

DRAFT ORDINANCE NUMBER 66

ST. LOUIS COUNTY CERVID FARM MORATORIUM

DRAFT

Board Agenda: September 28, 2021

ORDINANCE NUMBER 66 – St. Louis County Cervid Farm Moratorium

Article I. General Provisions and Definitions

Section 1 Purpose:

This Ordinance places a one-year moratorium on the creation or expansion of any new or existing captive cervid farms in St. Louis County to prevent the spread of Chronic Wasting Disease (CWD). The County finds this moratorium and associated planning process is needed in order to protect the health, safety, and general welfare of citizens.

Section 2 Background:

Chronic Wasting Disease is a contagious fatal neurodegenerative disease afflicting cervids, including whitetail deer. The disease is caused by misfolded proteins called prions, which attack the brain of infected animals, resulting in death. CWD has spread to 26 states, three Canadian provinces, several counties in Southeast Minnesota, and now one county in Northern Minnesota (Beltrami).

Minnesota wild deer are an important source of food, recreation, and tradition for firearm and archery hunters who in turn, generate over a half billion dollars in economic activity in rural counties. St. Louis County benefits from the abundant availability of hunting grounds and cervids and desires to preserve these resources.

Current Minnesota Statutes and Rules, as well as St. Louis County Ordinance No. 62, do not adequately address the use, construction, siting and operation of cervid farms. Time is needed to study the threats and impacts of CWD in the region and determine what modifications, if any, are needed to Ordinance No. 62.

Section 3 Authority:

To protect the public health, safety, and general welfare, and to prevent the spread of CWD throughout Northern Minnesota, a moratorium on the creation or expansion of new or existing cervid farms will allow for a discussion on the pertinent issues relating to their use, construction, siting and operation. This moratorium is authorized by Minnesota Statutes § 394.34 "Interim Zoning."

Section 4 Relationship with County Zoning Ordinance:

The St. Louis County Zoning Ordinance (County Ordinance No. 62) shall be used for all administrative procedures, standards and definitions not stated in this ordinance.

Article II Moratorium Established

Section 1 Moratorium:

In accordance with the purpose set forth above and pursuant to the authority of Minnesota Statutes § 394.34 (Interim Zoning) and the jurisdictional authority of the St. Louis County Zoning

Ordinance (Ordinance No. 62), a moratorium is imposed on the construction, creation, or permitting of new captive cervid farms or the expansion of existing cervid farms.

Section 2 Effective Date:

This Ordinance shall take effect on the date of its passage and shall be in effect for a period of one year from the date thereof, unless earlier terminated by the St. Louis County Board of Commissioners.

Section 3 Prohibition:

No person, firm, entity, or corporation shall create, construct, allow, own, or operate, unless lawfully in existence on the Effective Date, a cervid farm within St. Louis County until the expiration or repeal of this Ordinance. Further, any cervid farm licensed by the Minnesota Board of Animal Health on the Effective Date shall not be expanded.

Article III Administration and Enforcement

Section 1 Enforcement:

St. Louis County may enforce any provision of this Ordinance by any means authorized by local, state or federal law.

Section 2 Severability:

Every section, provision, or part of this Interim Ordinance is declared severable from every other section, provision, or part thereof to the extent that if any section, provision, or part of this ordinance shall be held invalid by a court of competent jurisdiction, it shall not invalidate any other section, provision, or part thereof.

Section 3 Study Authorized:

A planning study shall commence upon initiation of the moratorium and input shall be received from subject-matter experts, county residents and other interested parties.

Section 4 Study Review:

The Planning Commission shall receive and review a progress report on the planning study in April, 2022. The Commission, if it determines suitable progress is not being made, shall make such a report to the County Board.

Section 5 Study Outcome:

The Planning Commission shall, prior to the expiration of the moratorium, make a report and recommendation with respect to ordinance amendments that the St. Louis County Board should consider adopting regarding cervid farms.

Section 6 Early Moratorium Termination:

The moratorium ordinance may, by resolution of the board, be terminated prior to its natural expiration for any of the following reasons:

- A. Progress is not being made in studying the issues for which the moratorium was adopted.
- B. The study is completed, and action has been initiated to correct the problems originally requiring the moratorium.
- C. The situation for which the moratorium was established no longer exists, or the results of the study conclude that no direct County action can correct the problem.

Article IV Repealer

This Ordinance is repealed upon the termination of the Moratorium.