

**City of South St. Paul**  
**Dakota County, Minnesota**  
**Ordinance No. 1308 \_\_\_\_\_**

**AN ORDINANCE AMENDING CHAPTER 15**  
**REGARDING ANIMALS**

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

**SECTION 1. AMENDMENT.** South St. Paul City Code Chapter 15, Sections 15-1 – 15-8 is hereby amended as follows:

Chapter 15 - ANIMALS

ARTICLE I. - IN GENERAL

Sec. 15-1. - Definitions.

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

*Animal* means any mammal, reptile, amphibian, fish, bird (including all fowl and poultry) or other member commonly accepted as a part of the animal kingdom. Animals shall be classified as follows:

- (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. **Domestic animals does not include farm animals.**
- (2) *Nondomestic animals* means those animals commonly considered to be naturally wild and not naturally trained or domesticated, or which are commonly considered to be inherently dangerous to the health, safety, and welfare of people. Unless otherwise defined, such animals shall include:
  - a. Any member of the large cat family (family felidae) including lions, tigers, cougars, bobcats, leopards and jaguars, but excluding commonly accepted domesticated house cats.
  - b. Any naturally wild member of the canine family (family canidae) including wolves, foxes, coyotes, dingoes, and jackals, but excluding commonly accepted domesticated dogs.

- c. Any crossbreeds such as the crossbreed between a wolf and a dog, unless the crossbreed is commonly accepted as a domesticated house pet.
- d. Any member or relative of the rodent family including any skunk (whether or not descended), raccoon, squirrel, but excluding those members otherwise defined or commonly accepted as domesticated pets.
- e. Any poisonous, venomous, constricting, or inherently dangerous member of the reptile or amphibian families including rattlesnakes, boa constrictors, pit vipers, crocodiles and alligators.
- f. Any other animal which is not explicitly listed above but which can be reasonably defined by the terms of this subpart, including but not limited to bears, deer, monkeys and game fish.

(3) *Farm animals* means those animals commonly associated with a farm or performing work in an agricultural setting. Unless otherwise defined, such animals shall include members of the equestrian family (horses, mules), bovine family (cows, bulls), sheep, poultry (chicken, turkeys), fowl (ducks, geese), swine (including Vietnamese pot-bellied pigs), goats, bees, and other animals associated with a farm, ranch, or stable.

*At large* means off the premises of the owner and not under custody and control of the owner or other person, either by leash, cord, chain, or otherwise restrained or confined.

*Bodily harm*, pursuant to Minn. Stats. § 609.02 subd. 7, means physical pain or injury, illness, or any impairment of physical condition.

*Cat* means both the male and female of the felidae species commonly accepted as domesticated household pets, including ferrets.

*Dangerous dog* means a dog that:

- (1) Has when unprovoked, inflicted substantial bodily harm on a human being on public or private property;
- (2) Has killed a domestic animal without provocation while off the owner's property;
- (3) Has attacked one or more persons on two or more occasions; or
- (4) Has been found to be potentially dangerous and after the owner has personal knowledge of the same, the dog aggressively bites, attacks, or endangers the safety of humans or domestic animals.

*Dog* means both the male and female of the canine species, commonly accepted as domesticated household pets.

*Owner* means any person or persons, firm, organization, department, association or corporation owning, possessing, keeping, having an interest in, harboring or having care, custody or control of an animal.

*Maintenance costs* means any costs incurred as a result of seizing an animal for impoundment, including but not limited to the capturing, impounding, keeping, treating, examining, securing, confining, feeding, boarding or maintaining seized animals, whether these services are provided by the city or the pound.

*Miniature pig*, also known as a mini pig, micro pig or tea cup pig, means a domesticated pig that at maturity is less than 20 inches in height and weighs less than 150 pounds.

*Potentially dangerous dog* means a dog that:

- (1) Has when unprovoked, inflicted a bite on a human or domestic animal on public or private property;
- (2) Has when unprovoked, chased or approached a person, including a person on a bicycle, upon the streets, sidewalks or any public or private property, other than the owner's property, in an apparent attitude of attack; or
- (3) Has a known propensity, tendency or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.

*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 exiting. The enclosure shall not allow the egress of the animal in any manner without human assistance. A pen or kennel for a dangerous dog shall meet the following minimum specifications:

- (1) A minimum overall floor size of 32 square feet.
- (2) Sidewalls shall have a minimum height of five feet and be constructed of 11-gauge or heavier wire. Openings in the wire shall not exceed two inches, support posts shall be one and one-fourth inch or larger steel pipe. The entire perimeter must have concrete footings one foot in depth and the support posts must be placed within the footings.
- (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 also 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 dog is in the pen or kennel.

*Provocation* means an act that an adult could reasonable expect may cause an animal to attack or bite.

*Substantial bodily harm*, pursuant to Minn. Stats. § 609.02 subd. 7a, means bodily injury that involves a temporary but substantial disfigurement, or that causes a temporary but substantial loss or impairment of the function of any bodily member or organ or that causes a fracture of any bodily member.

*Unprovoked* means the condition in which an animal is not purposely excited, stimulated, agitated or disturbed.

Sec. 15-2. - Nondomestic animals.

It shall be illegal for any person to own, possess, harbor, or offer for sale, any nondomestic animal within the city limits. An exception shall be made to this prohibition for animals specifically trained for and actually providing assistance to the handicapped or disabled, and for those animals brought into the city as part of an operating zoo, veterinary clinic, scientific research laboratory, or a licensed show or exhibition.

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 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.

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.

Sec. 15-5. - Pound.

The city council shall designate an official city pound to which animals found in violation of this chapter shall be taken for safe treatment, boarding, confinement, and if necessary, for destruction.

Sec. 15-6. - Interference with officers.

No person shall in any manner hinder or interfere with any person authorized by the city council to discharge his or her duties under this section.

Sec. 15-7. - Number of dogs and miniature pigs limited.

There can be no more than one dog or one miniature pig, six months of age or older, for each 2,500 square feet of lot area ~~comprising the premises for the dog.~~

Sec. 15-8. - Number of cats limited.

There can be no more than four cats, six months of age or older on any residential premises within the city.

**SECTION 2. ENACTMENT.** South St. Paul City Code Chapter 15, Section 15-10 is hereby enacted as follows:

**Sec. 15-10. – Miniature pig regulations**

(a) *Keeping of miniature pigs on urban residential lots*

(1) *License required.* No person shall keep miniature pigs on any residentially zoned property within the city without first obtaining a license from the city pursuant to Chapter 15 Article II. The keeping of miniature pigs is limited to single family lots.

(2) *Conditions of a license.* No person shall keep or harbor a miniature pig without a license and no license will be issued or renewed unless the following conditions are met:

- a. The miniature pig shall be spayed or neutered and verification from a veterinarian licensed by the State of Minnesota or another state within the United States shall be provided.
- b. The property has a fence that will contain the miniature pig on the owner's property that is no less than 4 feet in height, with an enclosed area of no less than 250 sq. ft, in accordance with all zoning regulations.
- c. The owner provides proof that a microchip has been implanted in the miniature pig for identification. The name of the microchip manufacturer and identification number of the microchip must be provided to the city.
- d. The miniature pig is no greater than 20 inches in height or 150 pounds.

(b) *Slaughtering of miniature pigs prohibited.* The slaughtering of miniature pigs on residential property is prohibited.

Secs. 15-~~10~~11—15-20. - Reserved.

**SECTION 3. AMENDMENT.** South St. Paul City Code Chapter 15, Sections 15-21 – 15-23 is hereby amended as follows:

ARTICLE II. - LICENSING OF DOGS, ~~AND~~ CATS AND MINIATURE PIGS

Sec. 15-21. - License required.

It is unlawful for a person to own, harbor or keep a dog, ~~or~~ cat or miniature pig over the age of six months within the city unless the person has obtained a license for the dog or cat or miniature pig. An owner has 30 days after becoming a city resident to secure a license. In addition to these requirements, an owner of a dangerous dog shall comply with sections 15-61 through 15-69.

Sec. 15-22. - Application process.

(a) *Application.* Application for a separate license for each dog, ~~or~~ cat or miniature pig shall be made to the city clerk. The application must contain the following information:

- (1) Owner's name;
- (2) Owner's address;
- (3) Owner's phone number;
- (4) Name of ~~dog or cat~~ animal;
- (5) Breed of dog or cat;
- (6) Color of dog or cat;

- (7) Gender of ~~dog or cat~~ animal.
  - (8) Whether dog or cat is spayed or neutered.
- (b) *License fee.* No license may be issued for a dog or cat unless the owner pays the license fee, as established by the city council.
  - (c) *Vaccination.* All dogs, ~~and 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 keep a certificate of vaccination ~~for the dog or cat~~ 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 ~~for the dog or cat~~. In cases where certificates are not presented, the owner ~~of the dog or cat~~ 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, ~~and 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.
  - (e) *Tag description and duplicate fee.* Upon completion of a license application, submission of a certification of vaccination valid for the license term, and payment of the license fee, the city clerk shall issue a metallic tag, stamped with a number and expiration year of the license. Duplicate tags are available for a fee, as established by the city council.
    - (1) *Tag to be worn.* Tags must be valid and securely fastened to the dog's or cat's chain or collar **or harness, in the case of a miniature pig**, at all times.
    - (2) *Nontransferable.* Licenses and tags are not transferable from one dog, ~~or cat~~ **or miniature pig** to another or from one owner to another.
    - (3) *Dangerous dog tags.* Dangerous dogs shall wear tags that comply with section 15-65.
  - (f) *Refunds.* No refunds are available on a ~~dog or cat~~ license fee or tag for any reason, including but not limited to death of ~~a dog or cat~~ **the animal** or if the ~~dog or cat~~ **animal** moves from the city before expiration of the license term.

Sec. 15-23. - Exceptions.

The licensing provisions of this section shall not apply to dogs, ~~or cats~~ **or miniature pigs** whose owners are nonresidents temporarily within the city, ~~nor to dogs or cats who are~~ brought into the city for the purpose of participating in any ~~dog or cat~~ show, ~~nor to dogs or cats properly trained to assist the handicapped or disabled~~, nor to hospitals, clinics and other premises operated by licensed veterinarians exclusively for the care and treatment of animals.

Secs. 15-24—15-34. - Reserved.

**SECTION 4. AMENDMENT.** South St. Paul City Code Chapter 15, Section 15-35 is hereby amended as follows:

### ARTICLE III. - NUISANCES

#### Sec. 15-35. - Nuisances.

- (a) *Habitual barking or crying.* It shall be unlawful for any owner to keep an animal in the city that habitually barks or cries. Habitual barking shall be defined as barking or crying for repeated intervals of at least three minutes with less than one minute of interruption. Barking or crying must be audible off of the owner's premises.
- (b) *Damage to property.* It shall be unlawful for any owner's animal to damage any lawn, garden, or other property of another, whether or not the owner has knowledge of the damage.
- (c) *Sanitation.* The owner of any animal shall be responsible for cleaning up any feces of the animal and disposing of such feces in a sanitary manner whether on the owner's property, on the property of others or on public property.
- (d) *At large.* Except within the designated area at the city's off-leash dog park, it shall be unlawful for any dog, ~~or cat or miniature pig~~ to be at large, whether or not the owner is present. Dogs, ~~or cats or miniature pigs~~ must be continuously under restraint on a leash ~~or harness~~ not exceeding eight feet in length, and accompanied by a responsible person so as to be effectively restrained by such leash. Dogs, ~~or cats or miniature pigs~~ controlled by a leash ~~or harness~~ shall be permitted outside of the owner's property or on public land unless the city has posted an area with signs stating that ~~dogs and cats~~ such animals are prohibited.
- (e) *Attacks.* Unless exempted by section 15-73, it shall be unlawful for any owner's animal to inflict or attempt to inflict bodily harm or substantial bodily harm to any person or other animal whether or not the owner is present.
- (f) *Animals presenting an imminent danger to health and safety of city.* If, in the reasonable belief of the animal control officer or police officer, an animal presents an immediate danger to the health and safety of any person, or the animal is threatening imminent harm to any person, or the animal is in the process of attacking any person, the officer may immediately destroy the animal in a proper and humane manner. In the alternative, the officer may seize the animal and deliver it to the pound for confinement under section 15-46. If the animal is destroyed, a fee, as established by city council, shall be charged to the animal's owner. If the animal is found not to be a danger to the health and safety of the city, it may be released to the owner in accordance with subsection 15-49(b).
- (g) *Diseased animals.* No person shall keep or allow to be kept on his or her premises, or on premises occupied by them, nor permit to be at large in the city, any animal which is diseased so as to be a danger to the health and safety of the city, even though the animal is properly licensed under this section.

**SECTION 2. 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 ordinance establishes procedures for a resident to have miniature pigs within the city.

**SECTION 3. EFFECTIVE DATE.** This ordinance shall become effective upon publication.

Approved: August 15, 2016

Published: August 21, 2016

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Christy Wilcox, City Clerk