;

(10) The fence around the yard enclosure shall be securely constructed with a mesh type material and shall have protective overhead netting to keep the chickens separated from other animals;

(11) The fenced yard enclosure shall be well drained so there is no accumulation of moisture;

(12) A floor area or combination of the floor and fenced yard area for keeping chickens shall not be less than ten square feet of floor space per chicken;

(13) No roofed structure or fenced yard enclosure shall be located closer than 25 feet to any residential dwelling on the adjacent lots.

Section 3. That this ordinance shall take effect 30 days after its passage and publication.

Approved as to form:

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Attorney

COUNCIL REQUEST/ATTY GG/SG/CS:tmf/jmr 8/14/2008

STATEMENT OF PURPOSE: This ordinance adds new sections to the Duluth City Code relating to obtaining a license to keep chickens and regulating the keeping of chickens within the city of Duluth.