

Regular Meeting Public Hearing Action Item Consent Item Resolution Ordinance
 Presentation Other:

EDA Meeting Action Item Resolution Other:

Study Session Discussion Item Written Report Other:

TITLE:

Ordinance Relating to the Keeping and Feeding of Wild Animals - 2nd Reading

RECOMMENDED ACTION:

Motion to Approve Second Reading and Adopt Ordinance to approve changes to Chapter 4 and Chapter 12 of the City Code relating to the feeding of wildlife, and to approve ordinance summary and authorize publication.

POLICY CONSIDERATION:

Does the City Council wish to approve the proposed ordinances relative to the feeding of wild animals?

BACKGROUND:

First reading was presented to City Council at their June 18, 2012 regular meeting. Changes discussed at that meeting have been incorporated into the Ordinance.

Chapter 4, Section 4-44 of the City's Code covers the prohibition of feeding deer, raccoon and Canada geese. Chapter 12, Section 12-34 (14) of the code covers the prohibition of feeding deer and raccoon only, with language pertaining to types of prohibited and accepted feeding. The proposed changes affect both sections of both chapters.

The proposed changes are as follows:

- **Combine ordinances into one section.** This will assist in clarity and enforcement. Section 4-44 will be titled "Feeding of Wild Animals" versus "Deer and Raccoon"; Section 12-34 (14) will refer to Section 4-44.
- **Add coyotes, wild turkeys and opossum to the list of prohibited animals to feed, Section 4-44 (a).** Under the current ordinances/sections, the feeding of coyote, wild turkey and opossum is allowed. Wild turkey, coyotes and potentially opossum, due to easy, desirable and available food stock, are approaching/feeding on various properties within St. Louis Park. The concentrated presence of these animals causes alarm and creates habituation of these animals in residential yards and of people. It's beneficial for people and the animals for them to remain wild and afraid of humans. With the increased numbers of wild turkey and coyotes present in St. Louis Park the addition of these two animals to the feeding ban is necessary.
- **Add specification of the method in which food can be offered, Section 4-44 (b).** The proposed change is to make the feeding of allowed animals, such as birds, ducks and squirrels, acceptable but defines the method to feed them (a feeder/feeding apparatus that has to be 5' off the ground and screened, if necessary) to prevent undesirable (primarily deer and wild turkey) animal feeding. Currently, there is no specified height limit and various food items may be set anywhere which promotes high animal concentrations causing concentrated fecal matter, attraction of undesirable animals to a site and, inability to control the site through enforcement.

- **Add specification for the type of food allowed and prohibited, Section 4-44 (b).** The proposed ordinance clearly defines what food material is acceptable and what food material is not. The current ordinance references “edible liquids and material” which is left to interpretation, which means any food material can be left out for any animal, making enforcement challenging.
- **Change effective enforcement of the feeding ban, Section 4-44 (d).** Enforcement is currently difficult since the manner in which the food is offered and specific food items presented on site are not clearly defined. Under the current scenario any food item for feeding desirable animals, such as birds, is acceptable. This situation creates an attraction for deer, coyote, Canada geese, wild turkey and potentially opossum, to congregate at these feeding sites.

CHANGES TO THE ORDINANCE:

At the first reading on June 18, 2012, Councilmembers requested staff remove Section 4-42 (8) that prohibits beekeeping. This language has been removed. The City Attorney has reviewed and approved the proposed ordinances changes.

FINANCIAL OR BUDGET CONSIDERATION:

The proposed ordinance is not expected to increase costs to the City.

VISION CONSIDERATION:

This ordinance is consistent with our second strategic direction: “St. Louis Park is committed to being a leader in environmental stewardship. We will increase environmental consciousness and responsibility in all areas of city business”.

Attachments: Amended Ordinance
Ordinance Summary

Prepared by: Stacy Voelker, Administrative Secretary
Jim Vaughan, Environmental Coordinator

Reviewed by: Cindy Walsh, Director of Parks and Recreation

Approved by: Tom Harmening, City Manager

ORDINANCE NO. ____-12

**CITY OF ST. LOUIS PARK
HENNEPIN COUNTY, MINNESOTA**

**AN ORDINANCE RELATING TO THE KEEPING AND FEEDING OF WILD
ANIMALS, AMENDING SECTIONS 4-41 TO 4-45 AND SECTION 12-34
OF THE ST. LOUIS PARK CITY CODE**

THE CITY OF ST. LOUIS PARK DOES ORDAIN:

SECTION 1. Sections 4-41 to 4-44 of the City Code are hereby amended as follows:

Sec. 4-41. Purpose of article.

The purpose of this article is to protect the public health from disease transmission, animal bites and public nuisances arising from the keeping or escape of nondomesticated animals.

(Code 1976, § 11-314)

Sec. 4-42. Prohibited animals.

No person shall keep, maintain or harbor within the city the following animals:

- (1) Animal or species prohibited by state or federal law.
- (2) Any skunk, whether captured in the wild, domestically raised, descended or not descended, vaccinated against rabies or not vaccinated against rabies.
- (3) Any large cat of the family Felidae such as lions, tigers, jaguars, leopards, bobcats, lynx, cougars and ocelots, except commonly accepted domesticated house cats.
- (4) Any member of the family Canidae, such as wolves, fox, coyote, dingoes and jackals, except domesticated dogs.
- (5) Any hybrids such as wolf/dog and coyote/dog hybrids, but not including crossbred domesticated animals.
- (6) Venomous snakes of the Family Viperidae, such as adders, gabon vipers and pit vipers, venomous snakes of the Family Elapidae, such as cobras, coral snakes and sea snakes, three snakes of the Family Colubridae, the African twig snake (*Thelotornis kirtland*), the rear fanged boomslang (*Disphooidus typus*) and the Asian tiger snake (*Rhabdophis forinus*); whether captured in the wild or domestically raised, defanged or not defanged, devenomed or not devenomed.
- (7) Any raccoon.

- (8) Any other animal not listed explicitly in subsections (1) to (9) of this section, but which is not naturally tame or gentle, but is of a wild nature or disposition and which, because of its size, vicious nature or other characteristics, would constitute a danger to human life or property.

Sec. 4-43. Feeding of Wild Animals.

(a) No person shall feed deer, raccoons, wild turkeys, coyotes, opossum, Canada goose or any prohibited animal identified in Section 4-42 within the boundaries of the city.

(b) No person shall place or permit to be placed on the ground, or within five feet (5') of the ground surface any grain, fodder, salt licks, fruit, vegetables, nuts, hay or other edible materials (including feed for birds), which may reasonably be expected to result in deer, raccoon, wild turkey, coyote or Canada goose feeding, unless such items are screened or protected in a manner that prevents such feeding. The presence of living fruit trees and other live vegetation shall not be considered feeding.

(c) The prohibitions in this section shall not apply to:

- (1) Veterinarians, city animal control officers or county, state or federal game officials who are in the course of their duties, have deer, raccoon, coyote, wild turkey or Canada goose in custody or under their management;
- (2) Persons authorized by the City of St. Louis Park to implement the Deer Management Program approved by the City Council; and
- (3) Any food placed upon the property for purposes of trapping or otherwise taking deer where such trapping or taking is pursuant to a permit issued by the Minnesota Department of Natural Resources.

(d) In addition to being a violation subject to the general penalty provisions of the City Code, a violation of this section is declared to be a nuisance affecting public peace and safety subject to the abatement and assessment provisions of Section 12-35 of the City Code.

SECTION 2. Section 4.45 of the City Code is renumbered to Section 4.44.

SECTION 3. Section 12-34(14) of the City Code is hereby amended to read in its entirety as follows:

- (14) Feeding of deer, raccoons, wild turkeys, coyotes, opossum, Canada goose or prohibited animals identified in Section 4-42.

SECTION 4. This ordinance shall take effect fifteen days after its publication.

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| First Reading | June 18, 2012 |
| Second Reading | July 16, 2012 |
| Date of Publication | July 26, 2012 |
| Date Ordinance takes effect | August 10, 2012 |

Reviewed for Administration:

Adopted by the City Council July 16, 2012

City Manager

Mayor

Attest:

Approved as to Form and Execution:

City Clerk

City Attorney

SUMMARY

ORDINANCE NO. ____-12

**AN ORDINANCE RELATING TO THE KEEPING AND FEEDING OF WILD
ANIMALS, AMENDING SECTIONS 4-41 TO 4-45 AND SECTION 12-34
OF THE ST. LOUIS PARK CITY CODE**

This ordinance clarifies wild animals and specifies prohibited wild animal keeping and feeding practices.

This ordinance shall take effect not less than 15 days after publication.

Adopted by the City Council July 16, 2012

Jeffrey W. Jacobs /s/
Mayor

A copy of the full text of this ordinance is available for inspection with the City Clerk.

Published in St. Louis Park Sailor: July 26, 2012