

CITY OF NORTH ST. PAUL, RAMSEY COUNTY, MINNESOTA

ORDINANCE NO. 788

AN ORDINANCE AMENDING TITLE IX, CHAPTER 95, PERTAINING TO THE LICENSING OF DOMESTIC ANIMALS

THE CITY COUNCIL OF NORTH ST. PAUL, RAMSEY COUNTY, MINNESOTA, ORDAINS:

SECTION 1. Title IX, Chapter 95 of the North St. Paul City Code is amended as follows:

GENERAL PROVISIONS

§ 95.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ANIMAL. An animal of any kind, domestic or nondomestic.

ANIMAL WARDEN. Any person or persons appointed by the Manager as Animal Warden or deputies to enforce the provisions of this chapter.

AT LARGE. Any animal within the city, except:

- (1) Any domestic animal on a leash when under the physical control of any person;
- (2) Any domestic animal within any motor vehicle; and
- (3) Any domestic animal upon the premises of the owner or harbinger thereof.

DOG. All dogs, male and female, spayed or unspayed of any age.

DOG KENNEL. Any location where more than two dogs being kept for personal use or for sale. Puppies less than three months old are exempt.

DOMESTIC ANIMALS. All dogs and cats, male and female, spayed or unspayed of any age.

EXOTIC PETS/NON-DOMESTIC ANIMALS. 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, non-domestic animals shall include:

(1) Any member of the large cat family (family felidae) including lions, tigers, cougars, bobcats, leopards and jaguars, but excluding commonly accepted domesticated house cats.

(2) Any naturally wild member of the canine family (family canidae) including wolves, foxes, coyotes, dingoes, and jackals, but excluding commonly accepted domesticated dogs.

(3) Any crossbreeds such as the crossbreed between a wolf and a dog, unless the crossbreed is commonly accepted as a domesticated house pet.

(4) Any member or relative of the rodent family including any skunk (whether or not descended), raccoon, or squirrel.

(5) Any poisonous, venomous, constricting, or inherently dangerous member of the reptile or amphibian families including rattlesnakes, boa constrictors, pit vipers, crocodiles and alligators.

(6) Any other animal which is not explicitly listed above but which can be reasonably defined by the terms of this section, including but not limited to bears, deer, monkeys and game fish.

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

OWNER. Any person owning, harboring or keeping an animal of any kind.

(^89 Code, § 173.010) (Am. Ord. 712, passed 11-15-2011)

§ 95.02 TRAPPING LICENSE.

(A) No person shall engage in trapping of animals within the city without obtaining a special single use license from the City Manager for control of nuisance animals.

(B) No traps shall be sold to or purchased by any person under 18 years of age.

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

TRAP. Any mechanical device or snare which seeks to hold, capture or kill an animal.

TRAPPING. The setting, laying, using or having in possession, except at their own home or in their own motor vehicle, a trap, unless authorized by this section.

(D) This section shall not apply to traps specifically designed to kill rats, mice, gophers or moles, nor does it apply to cage-type live traps employed for the control of nuisance animals as long as such traps are tended to each 12 hours.

(^89 Code, § 173.230) Penalty, see § 10.99

REGULATIONS

§ 95.15 RUNNING AT LARGE.

(A) The running at large of any animal in the city is declared to be a nuisance and is prohibited. A person who owns, harbors, or keeps a domestic animal that runs at large shall be guilty of a misdemeanor.

(B) Any such animals found running at large shall be impounded, and a notice of impounding posted as provided for dogs in § 95.40. Sale of impounded animals shall proceed as provided for dogs in § 95.41.

(C) Animals may be redeemed prior to their sale or disposition by the owner upon payment to the City Manager of a fee to be determined by Council Ordinance.

(`89 Code, § 173.020) (Am. Ord. 712, passed 11-15-2011) Penalty, see § 10.99

§ 95.16 VACCINATIONS.

It shall be unlawful for the owner of any domestic animal to keep or maintain such unless it shall have been vaccinated by a licensed veterinary surgeon with anti-rabies vaccine.

(`89 Code, § 173.070) Penalty, see § 10.99

§ 95.17 BITING ANIMALS.

(A) It is unlawful for an owner to fail to restrain an animal from biting any person, whether or not the owner is present at the time of the bite. Whenever any person owning an animal within the city shall learn that such animal has bitten any human being, such person shall immediately impound said animal in a place of confinement where it cannot escape or have access to any human being or other animal and shall also immediately notify the Chief of Police.

(B) The Chief of Police when informed that an animal has bitten any human being shall ascertain the identity of such animal and the person owning or harboring and shall immediately direct such person to immediately impound such animal as herein required. The Chief of Police shall also immediately notify the Manager of the place where the animal is impounded.

(C) Any animal which has bitten a human being shall be impounded continuously for ten days. The Manager or designee shall inspect said animal from time to time during its period of confinement and determine whether such animal is infected with rabies. For this purpose he or she shall have access to the premises where such animal is kept at all reasonable hours and may take possession of the animal and confine it in the city pound or other suitable place at the expense of the owner. The owner or person in possession or harboring such animal shall immediately notify the Manager or designee of any evidence of sickness or disease in the animal during its period of confinement and shall promptly deliver its carcass to the Manager or designee in case of its death during such period.

(`89 Code, § 173.110) Penalty, see § 10.99

§ 95.18 DISEASED ANIMALS.

(A) *Running at large.* No person shall keep or allow to be kept on his or her premises, or on premises occupied by them, nor permit to run at large in the city, any animal which is diseased so as to be a danger to the health and safety of the city and a warrant to search for and seize the animal is not required.

(B) *Confinement.* Any animal reasonably suspected of being diseased and presenting a threat to the health and safety of the public, may be apprehended and confined in the pound by any person, the Animal Control Officer or a police officer. The officer shall have a qualified

veterinarian examine the animal. If the animal is found to be diseased in a manner so as to be a danger to the health and safety of the city, the officer shall cause the animal to be painlessly killed and shall properly dispose of the remains. The owner or keeper of the animal killed under this section shall be liable to the city for the cost of maintaining and disposing of the animal, plus the costs of any veterinarian examinations.

(C) *Release.* If the animal, upon examination, is not found to be diseased the animal shall be released to the owner or keeper free of charge.

Penalty, see § 10.99

§ 95.19 DANGEROUS ANIMALS.

(A) The provisions of M.S. §§ 347.50 through 347.565 are adopted and incorporated as if fully set out herein, except that all references to “dog” shall be replaced with “animal”. In addition to those provisions, the following also apply.

(B) *Attack by an animal.*

(1) It shall be unlawful for any person’s animal to inflict or attempt to inflict bodily injury to any person or other animal whether or not the owner is present. This division shall not apply to an attack by an animal under the control of an on-duty law enforcement officer or to an attack upon an intruder who has entered the owner’s property with criminal intent.

(2) If any Police Officer or Animal Control Officer is witness to an attack by an animal upon a person or another animal, the officer may take whatever means the officer deems appropriate to bring the attack to an end and prevent further injury to the victim.

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

DANGEROUS ANIMAL. An animal which has:

(a) Without provocation, inflicted substantial bodily harm on or disfigurement to a human being on public or private property;

(b) Killed a domestic animal without provocation while off the owner’s property;

(c) Previously been found to be potentially dangerous, and after the owner has notice that the animal is potentially dangerous, the animal aggressively bit, attacked, or endangered the safety of humans or domestic animals; or

(d) When unprovoked, bitten one or more persons on two or more occasions.

POTENTIALLY DANGEROUS ANIMAL. An animal which has:

(a) When unprovoked, inflicted bites on a human or domestic animal on public or private property;

(b) 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 animal owner’s property, in an apparent attitude of attack;

(c) Exhibited unusually aggressive behavior, such as an attack on another animal; or

(d) Had a known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.

PROPER ENCLOSURE. 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 shall meet the following minimum specifications.

(a) Have a minimum overall floor size of 32 square feet.

(b) 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 1 1/4- inch or larger steel pipe buried in the ground 18 inches or more. When a concrete floor is not provided, the sidewalls shall be buried a minimum of 18 inches in the ground.

(c) 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.

(d) 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 animal is in the pen or kennel.

UNPROVOKED. The condition in which the animal is not purposely excited, stimulated, agitated, or disturbed.

(D) *Designation as potentially dangerous animal.* The Animal Control Officer shall designate any animal as a potentially dangerous animal upon receiving evidence that the animal has committed one of the acts stated in the definition for “potentially dangerous animal” in division (C). When an animal is declared potentially dangerous, the Animal Control Officer shall cause one owner of the animal to be notified pursuant to division (F)(1).

(E) *Designation as a dangerous animal.* The Animal Control Officer shall designate any animal as a dangerous animal upon receiving evidence that the animal has committed one of the acts stated in the definition of “dangerous animal” in division (C). When an animal is declared dangerous, the Animal Control Officer shall cause one owner of the animal to be notified pursuant to division (F)(1).

(F) *Procedure.* The Animal Control Officer, after having determined that an animal is dangerous or potentially dangerous may proceed in the following manner.

(1) The Animal Control Officer shall cause one owner of the animal to be notified in writing or in person that the animal is dangerous or potentially dangerous and may order the animal

seized or make orders as deemed proper. This owner shall be notified as to dates, times, places, and parties bitten, and shall be given 14 days to appeal this order by requesting a hearing for a review of this determination.

(2) If an owner requests a hearing for determination as to the dangerous or potentially dangerous nature of the animal, the hearing shall be held before the City Manager or their designees, which shall set a date for hearing not more than 14 days after a demand for the hearing. The records of the Animal Control Officer shall be admissible for consideration by the City Manager or their designees without further foundation. After considering all evidence pertaining to the temperament of the animal, the City Manager or their designees shall make an order as it deems proper. In the event that the designation is upheld, actual expenses of the hearing up to a maximum of \$1,000 will be the responsibility of the animal's owner.

(G) *Conditions.* Following designation as a dangerous or potentially dangerous animal, the following conditions will apply.

(1) The Animal Control Officer may impose conditions it deems necessary to protect the safety of the public.

(2) The owner must comply with all state statutory requirements.

(3) The owner of the animal must immediately register the animal with the Animal Control Officer and pay the registration fee. The owner must provide the address where the animal resides.

(4) The owner shall notify the Animal Control Officer in writing if the animal is to be relocated from its current address or given or sold to another person. The notification shall be given in writing at least 14 days prior to the relocation or transfer of ownership. The notification shall include the current owner's name and address, the relocation address, and the name of the new owner, if any.

(H) *Seizure.* The Animal Control Officer must seize an animal for any of the reasons listed in M.S. § 347.54. The Animal Control Officer may seize an animal for failure to comply with any conditions imposed under this section, and said animal may be reclaimed upon payment of fees and proof of compliance. The Animal Control Officer may seize an animal pending destruction. If the animal is ordered into custody, the owner shall immediately make the animal available to the Animal Control Officer. If the owner does not immediately make the animal available, the Animal Control Officer shall obtain an order or warrant authorizing the seizure of the animal from a court of competent jurisdiction.

(I) *Destruction.*

(1) The Animal Control Officer is authorized to order that an animal be destroyed based on a written order containing one or more of the following findings of fact:

(a) The animal inflicted substantial or great bodily harm on a human on public or private property without provocation;

(b) The animal inflicted multiple bites on a human on public or private property without provocation;

(c) The animal bit multiple human victims on public or private property in the same attack without provocation;

(d) The animal bit a human on public or private property without provocation in an attack where more than one animal participated in the attack; or

(e) The animal has been declared dangerous or potentially dangerous, and the owner of the animal has demonstrated an inability or unwillingness to control the animal in order to prevent injury to persons or other animals.

(2) The owner shall be provided written notice of the order for destruction and shall be given 14 days to appeal this order by requesting a hearing for a review of this determination. If an owner requests a hearing under this section, the hearing shall be held before the City Council, which shall set a date for hearing not more than three weeks after a demand for the hearing. The records of the Animal Control Officer, City Manager, or their designees' shall be admissible for consideration by the City Council without further foundation. After considering all evidence pertaining to destruction of the animal, the City Council shall make an order as it deems proper.

(3) If the owner does not request a hearing within 14 days, the animal may be destroyed. No person shall harbor an animal after it has been ordered into custody for destruction. If the owner does not immediately make the animal available, the Animal Control Officer shall obtain an order or warrant authorizing the seizure of the animal from a court of competent jurisdiction.

(Am. Ord. 769, passed 7-17-2018) Penalty, see § 10.99

§ 95.20 MUZZLING OF ANIMALS.

Whenever the Manager or designee shall so request in writing stating reasons, the Mayor shall issue a proclamation ordering every person owning an animal to muzzle it. No person shall violate such proclamation, and any unmuzzled animal running at large during the time fixed in the proclamation shall be killed by the police without any notice to the owner.

(`89 Code, § 173.120)

§ 95.21 INTERFERENCE WITH OFFICERS AND ANIMAL WARDENS.

No person shall take or attempt to take from any officer or Animal Warden any animal taken up in compliance with this chapter or in any manner interfere with or hinder such officer or Animal Warden in the discharge of duties under this chapter.

(`89 Code, § 173.130) Penalty, see § 10.99

§ 95.22 GIFTS OF CERTAIN ANIMALS PROHIBITED.

No person not duly licensed to operate a pet shop by the Council shall give away baby chickens, baby ducks, other unmaturred small fowl or baby rabbits as prizes or pets.

(`89 Code, § 173.140) Penalty, see § 10.99

§ 95.23 EXOTIC PETS/NON-DOMESTIC ANIMALS/FARM ANIMALS.

No person shall harbor any exotic pets, non- domestic pets, or farm animals, nor build, maintain or use a structure for the keeping of such animals within the city limits.

(Am. Ord. 712, passed 11-15-2011) Penalty, see § 10.99

§ 95.24 HUMANE CARE.

(A) All owners shall provide their animal with sufficient food and water, proper shelter, veterinary care when needed to prevent suffering and with humane care and treatment. No person shall poison, ill treat or abandon any animal. Unwanted animals may be given to the Animal Warden at no cost to the owner.

(B) Whenever the Animal Warden encounters a stray animal suffering pain, he or she shall act promptly to notify the owner. If unable to ascertain or locate the owner, he or she may take the animal to a veterinarian for treatment or to the pound for disposition. The cost of any care or treatment shall be borne by the owner.

('89 Code, § 173.190) Penalty, see § 10.99

§ 95.25 DOG KENNELS; LICENSE REQUIRED.

(A) *Definition of KENNEL.* The keeping of three or more dogs on the same premises, whether owned by the same person or not and for whatever purpose kept, shall constitute a **KENNEL** except that a fresh litter of pups may be kept for a period of three months before that keeping shall be deemed to be a **KENNEL**.

(B) *Certain kennels are nuisances.* Because the keeping of six or more dogs on the same premises is subject to great abuse, causing discomfort to persons in the area by way of smell, noise, hazard, and general aesthetic depreciation, the keeping of six or more dogs on the premises is hereby declared to be a nuisance and no person shall keep or maintain a kennel with six or more dogs within the city.

(C) *Kennel permit.* A kennel permit is required before three or more dogs may be kept on the same premises. The permit shall be obtained from the City Clerk. All permits shall be valid for two years from January 1 to December 31 of the following year. Persons operating or maintaining a kennel as defined by M.S. § 347.31, Subd. 2, as it may be amended from time to time, shall also obtain a kennel license from the state Board of Animal Health before being issued a kennel permit by the city.

(D) Kennels shall be kept in a clean and sanitary manner, all animals shall be treated humanely, and the owners or operators of all kennels shall follow all of the provisions of Minn. Rules parts 1720.1400 to 1720.1550, as they may be amended from time to time.

(E) A kennel permit may be revoked by the City Council if a kennel is not kept in a clean and sanitary manner, if the animals are not treated humanely, if the kennel does not comply with the above cited rules, or if any other provision of this subchapter is violated, including the prohibition of habitual barking and the requirement to clean up litter.

(F) Any person, firm or corporation who violates any provision of this subchapter shall, upon conviction, be guilty of a misdemeanor, and the penalty which may be imposed shall be that in § 10.99.

(`89 Code, § 173.220) (Am. Ord. 765, passed 12-5-2017) Penalty, see § 10.99

§ 95.26 NUISANCES.

(A) Every owner of a domestic animal shall exercise proper care and control of the animal to prevent the animal from becoming a public nuisance. Molesting passers-by; chasing persons, vehicles, bicycles, skateboarders, roller skaters and the like; attacking persons or other domestic animals; damaging property; running at large; or similar acts performed by animals shall be deemed a nuisance.

(B) Also, every person who takes a domestic animal off the property where it is boarded shall have on his or her person materials to remove excretory matter that the domestic animal may deposit, and that person is also responsible to see that such matter is picked up and properly disposed of, and a failure to have such material on his or her person or to pick up excretory matter so deposited shall be deemed a nuisance.

(`89 Code, § 173.090)

(C) It shall be unlawful for any person to keep or harbor a dog which habitually barks or cries. Habitual barking shall be defined as barking for repeated intervals of at least five minutes with less than one minute of interruption. The barking must also be audible off of the owner's or caretaker's premises.

ADMINISTRATION AND ENFORCEMENT

§ 95.40 IMPOUNDING.

The Animal Warden may, when necessary, apprehend any domestic animal found running at large and impound or cause a notice of violation of this order to be issued to the owner. The Pound Master, upon receiving any domestic animal, shall make a complete registry, entering the breed, color and sex of such. (`89 Code, § 173.050)

§ 95.41 NOTICE TO OWNER AND REDEMPTION.

Forthwith upon the impounding of any domestic animal the owner shall be notified. The owner of any domestic animal so impounded may reclaim such upon payment of any fine and all costs and charges incurred for impounding, maintenance or treatment of such domestic animal. If, at the expiration of the times specified in § 95.45 from the date of notice, or of impoundment if ownership cannot be ascertained, such domestic animal shall not have been redeemed, it may be disposed of according to law.

(`89 Code, § 173.060) (Am. Ord. 712, passed 11-15-2011)

§ 95.42 ANIMAL WARDEN AND DEPUTIES.

The Manager is empowered with the consent of the Council to contract for Animal Warden and impounding service to enforce this chapter, except §§ 95.04 and 95.27. The Manager shall

designate the Animal Warden and deputies, and they shall have police powers to cite owners of animals for violations of this code in addition to their power of impounding.

(`89 Code, § 173.080)

§ 95.43 OFFICERS MAY KILL ANIMALS.

Police officers are authorized and empowered to kill any animal found in violation of this chapter whenever such animal cannot be safely taken up and impounded. No impounding or killing of any animal shall exempt the owner or harbinger of such animal from the penalties provided in this code.

(`89 Code, § 173.100)

§ 95.44 MANAGER AUTHORIZED TO CONTRACT FOR POUNDING SERVICES.

The Manager is authorized to contract for necessary pounding services on behalf of the city. Such services shall only be used by the city where necessary for proper enforcement of the law or where a safety hazard exists.

(`89 Code, § 173.200)

§ 95.45 LIEN FOR POUNDING AND TRANSPORTATION COSTS AND NOTICES.

(A) The city may impound any animal where necessary for the proper enforcement of the law or where a safety hazard exists. No animal which has been impounded shall be released to the owner or custodian until all reasonable pounding and transportation costs have been paid and the authorized person having charge of the impounded animal shall have a lien for such costs.

(B) In all cases where an animal is impounded, the owner, if known, or the custodian, if the owner is unknown, shall be immediately notified. If the owner or custodian be unknown and cannot by reasonable effort be ascertained or shall not, after notice, redeem such animal by paying the expenses incurred as aforesaid, it may be treated as an stray and be dealt with as such. All animals conveyed to the pound shall be kept, with humane treatment and sufficient food and water for their comfort, at least five regular business days, unless the animal is a dangerous animal in which case it shall be kept for seven regular business days and except if the animal is a cruelly- treated animal in which case it shall be kept for ten regular business days, unless sooner reclaimed by their owners or keepers as provided by this section.

(`89 Code, § 173.210)

SECTION 2. This Ordinance shall become effective upon the approval of the City Council. The City Clerk is hereby directed to publish this ordinance as required by law.

PASSED and ADOPTED this 17th day of December, 2019, by the City Council of the City of North St. Paul, Minnesota.

Motion by Council Member Thorsen
Second by Council Member Walczak

Voting: Aye: Council Member Thorsen
 Council Member Petersen
 Council Member Walczak
 Council Member Sonnek
 Mayor Furlong
 Nay: None
 Abstain: None
 Absent: None

/s/ Terrence J. Furlong, Mayor

Attest:

/s/ Scott A. Duddeck, City Manager/Clerk

Publish Star Tribune: Sunday, December 22, 2019