

MEMORANDUM

TO: Council

FROM: Eric Hagen

DATE: August 14, 2023

RE: Excessive Household Animals (3 Dogs)

This memo is being provided to address the request to have excessive household animals. Section 12.10(m) of the City Code limits the number of dogs per household to two; however, the request is from a new resident that already owned three dogs before moving Dodgeville. The request is for a limited exception to section 12.10(m) to allow the new residents to keep their three dogs until one of them passes away, at which point they will have no more than two dogs. While Council can provide such a limited exception, it should be mindful of the precedent doing so sets and should consider whether an amendment to section 12.10(m) should be made to address this and similar situations.

Precedent:

Granting a limited exception here sets a precedent for the future application of section 12.10(m). The City needs to ensure equal enforcement of its code, otherwise a code provision may become unenforceable. Should Council choose to grant a limited exception here, it needs to understand that other residents with similar requests/circumstances should also be granted a limited exception. Therefore, it is important to rationalize and explain why a limited exception is appropriate in this circumstance, and what factors may differentiate this situation from others where a special exception may not be appropriate. Factors council may want to consider are as follows:

- Whether the resident could have foreseen/prevented the violation? Here the resident had three dogs before moving to Dodgeville, so sec. 12.10(m) did not apply to them when they obtained a third dog.
- How long the special exception is anticipated to last? Two of the dogs are older, so the special exception will only last until one of the dogs passes.
- Total number of dogs and cats? Residents are allowed to have two dogs and two cats.
- Whether there are any factors that mitigate issues posed by the increased number of dogs? Such as:
 - Lot size
 - Location
 - Fencing

- Animal demeanor
- Dog size
- Training
- Noise

Council can also place conditions on the limited exception to mitigate issues posed by the increased number of dogs. Council should consider whether any conditions are warranted here.

Amendment:

Should a limited exception be granted, that may suggest an amendment to section 12.10(m) may be necessary. An amendment ensures any precedent set by the limited exception is committed to writing to ensure equal enforcement. Council should consider whether an amendment to the code is appropriate to clarify when and how such exceptions should be provided. Below are some potential changes that would address situations like this in the future:

- Increase the amount of dogs/cats allowed per household. Currently allow two dogs and two cats per household, but could change to allowing a combination of three dogs/cats.
- Add an exception procedure to the ordinance (similar to a variance or conditional use permit in zoning). Clarify how such exceptions can be obtained and what limitations/requirements must be complied with.
- Dogs/cats acquired before moving to Dodgeville are grandfathered in.

The goal of any change should be to provide clarity and predictability for residents.