

**CITY OF GEM LAKE, RAMSEY COUNTY, MINNESOTA**

**ORDINANCE NO. 126**

**AN ORDINANCE TO PERMIT AND REGULATE THE KEEPING OF CHICKENS AND OTHER DOMESTIC FOWL IN THE CITY OF GEM LAKE, AMENDING ORDINANCE NO. 69.**

**THE CITY COUNCIL OF THE CITY OF GEM LAKE ORDAINS:**

**SECTION 1. Intent and Purpose.** It is the purpose and intent of this ordinance to permit the keeping of chickens, ducks, turkeys, peacocks and other fowl, excluding large birds, subject to regulations hereinafter set forth. The keeping of such animals, as defined herein, is determined not to be a nuisance and is not detrimental to the public welfare, if regulated as hereafter set forth. It is recognized that the keeping of such birds is increasingly requested by citizens of the City, and such persons desire to keep their birds in suitable permanent structures constructed and maintained for such purpose, and keep such structures in a clean and sanitary manner, and do not permit their fowl to remain at large in the community in such manner as to disturb their neighbors or to prevent the full enjoyment of property rights by their neighbors.

**SECTION 2. AMENDMENT.** Section 3.8.1 of Ordinance 69 is amended, as follows (new text underlined, deleted text ~~struck through~~):

3.8.1 Agricultural animals including, but not limited to: horses; cows; sheep; goats; swine; ~~ducks, chickens, turkeys, peacocks, and other fowl or poultry~~; llamas; ostrich, emu and other large birds; and other animals not otherwise permitted by this Ordinance which may be classified as agricultural animals.

**SECTION 3. AMENDMENT.** Section 2.3 of Ordinance 69 is amended, as follows (new text underlined, deleted text ~~struck through~~):

**Animal, Agricultural.** Any common farm animal including but not limited to any horse, mule, donkey, cow, goat, sheep, pig, emu, llama, ~~turkeys, chickens, ducks~~ or any other animal typically confined on a farm and the like, except for domestic fowl.

**Domestic Fowl.** Chickens, ducks, turkeys, peacocks, and other commonly domesticated fowl, excluding ostrich, emu, or other large birds.

**SECTION 4. AMENDMENT.** Section 3 of Ordinance 69 is amended to add the following sub-sections:

Section 3.13 Keeping of Domestic Fowl. The keeping of domestic fowl may be permitted subject to the following:

3.13.1 A structure must be constructed and maintained to keep and confine the birds. The structure must provide at least five square feet of floor space per bird. The structure

must provide shelter from the elements for all kept birds. The structure would be built of suitable foundation material or built in such a way that it allows for air flow and it is suitable for cleaning.. A structure for domestic fowl shall have a minimum of four feet of interior space from floor to ceiling, and may have a maximum height of nine feet.

3.13.2 The bird structure must be constructed and maintained so as to be rodent-proof.

3.13.3 The owner may construct bird structures up to a cumulative maximum floor area of 200 square feet. Any single bird structure with over 120 square feet in foundation floor area requires a building permit, as with other accessory structures.

3.13.4 Bird structures may be located in the rear yard only and shall be at least 50 feet from adjacent habitable structures.

3.13.5 An area outside of the bird structure must be designated and reserved for the birds to exercise and forage outside of the bird structure. The designated area must provide a minimum of 11 square feet per bird.

3.13.6 All grains and food stored for the use of the domestic fowl on a licensed premises shall be kept in a rodent-proof container.

3.13.7 All premises on which domestic fowl are kept or maintained shall be kept reasonably clean from filth, garbage, and any substances which attract rodents. The bird structure and its surroundings must be cleaned daily.

**SECTION 5. AMENDMENT.** Section 4 of Ordinance 69 is hereby amended to add the following sub-sections:

Section 4.3. Domestic Fowl Keeping License. No person shall own, keep or harbor domestic fowl within the City of Gem Lake without first obtaining a license. Applicant shall complete an application form provided by the City. The application shall include, but not be limited to the following information: a site plan showing the location and size of the premises, and the location size and type of all structures for housing the birds, and demonstration that said structures will comply with City zoning requirements; a statement of the maximum number of domestic fowl to be kept on the premises at one time, by type; and an agreement by the applicant that the premises may be inspected by the City at all reasonable times so as to assure compliance with the conditions outlined in Section 3.13. Only one license may be issued per property.

4.3.1 Duration of License; Fee. Each license issued hereunder shall expire one (1) year after issuance unless sooner revoked. A license must be renewed annually to continue the keeping of domestic fowl. The City Council shall set the annual fee for a license by ordinance with other City fees. Fees shall be paid at the time of the making of the application for license or renewal.

4.3.2 Number of Animals. The number of domestic fowl permitted to be kept under an approved license is calculated by dividing the area of floor space in approved structures

by five (minimum space per bird). Exceeding the number of birds allowed by the permit may be grounds for suspension or revocation of the permit, and denial of subsequent applications for renewal. In addition to any action taken against a license, the person responsible for keeping birds in excess of the maximum stated may be referred for prosecution under State laws prohibiting animal cruelty.

4.3.3 Denial or Revocation. The domestic fowl keeping license may be revoked, or renewal denied, if the licensee fails to comply with any of the conditions outlined in Section 3.13.

**SECTION 5. Severability.** Should any section, subdivision, clause or other provision of this Ordinance be held to be invalid in any court of competent jurisdiction, such decision shall not affect the validity of the Ordinance as a whole, or of any part hereof, other than the part held to be invalid.

**SECTION 6. Effective Date.** This Ordinance shall take effect and be in force from and after its passage and publication.

Dated: \_\_\_\_\_, 2012

\_\_\_\_\_  
Robert Uzpen – Mayor

\_\_\_\_\_  
William Short - Clerk

Summary of Ordinance 126 approved by City Council and published in the White Bear Press on \_\_\_\_\_, 2012.