

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

13-040-0

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 6 OF THE DULUTH CITY CODE,
1959, AS AMENDED, RELATED TO ANIMAL CONTROL AND
LICENSING.

BY COUNCILOR STAUBER:

The city of Duluth does ordain:

Section 1. That Section 6-1 of the Duluth City Code, 1959, as amended, is hereby amended as follows:

Sec. 6-1. Definitions.

For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

(a) Altered. That an animal has been surgically sterilized by a veterinarian and/or that the owner is able to provide documentation that a veterinarian has examined the animal and determined that it has been spayed or neutered;

(ab) Animal. Includes all mammals, reptiles and fowl kept, harbored, controlled or owned by a person or persons residing in Duluth or business or licensee doing business in Duluth;

(bc) Animal control authority. The Duluth ~~animal shelter's~~ head animal control officer or designee;

(cd) Animal control officer. Any officer employed by the city either part-time or full-time, temporary or permanent, which is responsible for animal control enforcement within the city;

(de) Cat. Includes any male or female domesticated feline animal;

(f) Compliant. The animal is currently vaccinated against rabies and altered;

(eg) Dog. Includes any male or female animal of the dog kind;

(h) Non-Compliant. That an animal does not meet any or all of the following requirements: vaccinated against rabies, altered, and/or licensed;

(fi) Owner. The license holder or any other person or persons, partnership, including limited partnership, nonprofit corporation, firm, association or corporation owning, keeping or harboring an animal. Any person keeping or harboring an animal for five consecutive days shall, for the purposes of this Chapter, be deemed to be an owner thereof.

(j) Unaltered. Any animal for which the owner is unable to provide documentation that the animal has been altered;

Section 2. That Section 6-2 of the Duluth City Code, 1959, as amended, is hereby repealed.

Section 3. That Section 6-3 of the Duluth City Code, 1959, as amended, is hereby amended as follows:

Sec. 6-3. Impoundment--authorized; redemption fee of certain dogs.

(a) Police officers and animal control officers shall have the authority to seize, take up and impound all animals:

(1) Which may be found running at large contrary to the provisions of this Chapter. It shall also be the duty of the animal control officers to see that animals required to be licensed are in fact so licensed;

(2) Which are found to be in an environment or subject to conditions which would, to a reasonable person, evidence that the animal's health, safety or well being is endangered due to adverse weather conditions or in other circumstances set forth in Article VI of this Chapter;

(3) Which constitute a nuisance under this Chapter;

(4) Which are found to be in circumstances, such as the animal exhibiting fresh wounds, scarring, or is observed in a

fight, or other indications which, to a reasonable person, evidence that animal has been or will be used, trained or encouraged to fight with another animal, or the owner of such animal has in custody or possession any training apparatus, paraphernalia or drugs used to prepare such animal to be fought with another animal;

(b) Any person may seize, impound or restrain any animal which is found running at large in the city of Duluth and hold such animal for the animal control officer or deliver such animal to the city animal shelter;

(c) The animal control officer shall ~~cause to be held~~ hold such animals until they are claimed by their owners or until disposed of in accordance with Section 6-4 of this Article. All unclaimed animals shall be held for not less than five business days before being disposed of by the animal control authority. However, if it is the opinion of a licensed veterinarian that a critically injured or diseased animal will unnecessarily suffer, such animal may be humanely euthanized prior to the five day holding period even though attempts to locate or notify the owner have been unsuccessful. The owner shall be responsible for the cost of euthanization and/or the reasonable costs of the care and treatment;

(d) Any animal impounded under the provisions of this Article shall be released only upon the payment of the expenses of taking and keeping the animal. If the animal is unlicensed, in addition to the impounding and boarding fee, the animal shall not be released without payment of the prescribed license fee. Impound fees for compliant and licensed animals shall be lower than fees for non-compliant animals. The city council shall set the amount of impound and boardingsuch license fees by resolution:

~~However, if it is the opinion of a licensed veterinarian that a critically injured or diseased animal will unnecessarily~~

~~suffer, such animal may be humanely euthanized prior to the five day holding period even though attempts to locate or notify the owner have been unsuccessful. The owner shall be responsible for the cost of euthanization and/or the reasonable costs of the care and treatment;~~

(e) The animal control officer shall provide necessary and humane care for all animals impounded and the expenses thereof shall be paid by the owner or the person claiming the same.

Section 4. That Section 6-12 of the Duluth City Code, 1959, as amended, is hereby amended as follows:

Sec. 6-12. License Fees.

(a) Any person owning or possessing a dog or cat shall pay an yearly annual or lifetime license fee for each such dog or cat. The city council ~~shall~~ may, from time to time, by resolution, set such license fees;

(b) License fees for new residents owning or harboring a dog or cat are due and payable when such owner begins residency in Duluth;

(c) No license shall be required for dogs or cats brought into the city for the purpose of participating in any shows;

(d) Any properly identified service dog which aids persons who are totally or partially blind or deaf or have physical or sensory disabilities and qualifies as a service animal under the Americans with Disabilities Act, 28 C.F.R. §36.104, or successor, or in accordance with the the Fair Housing Act, 49 U.S.C. §3601 et. seq, or successor, or the Rehabilitation Act of 1973, 29 U.S.C. §794, or successor, shall be issued a dog license at no charge upon providing proof of certification of training as a service dog.

(e) License fees for altered dogs and cats shall be, at most, half the amount of the fee for unaltered dogs and cats;

(f) All proceeds from the license fees set forth in this Section, minus any city administrative costs, shall be placed into a fund from which all expenditures are directed specifically to the operation of the city animal control program. This fund shall supplement animal control operations.

Section 5. That Section 6-13 of the Duluth City Code, 1959, as amended, is hereby amended as follows:

Sec. 6-13. License applications.

(a) Dog and cat licenses shall be issued on an annual or lifetime basis;

(b) Before the first day of January of each year, it shall be the duty of the city clerk to send to all dog or cat owners who hold a valid annual license a notice that licenses required herein are due on January first following and informing such persons of the penalties for failure to procure such license. ~~Dog and cat licenses shall be issued on a yearly basis. Each Annual licenses shall be in effect beginning on the first day of January and expiring on the last day of December of that calendar year. All dog and cat licenses issued after the first day of January and before the last day of December shall expire on the last day of December of that same calendar year. License fees for new residents owning or harboring a cat or dog are due and payable when such owner begins residency in Duluth;~~

(c) Lifetime licenses shall be in effect during the lifetime of the licensed pet unless revoked pursuant to this Section. In order to obtain a lifetime pet license, a person must provide proof that the animal is compliant. In order to maintain a lifetime pet license an owner must maintain current rabies vaccinations and file proof of such vaccination with the city. A lifetime license may be revoked if proof of vaccination is not provided. In the event of

the transfer of ownership of a pet with a lifetime license, the license may remain with the pet subject to a notice of the transfer of ownership being filed with the city and payment of an applicable fee. The city council shall, by resolution, set a fee amount to obtain a transfer of ownership;

(bd) When application is made for a license on a spayed female, or a neutered male, said application shall require the owner to supply the name, age, breed, sex, color and markings, and present a statement from a qualified veterinarian to the effect that ~~the dog dog or cat has been altered operation was performed and giving the date thereof;~~

(ce) Owners or persons claiming an impounded and unlicensed cat or dog that is kept in the city of Duluth shall complete a license application and purchase a cat or dog license ~~from the Duluth animal shelter~~ prior to the release of the animal;

(df) When an owner is seeking to license a dog that has been designated as dangerous pursuant to Article IX, or Minnesota statutes section 347.50, or successor statute, the owner has been convicted of a violation of Section 6-93(b) (dangerous dog) or M.S.A. 609.226 and/or M.S.A. 609.205(4), relative to the dog sought to be licensed, the application shall require proof of public liability insurance in the minimum of \$300,000 and proof of microchip identification ~~as required in Section 6-99 of this Chapter.~~

(g) A dog designated as dangerous shall not be eligible to obtain a lifetime license during the time the dog carries such designation. If a dog carries a lifetime license at the time of such designation, the lifetime license shall be revoked and the owner must obtain an annual license pursuant to the requirements of this Section.

Section 6. That this ordinance shall take effect December 1, 2013.

Approved as to form:


Attorney

CCREQ/ATTY JS/GBJ:cjk 6/5/2013

STATEMENT OF PURPOSE: This ordinance amends Chapter 6 of the Duluth City Code, 1959, as amended, relating to animal control and licensing.