CHAPTER 6.

ANIMALS AND FOWL.[1]

Editor's note. -- Ordinance No. 9420, adopted on August 9, 1999, completely replaced all previously existing sections of this Chapter.

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Article I. Animal Control Officers and Impoundment of Animals.

Sec. 6-1. Definitions.

(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;
(b) 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;
(c) Animal control authority. The Duluth animal control officer or designee;
(d) 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;
(e) Animal cruelty. Every act, omission, or neglect whereby unnecessary or unjustifiable pain, suffering, or death shall be caused or permitted including failure to provide proper drink, air, space, shelter (appropriate for type/breed), a clean, sanitary and safe living environment, veterinary care, exercise, appropriate grooming and food in sufficient quantity;
(f) Animal torture. Shall have the same meaning as animal cruelty.
(g) Animal Shelter shall mean any nonprofit organization through which spayed or neutered dogs, spayed or neutered cats or other companion animals are temporarily housed, displayed, and/or placed for adoption;
(h) Attack. Any unprovoked aggressive approach by a dog within six feet or closer to any person for which a reasonable person connotes intent to inflict bodily harm shall be considered an attack; including but not limited to, any physical contact with a person or physical contact with any item the person is wearing or holding. Any person who is physically injured, or sustains damage to personal property, in an attempt to escape from or prevent an imminent attack by a dog shall be presumed to have been attacked;
(i) Breeding kennel shall be understood to mean a place where two or more dogs or cats, of which one or more are unaltered females, are to be kept on the same premises for breeding purposes of selling or giving away the offspring of such dogs or cats;
(j) Boarding kennel shall be understood to mean a place where three or more dogs or cats are kept for the purpose of boarding;
(k) Cat. Includes any male or female domesticated feline animal;
(l) Compliant. The animal is currently vaccinated against rabies and altered;
(m) Dangerous dog.

(1) A dangerous dog as defined by Minnesota Statutes Section 347.50, Subd. 2; or

(2) A dog that without provocation attacks or bites more than one person or domestic animal within a period of 24 hours; or

(3) A dog that without provocation attacks or bites any person during an incident in which another dog also participates in the attack; or

(4) Any dog that exhibits fresh bite wounds, is observed in a fight, or is found in other circumstances in which there are indications to any police officer or animal control officer that the dog has been intentionally used, trained, or encouraged to fight with another animal;

(5) A dog that while running at large (as defined by Section 6-36 of this Chapter) attacks or bites any person or domestic animal and causes bodily harm;

(n) Dog. Includes and male or female animal of the dog kind;

(o) Estrus. A periodic state of sexual excitability during which the female animal is willing to mate with the male and is capable of becoming pregnant;

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

(q) Ferret. Domestic ferrets as opposed to non-domesticated found in the wild;

(r) Fowl. Any of the various species of domesticated poultry as do live and breed in tame condition such as but not limited to chickens and ducks.

(s) Grooming Shop. Any facility engaged in the practice of dog and cat grooming that is not a pet shop as defined in Section 6-81(f). The act of grooming shall include, but not limited to, the bathing, drying, fur clipping, or manicuring of any dog or cat;

(t) Mobile grooming shop. Any motor vehicle engaged in the practice of dog and cat grooming that is not a pet shop as defined in Section 6-81(f). The act of grooming shall include, but not limited to the bathing, drying, fur clipping, or manicuring of any dog or cat;

(u) Noncompliant. That an animal does not meet any or all of the following requirements: vaccinated against rabies, altered, and/or licensed.

(v) Non-domesticated 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, fowl, and small-hoofed mammals;

(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;

(w) Nuisance. The word nuisance shall mean:

(1) An owner allowing the accumulation of animal feces in an open outside area or inside a structure causing unpleasant, offensive odors to reasonably cause the annoyance of another person or persons;

(2) An animal owner allowing or failing to prevent the animal from continually and/or repeatedly cause the disturbance by loud and frequent or habitual vocalizations;

(3) An animal owner allowing or failing to prevent the animal from continually and/or repeatedly causing damage to property of one other than the owner;

(x) Nuisance wildlife removal business. Any business that traps and or removes captured animals or kills animals in exchange for monetary remuneration;

(y) 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.

(z) Pet shop. Any building, shop, or place kept or maintained for the care, exhibition for sale, sale or purchase of live dogs, cats, rabbits, or other small animals, or birds, reptiles or fish, but shall not include veterinary hospitals, agricultural farms, breeding kennels, or persons or places selling only frogs, fish, worms, or reptiles for use as live bait for fishing.

(aa) Picket. To secure an animal by means of a chain or metallic cable to a fixed object thereby confining the animal to a specified area.

(bb) Potentially dangerous dog. A potentially dangerous dog as defined by Minnesota Statutes Section 347.50, Subd. 3;

(cc) 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 existing. Such 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:

(1) Have a minimum overall floor size of 32 square feet;

(2) Sidewalls shall have a minimum height of five feet and be constructed by 9-gauge or heavier wire. Openings in the wire shall not exceed two inches, support posts shall be one and one-quarter inch or larger steel pipe buried in the ground 18 inches or more. When a concrete floor is not provided, the sidewalls shall be buried a minimum of 18 inches in the ground;

(3) 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 have no openings in the wire greater than two inches;

(4) 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 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;

(dd) Rabies control authority. Refers to and means any duly authorized person or persons responsible for the enforcement of this Article in accordance with the directions of the St. Louis County health department;

(ee) Small hoofed mammal. A domesticated hoofed 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.

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

(gg) Unprovoked. Unprovoked shall mean the condition in which the animal is no purposely excited, stimulated, agitated, or disturbed. It shall be a rebuttable presumption that any attack on a child 14 years of age or younger for which a reasonable person connotes an intent to inflict bodily harm shall be considered to be unprovoked unless the child is engaged in the commission of a crime or illegal activity, including activities classified in Minnesota Statutes, Section 343, as cruelty to animals.

(hh) Vaccination against rabies. Refers to and means the inoculation of a dog, ~~or~~ cat, or ferret with a rabies vaccine. Such vaccination shall be performed by a veterinarian duly licensed to practice veterinary medicine.

(ii) Veterinary Hospital. Any establishment maintained or operated by a licensed veterinarian for surgery, diagnosis, and treatment of diseases and injuries of animals;

(jj) 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 non-domesticated animals.

(Ord. No. 669, § 1; replaced by Ord. No. 9420, 8-9-1999, § 1; Ord. No. 10234, 6-24-2013, § 1.Ord. No. 10800, 4-11-2022*)*

Sec. 6-2. Repealed by Ordinance No. 10234, 6-24-2013, § 2.

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 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 noncompliant animals. The city council shall set the amount of impound and boarding fees by resolution;

(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. (7-15-1891, § 1; replaced by Ord. No. 9420, 8-9-1999, § 1; Ord. No. 9967, 4-27-2009, § 2; Ord. No. 10234, 6-24-2013, § 3. Ord. No. 10800, 4-11-2022)

Sec. 6-4. Disposal fees to defray costs of animal shelter

(a) After the waiting period prescribed by Section 6-3, the animal control authority may make provisions for the adoption or humane euthanasia of such animals which remain unclaimed. The humane euthanasia of any such unclaimed animals shall be carried out by a licensed veterinarian only if the animal is deemed to be a danger to public safety or to be suffering from a serious health condition or illness as attested to by the animal control authority.

(b) The city council may, from time to time, by resolution, set such fees for animal control services as may be necessary to defray the costs of operating the city animal shelter. Such fees may include, but are not limited to disposal fees, placement fees, and service calls within and without the city. The city council shall set the amount of fees by resolution. All such fees shall be collected by the animal control authority and shall be turned in to the city treasury.

(Ord. No. 669, ' 6; replaced by Ord. No. 9420, 8-9-1999, ' 1; Ord. No. 9967, 4-27-2009, ' 3. Ord. No. 10800, 4-11-2022)

Sec. 6-5. Dogs and cats adopted; spaying or neutering required.

All dogs and cats placed for adoption by the city animal shelter or other non-profit organizations such as: animal humane societies, animal placement agencies or animal rescue groups, must be spayed or neutered prior to the adopting party taking possession of the animal. In addition, every adopted animal must be examined by a licensed veterinarian and vaccinated against rabies. Animals known to be infected with a contagious disease or condition shall not be placed for adoption until the animal is in good health and no longer contagious.

(a) The animal control authority is authorized to establish a cooperative program to perform sterilizations and vaccinations pursuant to this Section before the adopting party takes custody of an animal;

(b) Nothing in this Section shall be construed to authorize the animal control authority to sterilize an animal that has been reclaimed by its owner, or for which the period to reclaim as owner has not expired;

(c) Upon review of the adoption application the animal control authority is authorized to deny an adopting party an animal if the adopting party demonstrated an unwillingness or inability to abide by terms of the adoption agreement and/or Chapter 6 of the Duluth City Code;

(d) At the close of each adoption of an animal, the animal adoption organization shall give the adopting party a certificate containing a description of the animal adopted, health records for the animal, the amount of the adoption fee and the names and addresses of both the adoption organization and adopting party. Copies of the above adoption information must be kept for a period of two years and open for inspection by the animal control authority. (Ord. No. 669, ' ' 6, 7; replaced by Ord. No. 9420, 8-9-1999, ' 1.)

Sec. 6-6. Obstructing animal control officer; breaking into public animal shelter.

(a) No person shall intentionally obstruct, hinder, prevent or interfere with an animal control officer while the officer is engaged in the performance of animal control duties;

(b) No person shall break open or in any manner, directly or indirectly, assist in breaking open any public animal shelter in the city, release or attempt to release therefrom any animal impounded;

(c) No person except for the animal control authority shall release or cause to be released any animal impounded at the Duluth animal shelter.

(d) No person shall provide false information to any animal control officer. (Ord. No. 669, ' 8; replaced by Ord. No. 9420, 8-9-1999, ' 1. Ord. No. 10800, 4-11-2022. Ord. No. 10855, 11-13-23)

Secs. 6-7 to 6-10. Reserved by Ordinance No. 9420, 8-9-1999, ' 1.

Article II. Licensing of Animals.

Sec. 6-11. License--required.

No person within the city shall own or possess any dog or cat over eight weeks of age without obtaining a license therefor and having complied with the provisions set forth in this Article.

(a) All other domestic animals do not require a license unless otherwise provided for under this chapter;

Animals being temporarily sheltered by an Animal Rescue Group or Organization need not be licensed so long as the Animal Rescue Group or Organization is recognized by Duluth Animal Control and is in compliance with the requirements of Section 6-84.1.

(Ord. No. 5618, ' 43; replaced by Ord. No. 9420, 8-9-1999, ' 1. Ord. No. 10800, 4-11-4022)

Sec. 6-12. License fees.

(a) Any person owning or possessing a dog or cat shall pay an annual or lifetime license fee for each such dog or cat. The city council shall, 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;

(1) Dogs and cats under one year of age may be issued an annual compliant license regardless of the dog or cat having been altered.

(2) Any dog or cat over one year of age must be altered in order to be issued an annual compliant license.

(3) All dogs and cats over four months of age may only be issued an annual compliant license upon showing proof of rabies vaccination, regardless of alteration status.

(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 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;

(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. (Ord. No. 5618, § 411; Ord. No. 6571; replaced by Ord. No. 9420, 8-9-1999, § 1; Ord. No. 9967, 4-27-2009, § 4; Ord. No. 10234, 6-24-2013, § 4*. Ord. No. 10800, 4-11-2022)*

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 that is due to expire 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. Annual licenses shall be in effect beginning on the first day of January and expire on the last day of December of that calendar year, irrespective of when the application was made.

(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;

(d) 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 or cat has been altered;

(e) 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 prior to the release of the animal;

(f) 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 application shall require proof of public liability insurance in the minimum of $300,000 and proof of microchip identification;

(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. (Ord. No. 5618, § 412; replaced by Ord. No. 9420, 8-9-1999, § 1; Ord. No. 10234, 6-24-2013, § 5. *Ord. No. 10800, 4-11-2022)*

Sec. 6-14. Tag--duplicates, transferability.

When a license is issued under the provisions of this Article, the city clerk or animal control authority shall deliver to the person securing the same a metal tag, bearing the number of the license and the year thereof. The shape and style of such tag shall be changed each year. Duplicate metal tags, in case of loss, may be issued by the city clerk. The city council shall, by resolution, set the fee amount to obtain a duplicate metal tag. No tag shall be transferred from one dog or cat to another. (Ord. No. 5618, ' ' 413, 414; replaced by Ord. No. 9420, 8-9-1999, ' 1.)

Sec. 6-15. Tag attached to collar; removal of collar or tag prohibited.

No person owning, possessing or harboring any dog or cat shall permit the same to be outside its owner=s dwelling without a substantial collar of leather or other durable material to which collar shall be securely attached the metal license tag described in Section 6-14. No person shall remove the collar or tag from any dog or cat without the consent of the person to whom the license for such dog or cat is issued. (Ord. No. 5618, ' 415; replaced by Ord. No. 9420, 8-9-1999, ' 1.)

Secs. 6-16 to 6-20. Reserved by Ordinance No. 9420, 8-9-1999, ' 1.

Article III. Rabies Control.

Sec. 6-21. Repealed by Ordinance 10800

(7-25-1885, ' 1; 6-22-1891; replaced by Ord. No. 9420, 8-9-1999, ' 1.)

Sec. 6-22. Vaccination requirements.

(a) Every dog, cat or ferret, four months of age and older, shall be vaccinated against rabies;

(b) Every dog, cat or ferret which is not vaccinated at the time of its acquisition or transportation into the city shall be vaccinated within 30 days of acquisition or arrival, whichever is applicable, unless such dog, cat or ferret is under four months of age;

(c) Every dog, cat or ferret shall be revaccinated thereafter in accordance with the current "Compendium of Animal Rabies Prevention and Control prepared by the National Association of State Public Health Veterinarians, Inc., incorporated herein by reference and on file in the office of the city clerk and/or Duluth animal shelter. (Ord. No. 5849, ' 1; Ord. No. 8014, 9-24-1973, ' 1; Ord. No. 8992, 7-23-1990, ' 1; replaced by Ord. No. 9420, 8-9-1999, ' 1. Ord. No. 10800, 4-1-2022)

Sec. 6-23. Vaccination identification.

A metal or durable plastic current rabies vaccination tag, issued by the attending veterinarian, shall be securely attached to the collar or harness of the dog, cat or ferret by the owner. Whenever the dog, cat or ferret is out of doors, whether on or off the owner's premises, the collar or harness with the vaccination tag must be worn. In addition, the owner may be requested to provide a current certificate of rabies vaccination issued by the veterinarian. (Ord. No. 5849, ' 2; Ord. No. 6035; Ord. No. 6555; Ord. No. 7131; Ord. No. 7151; Ord. No. 8014, 9-24-1973, ' 2; Ord. No. 8583, 7-20-1981, ' 1; Ord. No. 8992, 7-23-1990, ' 2; Ord. No. 9118, 1-11-1993, ' 8; replaced by Ord. No. 9420, 8-9-1999, ' 1.)

Sec. 6-24. Vaccination cost.

The cost of rabies vaccination shall be borne by the owner of the dog, cat or ferret, whichever is applicable. (Ord. No. 5849, ' ' 3, 11; Ord. No. 6555; Ord. No. 8014, 9-24-1973; Ord. No. 8150, 6-2-75, ' 1; Ord. No. 8309, 3-14-1977, ' 1; Ord. No. 8992, 7-23-1990, ' 3; replaced by Ord. No. 9420, 8-9-1999, ' 1.)

Sec. 6-25. Exemption from vaccination requirements; transient dogs, cats and ferrets.

The provisions of this Chapter with respect to vaccination shall not apply to any dog, cat or ferret temporarily remaining within the city of Duluth for less than 30 days, or to any dog, cat or ferret brought into the city for field trial or show purposes. Such dogs, cats or ferrets shall be kept under strict supervision by the owner. However, it shall be unlawful to bring any dog, cat or ferret into the city of Duluth under circumstances which are not in compliance with the animal health laws and import and exhibition regulations of the state of Minnesota which are applicable to dogs or cats. (Ord. No. 5849, ' 6; replaced by Ord. No. 9420, 8-9-1999, ' 1.)

Sec. 6-26. Handling of dogs, cats and ferrets bitten by rabid animals.

The following rules shall apply in the case of dogs, cats or ferrets known to have been bitten by rabid animals. For the purposes of this Section, any bat, skunk, civet cat, raccoon or fox that bites a dog or cat shall be deemed a rabid animal, unless proven otherwise.

(a) If the bitten (exposed) dog, cat or ferret has not been vaccinated in accordance with the provisions of Section 6-22, said bitten exposed dog, cat or ferret shall be euthanized immediately. If the owner is unwilling to euthanize the bitten (exposed) dog, cat or ferret, said animal shall be placed in strict isolation in a veterinary hospital under veterinary supervision for a minimum period of six months. Before release of the dog, cat or ferret to its owner, it shall be vaccinated against rabies one month prior to its release at the owner's expense;

(b) If the bitten (exposed) dog, cat or ferret has been vaccinated in accordance with the provisions of Section 6-22, said bitten dog, cat or ferret shall be revaccinated immediately and shall be placed in strict isolation in a veterinary hospital under veterinary supervision for a minimum period of 40 days following revaccination. If the bitten (exposed) dog, cat or ferret is not revaccinated immediately, it shall be placed in strict isolation in a veterinary hospital under veterinary supervision for a minimum period of six months. (Ord. No. 5849, ' 7; Ord. No. 8992, 7-23-1990, ' 4; replaced by Ord. No. 9420, 8-9-1999, ' 1.)

Sec. 6-27. Impoundment of dogs, cats and ferrets without valid rabies vaccination tags.

Any dog, cat or ferret found off the owner's premises and not wearing a valid rabies vaccination tag may be impounded. All impounded dogs, cats or ferrets shall be given proper care and maintenance. Impoundment of all animals shall be in accordance with the provisions of this Chapter. Each dog, cat or ferret impounded pursuant to this Section shall be kept at least five days after the impoundment thereof, unless conditionally reclaimed by its owner as herein provided. Any dog, cat or ferret which is impounded pursuant to this Section may be conditionally reclaimed by its owner by payment of the fees prescribed in this Chapter and by compliance with the rabies vaccination requirements of this Chapter within 72 hours of release.

If the owner of a dog, cat or ferret impounded because of the absence of a valid rabies vaccination tag claims that their animal has been vaccinated, such owner may reclaim their dog, cat or ferret upon production of proof of vaccination, payment of all impounding fees and acquisition of a valid rabies vaccination tag. If a dog, cat or ferret impounded pursuant to this Section is unclaimed by its owner at the end of five days, such animal may be disposed of in accordance with provisions of Section 6-4 of the this Chapter. (Ord. No. 5849, ' 4; replaced by Ord. No. 9420, 8-9-1999, ' 1; Ord. No. 9967, 4-27-2009, ' 5. Ord. No. 10800, 4-11-2022)

Sec. 6-28. Investigation.

(a) An animal control officer, rabies control authority or any police officer is authorized to enter any yard, whether or not enclosed, or any open kennel in which a dog, cat or ferret is kept or harbored for the purpose of determining whether such dog, cat or ferret is wearing a valid rabies vaccination tag;

(b) An animal control officer, rabies control authority or any police officer, having reasonable cause to believe a health hazard exists by virtue of an owner's noncompliance with the provisions of this Article, is authorized to apply to the appropriate authority as otherwise permitted by law for a warrant empowering them to enter the dwelling, residence or place of abode of the owner of a dog, cat or ferret and to demand the exhibition by the owner of such dog, cat or ferret and/or rabies vaccination tag and/or rabies vaccination certificate. (Ord. No. 5849, ' 4; replaced by Ord. No. 9420, 8-9-1999, ' 1.)

Sec. 6-29. Impound fees.

Impoundment fees shall be borne by the owner as provided in Section 6-3 of this Chapter. (Ord. No. 5849, ' 4; replaced by Ord. No. 9420, 8-9-1999, ' 1.)

Sec. 6-30. Biting; quarantine.

When any person has been bitten by a dog, cat or ferret, the owner or custodian of the dog, cat or ferret, having been so notified, shall immediately quarantine the dog, cat or ferret as directed by the animal control authority or rabies control authority. If a dog, cat or ferret which has bitten is running at large and has been apprehended by the animal control officer and if, upon apprehension, the dog, cat or ferret not wearing a rabies vaccination tag or other identification which reasonably reveals its ownership, the animal control officer, after consultation with the rabies control authority, may impound the dog, cat or ferret until the quarantine period is completed. If the dog, cat or ferret has not been claimed after five days, the animal control authority, after consulting with the rabies control authority, may either immediately euthanize the dog, cat or ferret and submit the carcass to the rabies control authority for rabies examination or keep the dog, cat or ferret impounded for the full quarantine period. The period of quarantine shall commence immediately after a person has been bitten and such period shall last for ten consecutive days thereafter. If on or before the tenth day the dog, cat or ferret shows clinical signs suggestive of rabies, the dog, cat or ferret, after consulting with the rabies control authority, may be euthanized and submitted to the rabies control authority for rabies examination. If any of the following animals: skunk, raccoon, fox, coyote, bobcat or bat, bites a human, a dog, a cat, a ferret or any livestock, that animal may, after consulting with the rabies control authority, be euthanized immediately and the carcass may be submitted to the rabies control authority for rabies examination. When other animal species are involved in a biting incident with a human or any other animal, the rabies control authority shall determine whether the animal, based on the prevalence of rabies in the region, is a rabies suspect. Animals deemed to be a rabies suspect by the rabies control authority may be euthanized immediately and the carcass submitted for rabies examination. Animal species including livestock, rodents (squirrels, hamsters, guinea pigs, gerbils, chipmunks, rats and mice) and lagomorphs (rabbits and hares) may be considered rabies suspects on an individual basis. If at the end of the ten day quarantine period the dog, cat or ferret appears to be normal and healthy, the quarantine will be terminated. During the quarantine period the dog, cat or ferret shall be securely confined in a building or in a yard enclosed by a fence so constructed that the dog, cat or ferret cannot get through or over and which will not permit other animals or persons to enter and will prevent the dog, cat or ferret from coming in contact with

other animals or persons other than the custodian. Upon request the animal owner or custodian shall make the dog, cat or ferret available to the rabies control authority for inspection at any reasonable time during the quarantine. The dog, cat or ferret shall not be euthanized unless it cannot be safely secured. If the dog, cat or ferret is euthanized, dies, becomes sick or escapes within the quarantine period, the owner, custodian or agent thereof must notify the rabies control authority immediately. When it is necessary to quarantine a dog, cat or ferret under this Chapter, the cost and expense of such quarantine shall be borne by the owner or agent of the owner of the dog, cat or ferret.

Any person exposed to an animal suspected of having rabies shall be referred to the rabies control authority for health recommendations. (Ord. No. 5849, ' 5; replaced by Ord. No. 9420, 8-9-1999, ' 1.)

Article IV. Keeping of Animals.

Sec. 6-31. Repealed by Ordinance 10800

(Ord. No. 5849, ' 5; Ord. No. 7272, ' 1; replaced by Ord. No. 9420, 8-9-1999, ' 1.)

Sec. 6-32. Nuisance.

No person shall keep any mammal, fowl, reptile or bees in such a manner as to constitute a nuisance. (Ord. No. 5849, ' 8; Ord. No. 6664; Ord. No. 7165, adopted by vote of the people, 9-9-1958; replaced by Ord. No. 9420, 8-9-1999, ' 1.)

Sec. 6-33. Animal noise.

(a) No person shall harbor or keep any dog which, by loud and frequent or habitual barking, yelping or howling shall cause reasonable annoyance of another person or persons;

(b) It shall be unlawful for any person harboring or keeping any animal when that animal creates any noise which is plainly audible to any person, including animal control officers and licensed police officers, at the property line of the building or premises where the animal is being kept and which noise occurs either:

(c) No person shall harbor or keep any fowl which, by loud and frequent or habitual crowing or clucking shall cause reasonable annoyance of another person or persons;

(d) No person shall harbor or keep any other animal or fowl which by loud and frequent or habitual vocalizations shall cause reasonable annoyance of another person or persons. (Ord. No. 5849, ' 8; Ord. No. 6664; Ord. No. 7165, adopted by vote of the people, 9-9-1958; replaced by Ord. No. 9420, 8-9-1999, ' 1. Ord. No. 10800, 4/11/2022)

Sec. 6-34. Animal interference.

(a) No person shall harbor or keep any animal which shall cause annoyance to people passing upon the streets, sidewalks or other public places in the city of Duluth by physical interference with any such people;

(b) Persons owning or harboring a restrained animal on private property shall further restrict the animal on that private property in a manner which prevents that animal from having physical contact with an invitee when that animal has bitten or acted in an aggressive and vicious manner which prohibited safe passage of an invitee. Invitees shall have the right of safe passage onto private property for the purpose to perform their assigned duties.

An invitee for the purposes of this Section shall include but is not limited to the following: United States postal workers, Duluth city employees, state and county employees, parcel post delivery persons, food and product delivery persons and newspaper delivery persons, acting within the scope of their assigned duties and required to enter onto private property for the purpose of performing these duties;

(c) Picketing. No animal shall be picketed so as to be within ten feet of any lot line or public sidewalk, public alley or public street. (Ord. No. 5849, ' 8; Ord. No. 6664; Ord. No. 7165, adopted by vote of the people, 9-9-1958; replaced by Ord. No. 9420, 8-9-1999, ' 1; Ord. No. 9424, 10-25-1999, ' 1.)

Sec. 6-35. Trespassing or damage to property by animals prohibited.

(a) No owner or person having charge of any animal shall allow the same to enter or remain upon the property of another person without the consent of that person;

(b) No owner of any animal shall allow the same to commit damage to property of one other than the owner=s. (Ord. No. 5849, ' 9; Ord. No. 7980, 4-2-1973, ' 1; Ord. No. 8236, 5-3-1976, ' 1; Ord. No. 9025, 4-29-1991, ' 1; Ord. No. 9118, 1-11-1993, ' 9; replaced by Ord. No. 9420, 8-9-1999, ' 1.)

Sec. 6-36. Running at large prohibited.

No person shall suffer or permit any animal owned or controlled by that person to run at large within the city. Except as authorized in this Article, an animal shall be considered to be at large if:

(a) The animal departs from the private property of the owner or other person caring for that animal and is not under physical control of the owner, a member of the immediate family or other responsible person caring for that animal. If the animal is under control by a leash, the leash must be of suitable strength not exceeding six feet in length. Persons controlling animals with leash devices capable of extending leash lengths greater than six feet shall retract the leash length so it shall not exceed six feet in length when being approached or approaching within ten feet of other persons and/or other animals;

(b) The animal remains on the private property of the owner or other person caring for that animal and the animal is not effectively contained within a fenced area (including an area surrounded with an underground electronic fencing system), or when the animal is on any unfenced area or lot abutting a street, alley, public park, school grounds or public place without being effectively restrained by a chain or metallic cable secured to a fixed object;

(c) An animal is not in violation of this Section if:

(1) Such animal remains on the private property of the owner or other person caring for that animal and a competent person is outside with the animal and that animal is immediately obedient to that person=s command;

(2) Such animal is picketed in accordance with this Chapter;

(3) Such animal is confined in a shipping receptacle or a closed vehicle;

(4) Such animal is actually participating in a bona fide field trial, animal show or exhibition, training school, obedience school or similar activity;

(5) Such animal is police animal engaged in activities by the city;

(6) Such animal is a tracking animal and is being used by or with the permission of the city;

(7) Such animal is a certified service animal serving a disabled person;

(d) Underground electronic fencing system;

(1) An underground electronic fencing system used to restrain an animal on private property shall keep an electronically restrained animal a minimum distance of ten feet from any adjacent public sidewalk, public alley or public street;

(2) The property owner or person in control of the property shall be required to erect and maintain a sign alerting the general public that an animal is contained on the posted property by an underground electronic fencing system. The sign shall not be smaller than six inches by nine inches in size and not larger than two feet by one foot. The written warning language on the sign shall not be smaller than three quarters of an inch in height. The sign shall be conspicuously placed as to clearly inform the approaching general public of the underground electronic fencing system;

(3) An animal designated as being a dangerous animal or a potentially dangerous animal under Article IX of this chapter and/or under Minnesota Statute 357.50 shall not be primarily restrained by an underground electronic fencing system;

(4) The property owner or person in control of the property operating an underground electronic fencing system for the purpose of restraining an animal shall be required to maintain the underground electronic fencing system in an effective and proper working order;

(e) A person using a fencing system as the primary means of restraint for an animal may not continue to use the fencing system as the primary means of restraint for that animal if that animal=s behavior results in:

(1) Two convictions within a 12-month period for violating any of the provisions set forth in Section 6-32, referencing 6-31(b)(3), 6-34(a), 6-35 and/or 6-36, of this Code; or

(2) One conviction for violating any of the provisions set forth in Section 6-32, referencing 6-31(b)(3), 6-34(a), 6-35, 6-36 or 6-92(a), of this Code and evidence the animal inflicted injury to a human or to another domestic animal. (Ord. No. 5849, ' 11; Ord. No. 6117; Ord. No. 6555; Ord. No. 7980, 4-2-1973, ' 2; Ord. No. 9025, 4-29-1991, ' 2; replaced by Ord. No. 9420, 8-9-1999, ' 1; Ord. No. 9424, 10-25-1999, ' 2; Ord. No. 9921, 7-21-2008, ' 1.)

Sec. 6-36.1. – 6-36.3 Repealed by Ordinance 10800

Sec. 6-37. Female animal in estrus.

Every female animal in estrus shall be kept confined within a building in such a manner that the animal cannot come in contact with any intact male animal except for proper breeding purposes within the building. The female animal in estrus may be taken from the confined area on a secure leash controlled by a person of sufficient age or into a confined outdoor enclosure within the owner=s property in order for the animal to urinate and/or defecate. (Ord. No. 5849, ' 10; replaced by Ord. No. 9420, 8-9-1999, ' 1.)

Sec. 6-38. Animal litter.

(a) The owner of any animal or any person having the custody or control of any animal shall be responsible for cleaning up any feces of the animal and disposing of such feces in a sanitary manner;

(b) It is unlawful for any person owning, keeping or harboring an animal to cause said animal to be on property, public or private, not owned or possessed by such person without having in his/her immediate possession a device for the removal of feces and depository for the transfer of animal feces to a receptacle located on property owned or possessed by such person. A device may include a plastic or paper bag which is used to recover animal feces;

(c) It is unlawful for any person in control of, causing or permitting any animal to be on any property, public or private, not owned or possessed by such person to fail to remove feces left by such animal to a proper receptacle located on the property owned or possessed by such person;

(d) For the purposes of this Section, the term public property includes, without limitation, streets, sidewalks, boardwalks, trails, boulevards, playgrounds and parks;

(e) The provisions of this Section shall not apply to the ownership of use of any properly identified service animal which aids persons who are totally or partially blind or deaf or have physical or sensory disabilities, animals when used in police activities by the city, or tracking animals when used by or with the permission of the city. (Ord. No. 5849, ' 12; Ord. No. 9025, 4-29-1991, ' 3; replaced by Ord. No. 9420, 8-9-1999, ' 1.)

Sec. 6-39. Maximum number of animals.

(a) Unless otherwise specified in this chapter no more than any combination of five, dogs, cast, ferrets, rabbits or other domesticated animal of over the age of four months shall be kept, harbored or maintained within any individual dwelling unit or on any lot or other parcel of property in the city without a maximum pet exception license. The number of animals permitted above may be increased by obtaining such license issued by the city clerk's office. Such license shall specify any restrictions, limitations, conditions or prohibitions which the animal control authority deems reasonably necessary to protect any person or neighboring use from unsanitary conditions, unreasonable noise or odors, or annoyance, or to protect the public health or safety. Such license may be modified from time to time or revoked by the animal control authority for failure to conform to such restrictions, limitations or prohibitions. Such modification or revocation

shall be effective from and after ten days following the mailing of written notice thereof by certified mail to the person or persons keeping or maintaining such animals;

(b) No more than three dogs over the age of four months may be kept, harbored, or maintained within in individual dwelling unit or on any lot or other parcel of property in the city without a maximum pet license.

(c) License application. Maximum dog and/or cat exception licenses shall be issued on a yearly basis. Each license shall be in effect beginning on the first day of January and expiring on the last day of December of that calendar year. All such 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. The city council may, from time to time, by resolution, set such license fees;

(d) All maximum pet licenses are subject to inspection at the discretion of the animal control authority;

(e) Any owner denied a maximum pet exception license or having such license revoked may appeal the animal control authority=s decision to the administrative lieutenant of the Duluth police department. The administrative lieutenant will review the decision and determine the validity of such license denial and determine what, if any, other course of action to take;

(f) Any owner aggrieved by a decision of the administrative lieutenant may appeal to the city council by filing written notice of said appeal to the city clerk within 15 days after the administrative lieutenant=s decision is rendered. (Ord. No. 9137, 5-10-1993, ' 1; replaced by Ord. No. 9420, 8-9-1999, ' 1; Ord. No. 9967, 4-27-2009, ' 6. Ord. No. 10800, 4-11-2022)

Sec. 6-40. Repealed by Ordinance No. 9420, 8-9-1999, ' 1.

Article V. Repealed.

Secs. 6-41 to 6-50. Repealed by Ordinance No. 9967, 4-27-2009, ' 1.

Article VI. Cruelty to Animals; Trapping.

Sec. 6-51. Purpose of article.

It is the purpose and intent of this Article to promote the proper care of all animals within the city of Duluth. Further, it is the intent of this Article that the needs of animals receive attention through the implementation of the provisions of this Article. (Ord. No. 7852, 6-22-1971, ' 1; replaced by Ord. No. 9420, 8-9-1999, ' 1.)

Sec. 6-52. Repealed by Ordinance No. 10800

. (Ord. No. 8703, 10-1-1984, ' 1; replaced by Ord. No. 9420, 8-9-1999, ' 1.)

Sec. 6-53. Prohibited acts.

All acts of animal cruelty shall be prohibited including the following:

(a) No person shall overdrive, overload, torture, cruelly beat, neglect, or unjustifiably injure, maim, mutilate or kill any animal or cruelly work any animal when unfit for labor, whether belonging to themselves or another;

(b) No person shall deprive any animal of which they have charge or control of necessary food, water or shelter, veterinary care, appropriate grooming, a clean, sanitary and safe living environment;

(c) No person shall keep any animal in any enclosure without facilities or provisions for adequate exercise and change of air;

(d) No person shall abandon any animal;

(e) No person shall allow any maimed, sick, infirm or disabled animal owned by them or in their control to lie in any street, road or other public place;

(f) No person shall wilfully set on foot, instigate or in any way further any act of cruelty to any animal or animals, or any act tending to produce such cruelty;

(g) No person shall unjustifiably administer any poisonous or noxious drug or substance to any animal, or procure or permit the same to be done, or unjustifiably expose any such drug or substance with intent that the same shall be taken by any animal, whether such animal be the property of themselves or another;

(h) No person or organization shall give away any live animal, fowl, reptile, or fish as a prize for or as an inducement to enter any contest, game, or other competition; as an inducement to enter a place of amusement; or as an incentive to any business agreement whereby the offer was for the purpose of attracting trade. (Ord. No. 8703, 10-1-1984, ' 1; replaced by Ord. No. 9420, 8-9-1999, ' 1. Ord. No 10800, 4-11-2022)

Sec. 6-54. Collars, leashes, tie outs.

Collars. Collars may not exceed two pounds in weight and must be made of durable material strong enough to hold the dog it is intended for. Collars may not be equipped with any type of prongs on the inside of the collar that may cause injury or discomfort to the animal's neck.

Leashes. Leashes must not exceed six feet in length and may not exceed four pounds in total weight.

Tie outs. Tie outs must be at least three times the length of the animal secured to it and may not exceed ten pounds in total weight. Tie outs must be of durable material, strong enough to hold the animal it is intended for. Any animal secured with a tie out must be so in an area that would not allow the animal to become tangled around objects while allowing access to shelter and water. Tie outs must be placed in such a location as to inhibit the animal secured from reaching a public sidewalk, street or alley. Also, the tie out must not allow the secured animal access to any neighboring property unless written permission has been obtained from the property owner. (Ord. No. 8703, 10-1-1984, ' 1; replaced by Ord. No. 9420, 8-9-1999, ' 1.)

Sec. 6-55. Destruction, etc., of nests or shelters prohibited.

No person shall, nor shall the person allow their animal to, injure or destroy any nest, refuge or shelter of any animal, creature, bird or fowl in any public property (including, but not limited to, any public park or public zoological garden) or upon any private property of another within the city or disturb, take or carry away from any such nest, refuge or shelter any egg, newly-hatched bird, fowl or denizen deposited in or making use of such nest, refuge or shelter. (Ord. No. 8703, 10-1-1984, ' 1; replaced by Ord. No. 9420, 8-9-1999, ' 1.)

Sec. 6-56. Destruction, etc., of birds and game animals.

(a) It shall be unlawful for any person, at any time, in any manner, to hunt, take, kill or wound any wild birds, any game bird or game animal within the city except as authorized by permit by the Minnesota department of natural resources;

(b) It shall be unlawful for a person owning, harboring or controlling an animal, to allow same animal to hunt, take, kill, wound any wild birds, any game bird or any other animal within the city. (Ord. No. 8703, 10-1-1984, ' 1; replaced by Ord. No. 9420, 8-9-1999, ' 1.)

Sec. 6-57. Feeding wild bears prohibited.

No person shall intentionally feed or attempt to feed a wild bear within the city. No person shall place any feed for any wild animal out of doors if a bear has been attracted to the feeding source. (Ord. No. 8703, 10-1-1984, ' 1; replaced by Ord. No. 9420, 8-9-1999, ' 1.)

Sec. 6-58. Notification of injured animal.

Any person who, as the operator of a motor vehicle, strikes a domestic animal shall immediately report such injury or death to the appropriate law enforcement official or the animal=s owner. (Ord. No. 8703, 10-1-1984, ' 1; replaced by Ord. No. 9420, 8-9-1999, ' 1.)

Secs. 6-59 to 6-70. Reserved by Ordinance No. 9420, 8-9-1999, ' 1.

Article VII. Nondomestic Animals.

Sec. 6-71. Purpose.

The purpose of this Article is to prohibit the keeping of nondomesticated animals as pets within the city in order to protect the health, safety and welfare of the general public. The city council finds that nondomesticated animals kept as pets in an urban setting present a substantial risk of harm to the general public; can increase the likelihood of disease transmission; and can cause public disturbances and health nuisances. (Ord. No. 9420, 8-9-1999, ' 1.)

Sec. 6-72. Repealed by Ordinance No. 10800

(Ord. No. 9420, 8-9-1999, ' 1; Ord. No. 9430, 11-22-1999, ' 1; Ord. No. 10437, 2-22-2016, §1)

Sec. 6-73. The keeping or selling of nondomesticated animals prohibited.

(a) No person shall own, possess or have custody on thier premises any nondomesticated animal for display, training or exhibition purposes, whether gratuitously or for a fee, except as permitted under Chapter 50 of the Duluth City Code;

(b) No person shall keep or permit to be kept any nondomesticated animal as a pet, except as permitted under Chapter 50 of the Duluth City Code;

(c) No person shall offer for sale any nondomesticated animal unless authorized by federal or state law. (Ord. No. 9420, 8-9-1999, ' 1.)

Sec. 6-74. Exceptions.

(a) Temporary events. A traveling circus, zoological park, or show which keeps nondomesticated animals and is in compliance with zoning requirements under Chapter 50 of the Duluth City Code;

(b) Permanent exhibits. A zoological park or other institution engaged in a permanent display of nondomesticated animals providing the location of the premises complies with all zoning requirements;

(c) Veterinary hospitals. Any bona fide veterinary hospital, acting within the scope of its business, is exempt from Section 6-73 of this Article and may hold such nondomesticated animals, provided protective devices adequate to prevent such animals from escaping or injuring the public are provided;

(d) Wildlife rehabilitators. Persons keeping nondomesticated animals as part of a bona fide institutional program to return such animals to the wild are exempt from Section 6-73 of this Article, provided the location of the premises complies with all zoning requirements. (Ord. No. 9420, 8-9-1999, ' 1.)

Sec. 6-75. Impounding of nondomesticated animals.

The impoundment of nondomesticated animals shall be in accordance with Section 6-3 of this Chapter. (Ord. No. 9420, 8-9-1999, ' 1.)

Sec. 6-76. Cruelty to nondomesticated animals.

(a) No person shall sponsor, promote, train a nondomesticated animal to participate in, or contribute to the involvement of a nondomesticated animal in any activity or event in which the animal is a victim of cruelty as defined herein or is induced or encouraged to perform through the use of chemical,

electrical or manual devices in a manner that will cause or likely to cause physical injury or suffering to the animal;

(b) All equipment used on a performing nondomesticated animal shall fit properly and be in good working condition. (Ord. No. 9420, 8-9-1999, ' 1.)

Sec. 6-77. Hunting deer by bow and arrow.

(a) Findings and policy. The city council finds that the peace and safety of the community, and the health of the forest, are threatened by the overabundance of wild deer within the city. Therefore, the population of wild deer must be regulated and managed. The method for the regulation shall be an annual harvesting of wild deer by use of bow and arrow;

(b) State laws. The conduct of any authorized deer hunting within the city must be in compliance with all applicable laws and regulations of the state of Minnesota. This Section is supplemental to the laws of Minnesota, as they may be amended or changed from time to time;

(c) Enforcement officers. The conduct of any authorized deer hunting within the city shall be regulated by the city administrator or their designee or his or her agents, and any state or federal agents with jurisdiction. The council has authority to, by contract approved by resolution, designate the city administrator or their designees agent for the purpose of managing the hunt;

(d) Allowed hunting areas. Deer harvesting will be prohibited in all areas of the city except the following:

(1) Any area designated by the council, by resolution, as a designated hunting area (DHA) or an area determined by the hunt agent to be in special need of deer removal (hot spot). Hot spot areas shall be inspected by a hunt agent officer or its designee, who after deeming the hotspot safely huntable, shall notify both the city's deer hunt manager and law enforcement agency's liaison officer of the new area to be hunted.

(2) Any privately-owned property within a DHA that is not owned by the hunter, but that is owned or controlled by a party from whom the hunter has obtained written permission, dated and signed within 12 months of the time of the hunting, to hunt deer on the property;

(A) In a duly designated hunting area, hunting will not be allowed:

1. Within 250 feet of any occupied dwelling or active commercial structure or structure accessory thereto, without the landowners permission. Hunters may hunt closer than 250 feet from an occupied dwelling or active commercial structure with a landowner permission (LOP) form signed by the landowner whose name appears on the title

2. Any place posted Ano hunting@ in compliance with the laws of Minnesota;

(e) Authorized hunters. Any person hunting deer by bow and arrow within the city must meet all of the following criteria:

(1) Be qualified to hunt deer by bow and arrow under all the laws and regulations of the state of Minnesota and be licensed to do so by the state;

(2) Be certified to be qualified to harvest deer within the city by the city administrator or his or her designee or the designated agent approved by council resolution. The council has authority to, by contract approved by resolution, designate the city administrator or their designee=s agent for the purpose of managing the hunt, regulating the hunters, and collecting fees due to the city and giving such fees to the city. Application for a deer hunting qualification certificate shall be made to the city administrator or their designee. The agent designated by the council may act for the city administrator or their designee to collect the fee. The fee shall be set in accordance with Section 31-6(a) of this Code. The standards and requirements of the program shall be set by resolution of the council. The program shall include each hunter=s agreement to behavior and ethical standards, proficiency standards, and a waiver of rights for any liability of the city, its contract agent or landowners;

(f) Conduct of the hunt.

(1) Harvesting of deer shall only be done in compliance with this ordinance, state law, any resolution passed by the council setting standards for conduct of the hunt or contracting for the services of the city=s agent for that purpose, the city=s hunt agent=s rulebook for hunters, and any deer management

plan for Duluth adopted by the city council;

(2) Carcasses and entrails must be removed from the site of the kill immediately and completely;

(3) Only hunting by bow and arrow is allowed, except for hunting with crossbow as permitted with archery hunting with a disabled hunter permit issued under Minnesota statutes sections 97B.106 and 97B.035, a disabled hunter status meeting the criteria of Minnesota statutes section 97B.106 as determined by the city's agent or for those hunters ages 60 and older;

(4) No permanent stand is allowed on public property;

(5) No hunter may harvest more than one antlered deer. Party hunting, as defined by state law, is limited to antlerless deer only;

(6) No hunter may attempt to shoot or harvest a deer that is beyond the effective range of the hunter;

(7) Each hunter must repair or pay for any damage to the property of another that arises out of the hunting activities;

(g) Violations. A violation of this Section is punishable as set out in Section 1-7, as it may be amended or changed from time to time. In addition, any person convicted of or administratively found to have violated this Section, or any other law, or the rules of the hunt set by the council or the hunt agent=s rulebook, as a result of actions related to deer harvesting authorized by this Section, shall be disqualified, for a period determined to be appropriate by the hunt agent, but not greater than 40 years from the date of conviction, or violation, whichever is later, from being certified as qualified to harvest deer within the city. The city or the city=s hunt agent may, by due process, determine the commission of a violation and impose an appropriate period of disqualification, which decision can, within 15 days, be appealed, by written notice, to the city's administrator

(h) Each year, the city administrator or their designee shall report to the city council about the conduct of the previous year=s harvest, including the number of participants, the number of deer taken, any problems encountered and any recommendations. (Reserved by Ord. No. 9420, 8-9-1999, ' 1; amended by Ord. No. 9724, 5-9-2005, ' 2; Ord. No. 9910, 5-27-2008, ' 1; Ord. No. 10093, 7-11-2011, ' 1. Ord. No. 10753, 7-19-2021, §1. Ord. No. 10882, Sec. 1, 4-8-2024)

Sec. 6-78. Feeding of pigeons or deer prohibited.

(a) Feeding of pigeons or deer. Except for operation of the Duluth zoo and its programs, feeding a wild deer on publicly-owned or occupied, or publicly-controlled, land is prohibited. Feeding of a wild deer or allowing one or more of them to be fed on ones privately-owned or occupied property is prohibited within the city. No person shall feed a nondomesticated pigeon, nor place feed in a place or manner that a reasonable person would expect to result in feeding a nondomesticated pigeon, in any area of the city that is not in a district zoned suburban (or its successor designation), as set out in Chapter 50, Article VII, or its successor, of Duluth City Code, except in a designated feeding area of a city park. ;

(b) Enforcement. Any employee or agent of the city who is authorized to cite another for violation of Duluth City Code and any peace officer is authorized to enforce this ordinance;

(c) Penalty. The minimum fine for a violation of Section 6-78, or its successor, shall be set in accordance with Section 31-8 of this Code. (Reserved by Ord. No. 9420, 8-9-1999, § 1; amended by Ord. No. 9723, 5-9-2005, § 1; Ord. No. 9769, 2-27-2006, § 1; Ord. No. 10155, 5-29-2012, § 2.)

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

(a) Any person who keeps chickens 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 the chickens. 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 chickens shall be set in accordance with Section 31-6(a) of this Code;

(c) All licenses shall be subject to inspection at the discretion of 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. (Ord. No. 9926, 8-25-2008, ' 1; Ord. No. 10178, 9-10-2012, § 1.)

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 one-family dwelling or two-family dwelling as defined in Section 50-41 of this Code;

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

(3) No person shall keep a rooster;

(4) No person shall keep any chickens inside a dwelling unit;

(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. (Ord. No. 9926, 8-25-2008, ' 2; Ord. No. 10178, 9-10-2012, § 2.)

Sec. 6-80. Obtaining a license to keep honeybees.

(a) Any person who keeps honeybees 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 the honeybees. 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 honeybees shall be set in accordance with Section 31-6(a) of this Code;

(c) Only one license shall be allowed per lot;

(d) The applicant for the license must notify all residents of the property if the applicant is not the owner or operator and the owner or operator must be an additional signatory on the license application. Notification is not required for renewal of a license;

(e) The animal control authority may refuse to grant or may revoke a license if the honeybees become a nuisance as determined by the animal control authority. (Added by Ord. No. 10185, 10-22-2012, § 1.)

Sec. 6-80.1. Keeping of honeybees.

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

(1) No more than five hives may be located on a lot;

(2) No hive shall exceed 20 cubic feet in volume;

(3) A constant supply of water shall be provided for all hives, except during the dormant period;

(4) No ground hive shall be located closer than five feet from any property line;

(5) No ground hive shall be located closer than 15 feet from a public sidewalk or 30 feet from a principal building on an abutting lot;

(6) A flyway barrier at least six feet in height shall shield any part of a property line that is within 30 feet of a ground hive. The flyway barrier shall consist of a wall, fence, dense vegetation or a combination thereof and it shall be positioned to transect both legs of a triangle extending from an apex at the hive to each end point of the part of the property line to be shielded;

(7) Rooftop apiaries are allowed but shall not be located closer than 15 feet from a principal building on an abutting lot. (Added by Ord. No. 10185, 10-22-2012, § 2.)

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 subject to inspection at the discretion of 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; (Added by Ord. No. 10437, 02-22-2016, §3 . Ord. No. 10855. 11-13-2023)

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 uses 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.

(Ord. No. 10437, 02-22-2016, §3)

Article VIII. Kennels, Pet Shops, Veterinary Hospitals, etc.

Sec. 6-81. Repealed by Ord. No. 10800

(Ord. No. 9420, 8-9-1999, ' 1. Ord. No. 10573, §1, 6-11-2018)

Sec. 6-82. License fees.

Persons operating or maintaining pet shops, grooming shops, mobile grooming shops, breeding or boarding kennels, when such facilities are maintained under professional supervision, shall, in addition to other licenses required by this Section, pay a license fee. The city council may, from time to time, by resolution, set such license fees for persons maintaining or operating the following:

(a) Kennels keeping two to five dogs or cats;

(b) Kennels keeping six to 11 dogs or cats;

(c) Kennels keeping 12 or more dogs or cats;

(d) A pet shop business;

(e) A commercial grooming shop business;

(f) A commercial mobile grooming shop business

(g) A nuisance wildlife removal business.

All such kennel fees shall apply only to dogs or cats over the age of four months. The city animal shelter is exempt from the provisions of this Section. (Ord. No. 9420, 8-9-1999, ' 1; Ord. No. 9967, 4-27-2009, ' 7. Ord. No. 10573, §2, 6-11-2018)

Sec. 6-83. License; application.

No person shall establish, operate or maintain a pet shop, grooming shop, dog or cat breeding kennel, boarding kennel, or nuisance wildlife removal business without first obtaining an annual license therefor. Licenses shall be applied for at the office of the city clerk on forms provided by the clerk's office. Each application shall be accompanied by an annual license fee as set by the city council by resolution.

Applications for license renewals shall be made at least 30 days before the license term expires. In addition, any license application or renewal thereof, shall be accompanied by a corporate surety bond to the

city of Duluth in the amount of $3,000, which shall be maintained in that amount throughout the license period to ensure payment of veterinary or other care for animals ordered by the animal control officer and to ensure the licensee's compliance with all laws pertaining to its operation. Pet shops shall also file with the city clerk a commercial general liability insurance policy covering applicant's pet shop operations in the amount of $300,000 for bodily injury in any year and $50,000 for property damage in any year.

Prior to the issuance of any first time license thereof under this Article, the animal control authority may conduct an inspection of the licensee to determine compliance with this Article. Prior to the issuance of any license renewal thereof under this Article, the animal control authority may conduct an inspection of the licensee to determine compliance with this Article. All reports of such inspections and reviews shall be in writing and maintained by the animal control authority. A license shall not be issued or renewed without full compliance with the terms of this Article. License issued under this Article shall expire one year from the date of issuance, unless earlier suspended or revoked as provided in this Article. Each license issued under this Article shall be prominently displayed at all times in the establishment for which it is issued. A licensee shall be responsible for all actions and conduct of any employee or agent of the licensee and any violation of this Article by an employee or agent shall be deemed to be the actions and conduct of the licensee. (Ord. No. 9420, 8-9-1999, ' 1; Ord. No. 9446, 5-22-2000, ' 1. Ord. No. 10800, 4-11-2022)

Sec. 6-84. Issuance of licenses.

Prior to the issuance of any first time license thereof under this Article, the animal control authority may conduct an inspection of the licensee to determine compliance with this Article. All premises under this article are subject to inspection at the discretion of the animal control authority. The animal control authority, for all application of license and renewal of license, shall make a written report of such investigation to the office of the city clerk. A license shall not be issued or renewed without full compliance with the terms of this Article. License issued under this Article shall expire one year from the date of issuance, unless earlier suspended or revoked as provided in this Article. Each license issued under this Article shall be prominently displayed at all times in the establishment for which it is issued. A licensee shall be responsible for all actions and conduct of any employee or agent of the licensee and any violation of this Article by an employee or agent shall be deemed to be the actions and conduct of the licensee. (Ord. No. 9420, 8-9-1999, ' 1; Ord. No. 9967, 4-27-2009, ' 8. Ord. No. 10855. 11-13-2023)

Sec. 6-84.1 Requirements for Animal Rescue Groups or Organizations

(a) In order to be recognized by Duluth Animal Control, all animal rescue groups or organizations shall post on their publicly-accessible internet site the information required by this section for all animals held by the group or organization:

(b) In order to be recognized by Duluth Animal Control, all animal rescue groups or organizations shall maintain and post the information required by this subsection related to the animals held in their custody and care in order to be recognized or approved by Duluth Animal Control.

(1) The total number of live animal intakes categorized as follows:
   a. The number of animals received by the shelter, agency, group, or organization;
   b. The number of animals that were relinquished by the animal's owner;
   c. The number of animals that were received from other agencies; and
   d. Any other live animal intake.

(2) The final outcome of the animals received by the shelter, agency, group, or organization as follows:
   a. The number of animals that were adopted;
   b. The number of animals that were reclaimed by the animal's owner;
   c. The number of animals that were transferred to another agency;
   d. The number of animals that died while in the care of the shelter;
   e. The number of animals that were lost in care; and
   f. The number of animals that were euthanized at the request of the owner.

(3) The information required to be posted under this section shall be updated at least quarterly and shall remain posted for at least one (1) year from the date of initial posting.

(c) In order to be recognized by Duluth Animal Control, all animal rescue groups or organizations are subject to inspection at the discretion by the animal control authority. Ord. No. 10855. 11-13-2023

Sec. 6-85. Complaints and questions as to licenses, laws, etc.

Whenever there shall be filed with the city clerk or with the city council any complaint or question relating to the issuance or granting of licenses or any problem relating to control or enforcement of this Article or any other regulations of the city relating to the licensees, such complaints or questions shall be referred immediately to the administrative lieutenant of the Duluth police department to investigate such complaints. (Ord. No. 9420, 8-9-1999, ' 1; Ord. No. 9967, 4-27-2009, ' 9.)

Sec. 6-86. Suspension and revocation of licenses.

(a) When it comes to the attention of the animal control authority that any licensee licensed pursuant to this Chapter may have violated the provisions of this Chapter or any other law relating to its operation, or that such licensee may be engaging in other conduct that may constitute good cause for the suspension or revocation of its license, the animal control authority will review to determine the validity of the allegations and to determine what, if any, disciplinary measures shall be taken against the licensee;

(b) Any licensee having such license suspended or revoked may appeal the animal control authority=s decision to the administrative lieutenant of the Duluth police department. Any review hearing called pursuant to the provisions of this Section shall be held pursuant to the procedural and evidentiary provisions of Minnesota Statutes, sections 14.57 to 14.69 and rules promulgated thereunder. At such review hearing, the administrative lieutenant shall hear all relevant evidence and arguments from all parties. After due deliberation, the administrative lieutenant shall determine the validity of the allegations and what, if any, corrective or punitive measures will be recommended to the city council. At the completion of the review hearing, the administrative lieutenant shall direct the city clerk to prepare a report to the city council which shall consist of the findings of fact, conclusions and recommendation to the city council. The report shall be filed with the city council and served personally or by first class mail upon the parties to the review hearing. The city council shall not render a decision on the matter until at least ten days after it has received the report of the administrative lieutenant. During this ten day period, either party to the review hearing may present written exceptions to the report of the administrative lieutenant or make arrangements to be placed on the agenda of the city council to present oral argument to the city council concerning the matter. The city council's decision on the matter shall be in the form of a written resolution which shall contain findings of fact and conclusions on all material issues and shall set forth any punitive action taken against the licensee. The bond of the licensee may be declared forfeited to the city by the city council for violation of the terms of this Article. A copy of the resolution shall be served upon the licensee personally or by first class mail;

(c) Without limiting other grounds for suspension or revocation, the following shall be deemed to be good cause for suspension or revocation of a license:

(1) Violation of any law relating to its operation, including, but not limited to, state, federal and local laws concerning animal cruelty;

(2) The licensee has failed to pay license fees or city or state sales tax or that property taxes on the building have not been paid;

(3) The licensee has failed to file or maintain any insurance or bond required by law;

(4) Refusal to cooperate with the police, department of public health or the city animal control officer in any investigation;

(5) The filing of a license application containing information or statements known by the applicant to be false;

(6) The licensee has engaged in fraudulent conduct or misrepresentation in connection with the handling, sale or disposition of animals or in representations to the animal control officer, police or department of public health. (Ord. No. 9420, 8-9-1999, ' 1; Ord. No. 9967, 4-27-2009, ' 10.)

Sec. 6-87. Duties of licensee.

It shall be the duty of each licensee of a licensed breeding kennel, boarding kennel, animal rescue group or organization, pet shop, grooming shop, nuisance wildlife removal business, animal shelters (whether public or private, profit or nonprofit) to operate and maintain such facility, as well as all of its pens, cages, runways and all the premises upon which it is situated, or which constitute a part of its operational area, in a clean and sanitary manner; to provide adequate light and ventilation; to dispose of urine and fecal material through an approved sewer system; to screen or otherwise fly-proof the isolation wards; to rat-proof all buildings and structures; to keep the premises vermin free; and to conduct its operations in such a manner that no public nuisance will be created or noisome odors arise therefrom. The animal control authority, police officers and members of the public health department shall be given free access to pet shops, grooming shops, kennels, animal rescue groups or organizations, nuisance wildlife removal businesses, animal shelters for the purpose of ascertaining compliance or noncompliance with and enforcing this Section. (Ord. No. 9420, 8-9-1999, ' 1; Ord. No. 9967, 4-27-2009, ' 11.)

Sec. 6-88. Cruelty to animals.

(a) All licensees and their employees shall report to the animal control authority any significant outbreaks of pet illness in their businesses;

(b) It shall be unlawful for any licensees and or employees to:

(1) Violate Article VI, Cruelty to Animals, and any other Article in this Chapter;

(2) Permit the display in any store windows of any maimed, sick, infirm or disabled animal;

(3) Instigate or in any way further any act of cruelty to any animal or commit any other act tending to produce such cruelty;

(c) Complaints of animal cruelty shall be investigated by the animal control officer. If the animal control officer has reasonable cause to believe that animal cruelty or disease is taking place at the licensee=s location but lacks the expertise to confirm or diagnose the problem, the animal control officer may secure the services of a licensed veterinarian or other expert to assist in the investigation. The cost of such veterinarian or expert shall be billed to the licensee and paid by said licensee within 60 days of the billing. If the sum is not paid within 60 days, it may be recovered from the bond of the licensee up to the penal sum of the bond. Failure of any licensee to pay veterinarian or other expert investigation fees shall be good cause for suspension or revocation of the licensee=s license;

(d) In the event the animal control officer, any health officer, veterinarian employed by the animal control officer or police officer finds any ill or injured animal at a licensee=s location with exception to a veterinary hospital, such individual shall remove such animal, depositing the same at a licensed animal hospital, at the expense of the licensee. If the owner and veterinarian agree that the probable cost of restoring the animal to health exceeds the value of the animal, the owner may request that the veterinarian destroy the animal at the owner's cost and the veterinarian shall honor the request. Upon the restoration of any sick animal to health, the licensee shall immediately, upon notification of the fact, claim the animal and thereupon pay the hospital bill. If, within three days, the licensee has not claimed such pet, the veterinarian shall notify the city and the city council thereof shall promptly declare the bond forfeited. The city clerk shall thereupon notify the surety and when the principal amount is collected shall cause to be delivered to the animal hospital the amount due it;

(e) In the event any such person finds any animal which has been abused, maltreated or neglected, the animal shall be placed in the hands of the animal control officer for adoption or euthanasia. (Ord. No. 9420, 8-9-1999, ' 1.)

Sec. 6-89. Misrepresentation of breeds; prohibited animals.

(a) No person, licensee or employees of the licensee shall misrepresent the breed or age of any animal or fowl kept for sale, as an inducement to the sale of the animal;

(b) No licensee shall maintain, keep, harbor or sell any animal or species listed in Section 6-72 of this Chapter. (Ord. No. 9420, 8-9-1999, ' 1.)

Sec. 6-90. Reserved by Ordinance No. 9420, 8-9-1999, ' 1.

Article IX. Dangerous Dogs.

The animal control authority shall be responsible for enforcement of Minnesota Statutes Chapter 347 within the city. In addition to the provisions of this Article, all dangerous and potentially dangerous dogs within the city are subject to regulation under Minnesota Statutes Chapter 347. (Ord. No. 10036, 7-12-2010, ' 1.)

Sec. 6-91. Repealed by Ordinance No 10800. (Ord. No. 9420, 8-9-1999, ' 1; Ord. No. 10036, 7-12-2010, ' 2.)

Sec. 6-92. Attack by a dog.

(a) It shall be unlawful for an owner to fail to restrain a dog from inflicting or attempting 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;

(b) If any police officer or animal control officer is witness to an attack by a dog 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. (Ord. No. 9420, 8-9-1999, ' 1; Ord. No. 10036, 7-12-2010, ' 3.)

Sec. 6-93. Restrictions for potentially dangerous and dangerous dogs.

(a) Except as provided in Minnesota Statutes Section 347.51, Subd. 8, the animal control authority may place on owners of potentially dangerous or dangerous dogs any restrictions that the animal control authority deems necessary to ensure public safety;

(b) When outside its owner=s dwelling, a potentially dangerous dog must be kept on a leash not exceeding six feet in length and must be under direct physical control or a responsible person at least 18 years old, or inside a physical fence or other secure enclosure to both restrain the potentially dangerous dog from coming into physical contact with the public and to prevent the public from coming into physical contact with that dog. (Ord. No. 9420, 8-9-1999, ' 1; Ord. No. 10036, 7-12-2010, ' 4.)

Sec. 6-94. Seizure of certain dogs.

Any dog may be immediately seized and impounded if:

(a) After having been declared potentially dangerous or dangerous, the dog subsequently attacks, bites, chases, or threatens the safety of any human or domestic animal; or

(b) Fourteen days after having received notice that the dog is potentially dangerous or dangerous, the owner has not complied with all of the requirements ordered by the animal control authority; or

(c) The dog bites or attacks a person or domestic animal while running at large in violation of Duluth City Code Section 6-36, is unlicensed, or is not properly vaccinated against rabies virus at the time the dog bites or attacks a person or domestic animal. (Ord. No. 9420, 8-9-1999, ' 1; Ord. No. 10036, 7-12-2010, ' 5.)

Sec. 6-95. Disposition of seized dogs.

Provided that the animal control authority does not order and require that the dog be euthanized; a dog seized under this Article may be reclaimed if, within 14 days, the owner of the dog:

(a) Provides proof of compliance with all restrictions and requirements ordered by the animal control authority; and

(b) Pays all fees associated with the impound, care and keeping of the dog; or

(c) Files an appeal of the order of the animal control authority and the dog owner complies with all requirements of keeping the dog under this Article, and Minnesota Statutes Chapter 347 if applicable, as well as paying all fees associated with the impound, care and keeping of the dog and fulfilling any conditions ordered by the administrative hearing officer. (Ord. No. 9420, 8-9-1999, ' 1; Ord. No. 10036, 7-12-2010, ' 6.)

Sec. 6-96. Concealing of potentially dangerous and dangerous dogs.

No person shall harbor, hide or conceal or refuse to present to the animal control authority any dog which has been declared potentially dangerous or dangerous by the court, law enforcement officer, or the animal control authority, which has been ordered into custody for quarantine, euthanasia or other disposition. (Ord. No. 9420, 8-9-1999, ' 1; Ord. No. 9967, 4-27-2009, ' 12; Ord. No. 10036, 7-12-2010, ' 7.)

Sec. 6-97. Authority to order euthanasia; procedure.

(a) A dog may be euthanized by the animal control authority if:

(1) The dog is dangerous as demonstrated by a vicious attack, an unprovoked attack, an attack without warning or multiple attacks; or

(2) The owner, if known, of the dangerous dog has demonstrated an inability or unwillingness to control the dog in order to prevent injury to persons or other animals;

(b) The animal control authority may not euthanize the dog until the dog owner has had the opportunity for a hearing before an administrative hearing officer as set forth in Section 6-98;

(c) If no appeal is filed, the orders issued will stand and the animal control authority may euthanize the dangerous dog;

(d) Nothing in this Section shall prevent the animal control authority from ordering the immediate euthanizing of a rabies-suspected animal pursuant to Chapter 6, Article III, of the Duluth City Code. (Ord. No. 9420, 8-9-1999, ' 1; Ord. No. 10036, 7-12-2010, ' 8; Ord. No. 10122, 11-14-2011, ' 1.)

Sec. 6-98. Appeal of potentially dangerous or dangerous dog designations; euthanasia.

The owner of any dog declared potentially dangerous or dangerous or seized for euthanasia, other than a rabies-suspected dog subject to immediate euthanizing pursuant to Article III of this Code, has the right to a hearing by the administrative hearing officer as follows:

(a) The animal control authority shall give notice of this Section by delivering or mailing the notice to one owner of the dog, if known, or by posting a copy of the notice at the place where the dog is kept, or by delivering it to a person of suitable age and discretion residing on the property or by delivering the notice by electronic means. The notice must include:

(1) A description of the dog, the authority for and purpose of the potentially dangerous or dangerous dog designation or seizure; the time, place and circumstances under which the dog was declared or seized; and the telephone number and contact person for the entity having custody and control of the dog;

(2) A statement that the owner of the dog may request a hearing concerning the declaration or seizure and that the request for a hearing must be in writing and must specify the grounds relied upon for the appeal. The written request for a hearing must be received by the office identified in the notice within 14 days of the date of the notice. Failure to comply with these requirements and to pay the required appeal fee within the 14-day time period will terminate the owner=s right to a hearing;

(3) A statement that if the hearing officer affirms the potentially dangerous or dangerous dog designation, the owner will have 14 days from receipt of that decision to comply with all requirements of this Article, Chapter 347 of the Minnesota Statutes and other requirements as ordered, if any;

(4) A form to request a hearing; and

(5) A statement that all actual costs of the care, keeping, and disposition of the dog are the responsibility of the owner, except to the extent that a court or hearing officer finds that the seizure or impoundment was not substantially justified by law;

(b) The owner must pay a fee, as established by the city council, in order to file the request for an appeal hearing;

(c) The appeal hearing will be held within 14 days of the filing of the appeal. The hearing officer must be an impartial person retained by the city to conduct the hearing. If the hearing officer upholds the declaration or seizure of the dog, actual expenses of the hearing will be the responsibility of the dog=s owner. The hearing officer will issue a decision on the matter within ten days after the hearing. The decision shall be provided to the dog=s owner by U.S. mail at the address listed on the appeal notice. A copy of the decision shall also be provided to the animal control authority. The decision of the hearing officer is final, subject only to appeal to the appellate courts, pursuant to Minnesota Statutes Section 606.01;

(d) An owner=s right to appeal or otherwise contest a declaration or seizure by the animal control authority shall be deemed waived if the owner fails to timely file an appeal, as set forth herein, or fails to appear at any scheduled hearing date. (Added by Ord. No. 10122, 11-14-2011; ' 2.)

Sec. 6-99. Repealed by Ordinance No. 10036, 7-12-2010, ' 10.

Sec. 6-100. Reserved by Ordinance No. 9420, 8-9-1999, ' 1.