



MAYOR AND COUNCIL COMMUNICATION

DATE: 10/15/2013
REGULAR
ITEM #: 13

AGENDA ITEM: Animal Code Amendment
SUBMITTED BY: Adam Bell, City Clerk
THROUGH: Dean Zuleger, City Administrator
REVIEWED BY: Beckie Gumatz, Deputy Clerk

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item.....Staff
- Report/PresentationStaff
- Questions from Council to Staff..... Mayor Facilitates
- Public Input, if Appropriate..... Mayor Facilitates
- Call for Motion..... Mayor & City Council
- Discussion Mayor & City Council
- Action on Motion Mayor Facilitates

SUMMARY AND ACTION REQUESTED:

The City Council is respectfully requested to consider an amendment to the current Animals chapter of the City Code. The amendment reorders, adds clarifying language, and makes the Animal code much easier to read and enforce.

Staff recommends the City Council approve Ordinance 08-088 through the following motion:

“Move to approve Ordinance 08-088, which amends the Animals chapter of the current City Code.”

In addition, Staff recommends that the City Council approve Resolution No. 2013-88, authorizing summary publication of Ordinance 08-088, through the following motion (a 4/5 vote is required):

“Move to approve Resolution No. 2013-88, authorizing summary publication of Ordinance 08-088.”

In addition, Staff further recommends that the City Council adopt Ordinance 08-089, an ordinance amending the Municipal Fee Schedule, by taking the following action:

“Move to approve Ordinance 08-089, an ordinance amending municipal fees.”

BACKGROUND AND STAFF REPORT:

The current Animal Code in the City of Lake Elmo is difficult to understand and requires updating. Staff has researched Animal Codes from surrounding and similar cities over the past year and recommends the following clarifications and changes.

The first five sections of the amended Animal Code are new and act as introductory language. They lay out a very basic summary of the Code, adopt state law that prevents cruelty to animals, advise that this chapter does not regulate trapping or hunting, lay out basic definitions that are used throughout the chapter, and state some basic care requirements for domestic animals.

In order to make the code more understandable for residents, staff has added clarifying language regarding limiting the numbers of dogs and cats allowed in the City of Lake Elmo. This language is essentially the same as is allowed under the current City Code, with a couple of additions. Under current code, no more than three dogs, cats, or combination thereof is allowed in the City unless a kennel license is obtained. This section clearly states such language, and places that language in the appropriate chapter. Current language is only located in definitions. After considerable research by staff of regional, surrounding, and similar communities, the maximum of three animals allowed is the standard and staff is recommending that Lake Elmo stay with that number. It also adds a Grandfather Clause so that anyone who currently owns more than three domestic pets is allowed to keep their animals as long as they are properly licensed and documented with the City.

While keeping most of the substantive law and policy, staff added some clarifying language to the section on Dog Licensing. All dogs are required to be licensed in the City of Lake Elmo. Owners must also provide proof of current rabies vaccination at the time of licensing. Language was added to clarify that licenses are valid for one year beginning on Jan 1 of each calendar year. It also adds language that states that this section does not apply to domestic animals temporarily brought into the city.

There is a change in the amended code regarding the fees for dog licenses. The City will be charging \$20 for a dog license for altered dogs and \$25 for unaltered dogs. An additional cost of \$2.50 per month will also be added if a license is renewed late (after Jan 31) each year. There is also a provision for residents who properly apply for a new dog license after June 30 of a given year. They will pay one-half of the total fee.

Language was also added to the section on Unreasonable Disturbances. This added clarity and will allow the city to better and reasonably enforce this provision.

To protect the city from future legal claims, a Liability and a Severability section were also added.

The Dangerous and Potentially Dangerous Dogs Article of the Code was left unchanged. This was prescribed by the Washington County Sheriff's Department. This article lays out reporting and notification, registration and containment requirements for dangerous or potentially dangerous dogs. There is also language that states confiscation procedures as well as an exception to the section.

There was also language added to the Horses article that requires owners to clean up after their animals when on a public street, alley, sidewalk or other public right-of-way. This section was added to expressly clarify that these animals need to be attired and to prevent animal waste from being deposited on public property. Language was left unchanged that states that horses are not allowed on any street in the city which is hard surfaced or will be made hard surfaced. Horses, ponies, and horse-drawn vehicles are only allowed on paved shoulders of the street or public roads.

The Article on Dangerous Animals was also left largely unchanged. The only change was adding a section for Exceptions. It states that this part of the code does not apply to animals which are temporarily brought into the city, does not apply to any public zoos or persons keeping an animal for a public zoo, nor

does it apply to any bona fide research institution or veterinary hospital provided that protective devices adequate to prevent such animals from escaping or injuring the public are provided.

In addition to researching surrounding and similar communities, staff also consulted with the current Animal Control Officer and her recommendations were taken into consideration and incorporated into the new ordinance.

RECOMMENDATION:

Staff recommends the City Council approve Ordinance 08-088 through the following motion:

“Move to approve Ordinance 08-088, which amends the Animals chapter of the current City Code.”

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ATTACHMENT(S):

1. Existing Animal Code
2. Ordinance 08-088
3. Resolution No. 2013-88
4. Ordinance 08-089
5. Fee Schedule