

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

Ordinance No. 1384

**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 15-3 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 the urban fowl ~~chicken~~ regulations found in section 15-9.

SECTION 2. 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~~ the urban fowl 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) *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 3. AMENDMENT. South St. Paul City Code Section 15-9 is hereby amended as follows:

- (a) *Keeping of ~~chickens~~ certain fowl on urban residential lots.*
 - (1) Definition. For the purposes of Section 15-9, the only eligible fowl for a license are chicken and ducks.
 - (2) License required. No person shall keep eligible fowl ~~chickens~~ on any residentially zoned property within the city without first obtaining a license from the city. The keeping of eligible fowl ~~chickens~~ on a residential property shall be limited to single-family lots.
 - (2) Application. An application for a license to keep eligible fowl ~~chickens~~ shall be made to the city clerk on the form prescribed by the city. The applicant must provide all the information required on the form, including, but not limited to:
 - a. The name and address of the owner(s) where the eligible fowl ~~chickens~~ will be kept;
 - b. The number of eligible fowl ~~chickens~~ to be kept on the property;
 - c. A scaled site plan or property survey showing the proposed location of the building and enclosed outdoor area to house the eligible fowl ~~chickens~~ on the subject property along with the dimensions of the building and enclosure;
 - d. A drawing or picture of the proposed building to house the eligible fowl ~~chickens~~ along with a list of the exterior materials for the building;
 - e. The applicant must pay the fee for the license to keep eligible fowl ~~chickens~~ as set forth in the city fee schedule.
- (b) *Consent from surrounding property owners.* The applicant shall be required to obtain consent from 75 percent of the abutting property owners on a form provided by the city clerk. The city will notify abutting property owners of the pending application.
- (c) *Granting issuance of license.* The city clerk may administratively grant a new or renewal license under this subsection provided all of the following have been met:
 - (1) All required submittal information is submitted and complete.
 - (2) Appropriate fee is paid.
 - (3) The application filed demonstrates compliance with the requirements of this subsection and any other applicable regulations of this code.
 - (4) At least 75 percent of the abutting property owners have consented in writing.
 - (5) The applicant has had no more than two property maintenance violations within the preceding 12-month period.
- (d) *Reserved.*
- (e) *Standards.* Any person keeping eligible fowl ~~chickens~~ in residential areas of the city as noted in this section, shall comply with the following:

- (1) No person shall keep more than four total eligible fowl ~~hen chickens~~ on the property that is one-half acre or less. No person shall keep more than eight total eligible fowl ~~hen chickens~~ on a property that is larger than one-half acre.
 - (2) No person shall keep roosters or adult male chickens on the property.
 - (3) The slaughter of eligible fowl ~~chickens~~ on residentially used or zoned properties is prohibited.
 - (4) The owner of the eligible fowl ~~chickens~~ shall live in the dwelling on the property.
 - (5) The raising of eligible fowl ~~chickens~~ for breeding purposes is prohibited.
 - (6) Eligible fowl ~~Chickens~~ more than four months old shall not be kept inside the dwelling.
 - (7) Raising of eligible fowl ~~chickens~~ shall not be for commercial purposes and there shall be no selling of eggs on the premises.
- (f) *Shelter and enclosure requirements.* Every person who owns, controls, keeps, maintains or harbors eligible fowl ~~hen chickens~~ must keep them confined on the premises at all times and provide them a building to shelter the eligible fowl ~~chickens~~ and an enclosed outdoor area. Buildings to house the eligible fowl ~~chickens~~ and enclosed outdoor areas for the eligible fowl ~~chickens~~ shall comply with the following standards:
- (1) Only one building to house the eligible fowl ~~chickens~~ and one enclosed outdoor area shall be allowed per lot.
 - (2) No building to house the eligible fowl ~~chickens~~ or enclosed outdoor area to contain the eligible fowl ~~chickens~~ shall be constructed on a lot prior to the time of occupancy of the principal structure.
 - (3) Buildings to house the eligible fowl ~~chickens~~ and enclosed outdoor areas for the eligible fowl ~~chickens~~ shall not be located in the front or side yards and shall not be placed within any drainage and utility easements.
 - (4) Any building to house eligible fowl ~~chickens~~ and enclosed outdoor area for the eligible fowl ~~chickens~~ shall be set back at least 25 feet from any principal structure on an adjacent lot and ten feet from all property lines.
 - (5) Any buildings to house the eligible fowl ~~chickens~~ and enclosed outdoor areas must be consistent with applicable zoning codes.
 - a. Exterior materials for the building to house the eligible fowl ~~chickens~~ shall be consistent with the requirements for accessory buildings; in particular they must have finished exterior surfaces (painted, stained, sealed, etc.).
 - b. The maximum height for a building to house the eligible fowl ~~chickens~~ is 12 feet from ground to the peak of the roof.
 - c. The maximum size for the building to house the eligible fowl ~~chickens~~ is 120 square feet.
 - d. A floor is not required for a building housing the eligible fowl ~~chickens~~.
 - e. Fencing for the enclosed outdoor area for the eligible fowl ~~chickens~~ may utilize poultry netting fence. Fencing may be galvanized or earth tone but shall not be

bright colors and in no case can the fence be electrified. Fencing for the enclosed outdoor area should be six feet high to better protect the eligible fowl chickens from predators.

- (6) Eligible fowl chickens shall be provided a secure well ventilated roofed structure in compliance with applicable zoning codes.
 - (7) The floors and walls of the roofed structure shall be kept clean, sanitary and in a healthy condition.
 - (8) Eligible fowl chickens shall be contained within the building to house the eligible fowl chickens or the enclosed outdoor area for the eligible fowl chickens at all times.
 - (9) The enclosed outdoor area shall be well drained so there is no accumulation of moisture.
 - (10) If the license to have eligible fowl chickens is not renewed the building to house the eligible fowl chickens does not need to be removed provided the building meets the accessory building requirements (including the maximum number of accessory buildings).
- (g) *License modification.* The license may be reasonably modified by animal control authority if necessary to respond to changed circumstances. Any modification shall be effective ten days after the mailing of a written notice by certified mail to the license holder. The license holder may challenge the modification by contacting the city clerk and requesting a hearing within ten days after receipt of written notice. A hearing regarding the proposed modification shall be held before the city council.
- (h) *Duration of license.* A license to keep eligible fowl chickens shall be issued for the lifetime of the owner of the property, so long as the owner continues to own the property and continues to own eligible fowl chickens. If property ownership is transferred or changes, the new owner must apply for a new license. If the property owner does not own eligible fowl chickens for a period of six months, the license automatically terminates. The city will request ownership verification of the eligible fowl chickens every two years.
- (i) *Conditions/maintenance and inspections.* No person who owns, controls, keeps, maintains or harbors eligible fowl chickens shall permit the premises where the eligible fowl chickens are kept to be or remain in an unhealthy, unsanitary or noxious condition or to permit the premises to be in such condition that noxious odors to be carried to adjacent public or private property. Any building to house eligible fowl chickens or enclosed outdoor area for the eligible fowl chickens authorized under this section may be inspected at any reasonable time by authorized city staff to inspect for compliance with this chapter and other relevant laws and regulations.
- (j) *Revocation of license.* A license may be revoked by the city council for a violation of any condition of this section following notice and a hearing as provided for in this code.
- (k) *Penalty.* Violation of this section shall be addressed through the administrative citation process.

SECTION 4. SUMMARY PUBLICATION. Pursuant to Minnesota Statutes § 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 the keeping of ducks in addition to chickens pursuant to ordinance regulations.

SECTION 5. EFFECTIVE DATE. This ordinance shall become effective upon publication.

Approved: October 4, 2021

Published: October 6, 2021

Christy Wilcox, City Clerk