

**City of South St. Paul
Dakota County, Minnesota**

Ordinance No. 1342

**AN ORDINANCE AMENDING SOUTH ST. PAUL CITY CODE CHAPTER 15
REGARDING ANIMALS**

The City Council of the City of South St. Paul does ordain:

SECTION 1. AMENDMENT. South St. Paul City Code Section 15-1 is hereby amended as follows:

Sec. 15-1. - Definitions.

For the purposes of this chapter, the terms defined in this section shall have the meanings given them:

- (1) *Domestic animals* means those animals commonly accepted as domesticated household pets. Unless otherwise defined, such animals shall include dogs, cats, caged birds, dove, pigeons, gerbils, hamsters, guinea pigs, miniature pigs, domesticated rabbits, fish, nonpoisonous, nonvenomous and nonconstricting reptiles or amphibians, and other ~~similar~~ animals **deemed similar by the Animal Control Officer**. Domestic animals does not include farm animals.

SECTION 2. AMENDMENT. South St. Paul City Code Section 15-3 is hereby amended as follows:

Sec. 15-3. - Farm animals.

It shall be illegal for any person to own, possess, harbor, or offer for sale, any farm animals within the city limits, except temporarily in the general business district east of Trunk Highway No. 56 (**Concord Street**), **north of Grand Avenue**, and **south and west of Hardman Avenue** in a stockyard or farm produce establishment awaiting slaughter or transportation, or except as brought into the city as part of an operating zoo, veterinary clinic, scientific research laboratory, or a licensed show or exhibition, or as may be allowed under urban chicken regulations found in section 15-9.

SECTION 3. AMENDMENT. South St. Paul City Code Section 15-4 is hereby amended as follows:

Sec. 15-4. - Basic care.

All animals shall receive from their owners kind treatment, sufficient shelter, and sufficient food and water for their comfort.

- (a) *Proximity to certain uses.* A dove cote, dog kennel, rabbit warren, pigeon loft or other yard or establishment where small animals or fowl are kept must not be maintained closer than 50 feet from any apartment, hotel, restaurant, retail food store, building used for school, religious or hospital purposes, or residence other than occupied by the owner or occupant of the premises where the animals are kept. Except as may be allowed under backyard chicken regulations found in section 15-9.
- (b) *Keeping at residence.* A person may keep up to two rabbits, guinea pigs, dove, or pigeons that are more than four months old on any residential premises less than five acres within the city.
- ~~(c) *Permit.* The city council may grant a special animal permit for more than the number of animals allowed pursuant to subsection 15-4(b) if:
 - ~~(1) The person undergoes an inspection of the premises by the animal control officer;~~
 - ~~(2) The person provides the city clerk with the names and addresses of all property owners within 75 feet of applicant's property so that they may be sent notice of the hearing, or provides the city clerk with a signed acknowledgement of the property owners within 75 feet of the applicant's property stating that they have been informed of the council hearing date for such permit and that they have no objection to the granting of the special animal permit;~~
 - ~~(3) After a hearing, the city council finds that no nuisance will be created and granting the special animal will not be detrimental to the health, safety and welfare of the public.~~~~
- ~~(d) *Cleaning animal shelters.* All structures, pens, or yards where animals or fowl are kept or permitted to be must be maintained in a clean and sanitary condition, devoid of all rodents and vermin, and free from objectionable odors and animal waste. The interior walls, ceiling, floors, partitions, appurtenances of all the structures must be properly maintained. The city, upon the complaint of any individual, will inspect any structure or premises and issue any order as may be necessary to carry out the provisions of this section.~~

SECTION 4. AMENDMENT. South St. Paul City Code Section 15-9 is hereby amended as follows:

Sec. 15-9(h). – Keeping of certain animals permitted.

- (h) *Duration of license.* A license to keep chickens shall be issued for ~~a period of two years beginning January 1 and terminating on December 31.~~ the lifetime of the owner of the property, so long as the owner continues to own the property and continues to own chickens. If property ownership is transferred or changes, the new owner must apply for a new license. If the property owner does not own chickens for a period of 6 months, the license automatically terminates. The City will request ownership verification of the chickens every two years. ~~Applications for a renewal license must be made at least 60 days prior to its expiration.~~

SECTION 5. ENACTMENT. South St. Paul City Code Section 15-11 is hereby enacted as follows:

Sec. 15-11. – Special Permits.

The city clerk may administratively grant a special animal permit for more than the number of animals allowed pursuant to subsection 15-4(b) if:

- (a) The person undergoes an inspection of the premises by the animal control officer;
- (b) The person provides the city clerk with the names and addresses of all property owners within 75 feet of applicant’s property so that they may be sent notice of the hearing, or provides the city clerk with a signed acknowledgement of the property owners within 75 feet of the applicant’s property stating that they have been informed of the council hearing date for such permit and that they have no objection to the granting of the special animal permit;
- (c) The city clerk finds that no nuisance will be created and granting the special animal will not be detrimental to the health, safety and welfare of the public.

SECTION 6. AMENDMENT. South St. Paul City Code Section 15-22 is hereby amended as follows:

Sec. 15-22. –Application process.

- (c) *Vaccination.* All dogs, cats and miniature pigs kept, harbored, or maintained within the city shall be vaccinated by a licensed veterinarian for rabies, with a live modified vaccine and distemper. **The owner must present proof of required vaccinations at the time of application for an animal license.** The owner must keep a certificate of vaccination valid for the license term. Upon demand made by the city clerk, animal control officer or police officer, the owner shall present the required certificate of vaccination. In cases where certificates are not presented, the owner shall have seven days in which to present the certificate to the city clerk, animal control officer or police officer.
- (d) *License term.* Except for dangerous dogs licenses, which are issued for a one-year term, all other dog, cat and miniature pig licenses, **including potentially dangerous**

~~dogs, are issued for a two-year term, beginning on January 1. There shall be no proration of the license fee if the application for a license is made after January 1.~~
are issued for the lifetime of the dog (including a potentially dangerous dog), cat and miniature pig.

SECTION 7. ENACTMENT. South St. Paul City Code Chapter 15, Article VII is hereby enacted as follows:

ARTICLE VII – FEEDING WATERFOWL AND NUISANCE WILDLIFE

Sec. 15-82. Findings, Purpose, and Intent.

(a) *Policy and purpose.* Waterfowl waste deposited near bodies of water or within the watershed can have deleterious effects upon the environmental conditions within those bodies of water. In addition, such waste from waterfowl and nuisance wildlife may spread bacteria, viruses and parasites causing illness and disease. By enactment of this section, the City Council intends to protect the public health, safety and welfare of the citizens of the city from such effects.

(b) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

NUISANCE WILDLIFE. Includes wildlife that is commonly considered aggressive, dangerous or the carriers of rabies, viruses, diseases and parasites, and includes wildlife such as, but limited to, raccoons, foxes, opossums and coyotes. ***NUISANCE WILDLIFE*** does not include non-aggressive wildlife such as, but not limited to, songbirds, squirrels and rabbits or any small animal kept on residential property as authorized by a special written permit issued by the City Council, as long as the feeders comply with (d)(5) below.

WATERFOWL. Includes, but is not limited to, geese, ducks and sea gulls.

(c) *Feeding prohibited.* No person may feed waterfowl or nuisance wildlife on private or public property in the city or place or permit to be placed on the ground, shoreline, body of water or structure any food, food by-products, garbage or animal food, which may reasonably be expected to intentionally result in waterfowl or nuisance wildlife feeding.

(d) *Exceptions.* The prohibition against feeding waterfowl or nuisance wildlife shall not apply to the following:

- (1) Veterinarians who have custody of or manage waterfowl;
- (2) Persons who, acting within the scope and course of their employment with any governmental entity, have custody of or manage waterfowl or nuisance wildlife;
- (3) Persons who are trapping or taking waterfowl or nuisance wildlife where such trapping or taking is authorized pursuant to a permit issued by the State Department of Natural Resources; and

(4) Educational facilities.

(5) Feeding of non-aggressive wildlife shall be permitted as long as:

- a. Feeding occurs from a feeder that is designed to prevent nuisance wildlife from eating from the feeder;
- b. The feeder does not become an attractive nuisance to other nuisance wildlife or waterfowl;
- c. The feeding does not attract wildlife in such numbers that they become a nuisance, or they damage property;
- d. The storage of feed must be in a sealed container and in a manner that rodents are not attracted to the feed; and
- e. The feeding occurs on private property owned or controlled by the person responsible for the feeder.

(e) *Penalties.* Violations of this section may result in a written warning from the city or in an administrative citation, pursuant to the South St. Paul City Code Chapter 38, Article IV Administrative Citations.

SECTION 8. SUMMARY PUBLICATION. Pursuant to Minnesota Statutes Section 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance:

The animal ordinance is being amended to allow pet owners to have a lifetime animal licenses, for the lifetime of the animal. For chickens, the license is lifetime for the property owner as long as they continue to own chickens. The city is also enacted a ban on feeding of waterfowl, in order to protect the environment. Other minor changes clarify various sections, including providing flexibility for the animal control officer to allow certain domestic animals that might not be included on the list of typical domestic animals, and redefining the geographic area of where live farm animals are allowed in the city.

SECTION 9. EFFECTIVE DATE. For lifetime animal licenses of dogs, cats, miniature pigs and chicken owners, any licenses that are set to expire on December 31, 2020 shall be converted to lifetime licenses. For all other amendments in this ordinance, they shall become effective upon publication.

Approved: May 20, 2019

Published: May 26, 2019

Christy Wilcox, City Clerk