

CITY OF GEM LAKE, RAMSEY COUNTY, MINNESOTA  
ORDINANCE NO. 69

AN ORDINANCE REPEALING GEM LAKE ORDINANCE NO. 12 AND  
REGULATING THE KEEPING OF DOGS, CATS, HORSES, AND OTHER  
ANIMALS, INCLUDING WILD OR EXOTIC ANIMALS, WITHIN THE CITY  
OF GEM LAKE

The City of Gem Lake does hereby ordain:

SECTION 1 - PURPOSE AND INTENT, INTERACTION, TITLE AND SCOPE

Section 1.1 Authority. This Ordinance is enacted by the City Council of the City of Gem Lake following determination of need, examination of content to purpose, presentation at a duly convened public hearing, and due consideration of public comment.

Section 1.2 Purpose and Intent. The purpose and intent of this Ordinance is to protect and promote the health, safety and general welfare of the people of Gem Lake and adjacent communities as well as the health and general welfare of all animals owned, possessed or harbored within the City. This Ordinance regulates the number and type of animals, which may be kept, and the manner in which they shall be kept.

Section 1.3 Interaction with Other Ordinances.

1.3.1 Amendment and Repeal Of Conflicting Ordinances. This Ordinance, upon effective date of publication, shall supersede all other ordinances and parts of ordinances inconsistent herewith and all such ordinances specifically referenced as follows shall be repealed.

A) Repeal of Ordinance No. 12. Ordinance No. 12 titled "Regulating the Keeping of Dogs" is specifically repealed by this Ordinance.

1.3.2 Interaction with Other Ordinances.

A) This Ordinance is to define the subject covered "The regulating of keeping dogs, horses and other animals within the City" and does not change any provisions regarding animals or the housing of animals defined in the Zoning or Land Use Ordinance of the City of Gem Lake.

B) Amendments to Ordinance No. 16 . The Nuisance Ordinance. The definitions and regulations referenced in this Ordinance and related to keeping animals, kennels and stables are hereby incorporated by reference into Ordinance No. 16.

Section 1.4 Separability. It is the intent of the City Council that the several provisions of this Ordinance are separable and that if any court of competent

jurisdiction shall adjudge any provision of this Ordinance or application thereof to be invalid, such judgment shall not effect any other provisions of this Ordinance not specifically included in said judgment.

Section 1.5 Title. This Ordinance shall be known as the “Animal Control Ordinance” of the City of Gem Lake and here within will be referenced as “this Ordinance”.

Section 1.6 Scope. This Ordinance shall govern and apply to all animals owned, kept, or found within the City of Gem Lake.

## SECTION 2 - INTERPRETATION, CONSTRUCTION AND DEFINITIONS

Section 2.1 Interpretation. In the interpretation and application of this Ordinance, its provisions shall be held to be minimum requirements and shall not be construed so as to fully effect its purpose and shall not be deemed a limitation or repeal of any other power established by law or Ordinance except as specifically provided herein. In the event that conflicting requirements are imposed by this Ordinance or by other Ordinances of the City of Gem Lake, the more restrictive provisions shall apply.

Section 2.2 Construction of Wording in this Ordinance. Words used in the present tense include the past and future tense; the singular includes the plural; and the plural includes the singular. The word “shall” is mandatory and the word “may” is permissive. The masculine gender includes the feminine.

### Section 2.3 Definitions.

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

**Animal Control Officer.** Any person, firm or agency hired or otherwise engaged by the City to act in the performance of their duties as defined herein and to enforce this Ordinance.

**Animal, Domestic.** Any domesticated dog whose breed is recognized by the American Kennel Club and any cat whose breed is recognized by the International

**Animal, Service:** Any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability.

**Cat Association** providing neither can be defined as an exotic or wild animal as defined by this ordinance.

**Animal, Exotic or Wild.** Any mammal, amphibian, reptile or bird which is of a

species not usually domesticated or of a species which, due to size, wild nature or other characteristics, is dangerous to humans or would ordinarily be confined in a zoo or found in the wild. The term includes animals and birds, the keeping of which is licensed by the State or Federal Government, such as wolves, bears, large cats, raptors, game birds and waterfowl. The term also includes the following by way of example but not of limitation:

A) Any large cat of the family Felidae, such as lions, tigers, jaguars, cougars, leopards, bobcats, lynxes and ocelots or any cross-breed thereof, except commonly accepted domesticated house cats.

B) Any member of the family Canidae such as wolves, coyotes, dingoes, and jackals, except domesticated dogs.

C) Any crossbreed between wild or wild and domestic animals such as crossbreeds between dogs and coyotes, dogs or wolves, house cats and bobcats, etc.

D) Any snake that is a member of the pit viper or bloedae family, including but not limited to, copperheads, water moccasins, rattlesnakes, fer-de-lances, bushmasters, asps, cobras, mambas, kraits, coral snakes, sea snakes, South American anacondas, Asian reticulated pythons, boa constrictors, tree boas and sand boas.

E) Any other snake or reptile which by it's size, vicious nature or other characteristic is dangerous to human beings.

F) Any skunk, raccoon, badger, weasel, ferret, wild ferret, mink, badger, woodchuck, or fox and the like whether captured in the wild, domestically raised, descended or not descended, vaccinated against rabies or not vaccinated against rabies.

G) Any bear or deer, elk, antelope, caribou, bison, buffalo, water buffalo, wild horse, wild boar and the like.

H) Any member of the monkey family including but not limited to any ape, gorilla, monkey, orangutan, lemur, baboon and the like.

I) Any raptors including any eagle, falcon, hawk, owl and the like.

J) Any migratory waterfowl or game bird including any duck, goose, pheasant, partridge, grouse, wild turkey and the like.

K) Any other animal, reptile or bird which is commonly considered wild and not domesticated, prohibited by Federal or Minnesota law, or typically confined in a zoo.

Animal Shelter. Any premises designated by action of the City Council for the purpose of impounding and caring for all animals found running at large or requiring quarantine.

At Large. An animal shall be termed "at large" when it is not under direct restraint as defined herein.

Dangerous Dog: Any dog that has committed any of the acts set forth below:

- (1) Without provocation, inflicted substantial bodily harm on a human being on public or private property;
- (2) Killed a domestic animal without provocation while off the owner's property; or
- (3) Been found to be potentially dangerous, and after the owner has notice that the dog is potentially dangerous, the dog aggressively bites, attacks, or endangers the safety of humans or domestic animals.

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

Exposed to Rabies. Any animal that has been bitten by or otherwise exposed to any other animal known to be or have been infected with Rabies.

Harborer. Any person, group of persons, corporation, or other legal entity having custody of one or more dogs, cats, or other animals or who permits one or more dogs, cats or other animals to be kept or to stay on or about the harborer's premises for a period of three (3) or more consecutive days.

In Heat. The period of time during which a female animal is in it's Oestrus Cycle.

Kennel, Personal. Any confinement or structure designed to contain and house up to three (3) domestic animals of various types which are owned by the occupants of the premises and which is located on and maintained by the occupant of the premises in residential districts for personal use only.

Kennel, Commercial. Any confinement or structure designed to contain and house more than three (3) domestic animals of various types which is owned by a person, group of persons, corporation or other legal entity who own and/or harbor said animals in the City of Gem Lake for other than personal use. This type of kennel relates to a land use matter covered by the Zoning or Land Use Ordinance. It is defined and may only be operated within the Special or Interim use regulations of the Zoning or Land Use Ordinance of the City of Gem Lake.

Owner. Any person, group of persons, corporation or other legal entity owning animals.

Pasture. An area or portion of a single parcel of real property upon which agricultural animals are allowed to range and graze and which is suitably fenced to contain such animals.

Pigeon. A member of the family Columbidae, and shall include "Racing Pigeons", "Fancy Pigeons" and "Sporting Pigeons" as defined in this ordinance.  
Pigeon - Fancy Pigeon. A pigeon which, through past breeding, has developed certain distinctive physical and performing characteristics as to be clearly identified and accepted as such by the National Pigeon Association, the American Pigeon Club, or the Rare Breeds Pigeon Club. Examples: Fantails, Pouters, Trumpeters.

Pigeon - Loft. A structure for the keeping or housing of pigeons.

Pigeon - Mature Pigeon. A pigeon aged six months or older.

Pigeon - Racing Pigeon. A pigeon which, through selective past breeding, has developed the distinctive physical and mental characteristics as to enable it to return to its home after having been released a considerable distance therefrom, and which is accepted as such by the American Racing Pigeon Union, Inc. or the International Federation of Racing Pigeon Fanciers. Common names are Racing Homer, Homing Pigeon, or Carrier Pigeon.

Pigeon - Sporting Pigeon. A pigeon which, through selective past breeding, has developed the ability to fly in a distinctive manner, such as aerial acrobatics or endurance flying. Examples: Rollers, Tipplers.

Police. The police officers of the City or any person, firm or agency hired or engaged by the City to act in the capacity of police.

Potentially Dangerous Dog: Any dog that has committed any of the acts set forth below:

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

(2) When unprovoked, chases or approaches a person upon the streets, sidewalks or any public 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.

Provocation: An act that an adult could reasonably expect may cause a dog to

attack or bite.

Restraint. An animal shall be considered under restraint if:

A) In the case of a dog or cat, it is controlled by a leash; or, confinement within a vehicle being driven or parked; or, confinement within a suitably fenced area within the boundaries of the owners' or harborers' premises.

B) In the case of horses, it is controlled by: a competent rider; or, a competent person using bridle or other suitable harness device attached to a leash suitable for the animals' size; or, confinement within a suitably fenced area within the boundaries of the owners' or harborers' premises.

C) In the case of all other animals, it is contained within a suitable cage, fenced area, or other structure that prevents the animals' release without direct control of the owner or harborer.

Running At Large. An animal found outside the boundaries of the property of its owner or harborer when not under direct restraint.

Secure Enclosure: "Secure enclosure" means securely confined indoors or in a securely enclosed and locked pen or structure suitable to prevent the animal from escaping and providing protection from the elements for the dog. A secure enclosure does not include a porch, patio, or any part of a house, garage, or other structure that would allow the dog 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 obstacles that prevent the dog from exiting.

Stable, Personal. Any confinement or structure designed to contain and house up to three (3) horses which is located on and maintained by the occupant of lands in residential districts for personal use only.

Stable, Commercial. Any confinement or structure designed to contain and house more than three (3) horses or two (2) agricultural animals as described in Section 3.8.1 of this ordinance which is owned by a person, group of persons, corporation or other legal entity who own and/or harbor said animals in the City of Gem Lake for other than personal use. This type of stable relates to a land use matter covered by the Zoning or Land Use Ordinance. It is defined and may only be operated within the Special or Interim use regulations of the Zoning or Land Use Ordinance of the City of Gem Lake.

Vicious Habits. Any animal, which has attacked or bitten any human being or which habitually attacks other animals or habitually destroys or damages property.

## SECTION 3 - ANIMAL CONTROL

Section 3.1 Running at Large. It shall be unlawful for any owner or harborer of any animals to allow said animal to be at large within the City of Gem Lake and animals shall at all times be under direct restraint of the owner or harborer.

Section 3.2 Chasing. It shall be unlawful for any owner or harborer to allow any animal to chase or aggressively approach pedestrians, bicycles, vehicles or other animals on any street, roadway, bridle path, park or parkway within the City.

Section 3.3 Destruction of Property. It shall be unlawful for any owner or harborer of any animal to allow said animal to molest, defile or otherwise destroy any property, public or private, within the City.

Section 3.4 Confinement of Certain Animals. The owner or harborer shall confine within a building or secure enclosure any fierce, dangerous, or vicious animal and shall not permit such animal out of such confinement unless and until it is securely muzzled and in direct control of a competent person. The additional requirements and regulations of Section 7 may also apply to such animals.

Section 3.5 Animals in Heat. Any female animal in heat shall be kept confined indoors or impounded for the duration of her season (Oestrus Cycle) at the sole cost of the owner or harborer.

Section 3.6 Rabies And Other Vaccinations Required. It shall be unlawful for any person to own, possess, or harbor any animal within the City unless said animal has had all vaccinations for rabies and other diseases within the time required under standard veterinary practices.

Section 3.7 Animals Creating Nuisances Prohibited. It shall be unlawful for any owner or harborer to keep or harbor any animal which barks, howls, or the like continuously for a period of five (5) minutes without a thirty (30) second pause or whose general conduct otherwise constitutes a nuisance.

Section 3.8 Certain Animals Regulated. It shall be unlawful to keep or harbor in the City any of the following animals or animals of allied genera without first obtaining a written Conditional Use Permit therefore from the City of Gem Lake:

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

3.8.2 Wild or exotic animals, provided however that such Conditional Use Permits shall be for a period not to exceed ten (10) days and shall be limited to entities that are properly licensed to harbor, transport and display such animals for entertainment, exhibition or other such show

purposes and who can demonstrate appropriate containment procedures.

3.8.3 Animals of all types to be harbored and otherwise used within any bona fide research or veterinary facility provided applicable zoning requirements are met.

3.8.4 Permits for these regulated animals are available from the City Clerk at a fee as set by the City Council.

Section 3.9 Certain Animals Prohibited. It shall be unlawful to own or harbor any of the following animals or animals of allied genera in the City, including, but not limited to:

3.9.1 Any wild or exotic animal or any animal of a predatory nature not typically recognized as a domestic animal, the keeping of which in captivity is prohibited by any State, Federal, or other local Ordinance, law or regulation.

Section 3.10 Guard Dogs. It shall be unlawful for any owners to maintain a guard dog(s) which has been specifically trained for security purposes unless a notice of the presence of said dog(s) has been posted at each entrance to the property with said signs not smaller twelve (12") wide and twelve (12") inches high with letters not smaller than three (3") inches high.

Section 3.11 Housing And Keeping Of Animals. It shall be unlawful for any owners and harborer of animals to fail to provide and maintain suitable shelter and care for the animals as prescribed herein.

3.11.1 Shelter. Shelter for the keeping of animals shall include a moisture and wind proof structure of suitable size and construction to: accommodate the animal and appropriate bedding materials; and, protect against cold and to allow and promote retention of body heat; and, protect against moisture and dampness; and, provide shade from direct sunlight during the months from May through September.

3.11.2 Maintenance of Shelter. All shelters and other areas used by the animal shall be properly maintained in such a manner that the shelter and other areas do not pose a sanitation or other health problem or nuisance to the occupants of the premises, adjacent property owners, or the community. All animal wastes shall be properly contained and disposed of on a regular basis and, where and when necessary, appropriate measures shall be taken to insure sanitation of the areas.

3.11.3 Care of Animals. All animals shall be properly cared for including, but not limited to, regular feeding of appropriate food stuffs for the animal and regular medical care by a licensed doctor of veterinary medicine.



Section 3.12 Keeping of Pigeons. The keeping, breeding, maintenance and flying of pigeons may be permitted subject to the following:

3.12.1 A loft must be constructed and maintained to keep and confine the pigeons. The loft must provide at least nine cubic feet of space per bird. The loft must be enclosed with wire netting or equivalent material that will prevent pigeons from escaping the confines of the loft. Lofts must be elevated a minimum of six inches and a maximum of twelve inches above grade to ensure free-way beneath the loft. Lofts shall rest upon concrete footings, cement blocks, or other suitable foundation material. A loft may have a maximum height of nine feet.

3.12.2 The loft must be constructed and maintained so as to be rodent proof.

3.12.3 The owner may construct pigeon lofts up to a cumulative maximum floor area of 200 square feet. Any single loft with over 120 square feet in floor area requires a building permit, as with other accessory structures.

3.12.4 Pigeon lofts may be located in the rear yard only and shall be at least 50 feet from adjacent habitable structures.

3.12.5 Pigeons shall be confined to the loft except when they are released for exercise, performance, training, or to return from areas outside the City of Gem Lake for the purpose of engaging in a race or returning from training flights.

3.12.6 All pigeons shall be fed within the confines of the loft on the premises on which the pigeons are housed.

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

3.12.8 Pigeons must be banded in a way to identify each pigeon as kept by its owner.

3.12.9 All premises on which pigeons are kept or maintained shall be kept reasonably clean from filth, garbage, and any substances which attract rodents. The loft and its surroundings must be cleaned daily.

3.12.10 No one shall release pigeons to fly for exercise, training or competition within the City of Gem Lake except an owner of pigeons who is a member in good standing of an organized pigeon club, such as the American Racing Pigeon Union, Inc., the International Federation of Racing Pigeon Fanciers, the National Pigeon Association, the American

Tippler Society, the International Roller Association, the Rare Breeds Pigeon Club, or a local club which has rules that will help preserve the peace and tranquility of the neighborhood.

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 4 - ANIMAL LICENSING AND IDENTIFICATION

### Section 4.1 Dog Licensing and Identification Required.

4.1.1 Dog Licensing and Identification. No person shall own, keep, or harbor any dog over the age of six (6) months within the City of Gem Lake

without first obtaining a city issued license for each animal as herein provided.

A) Dog licenses are issued by the City Clerk. Each dog license is valid for a period of one year at a fee set by the City Council. The dog license issued will be in the form of a “tag” that shall be attached to the dog to identify its owner or harborer. Applicant shall give the following information on forms provided by the City:

- 1) Owner’s name and home address; and
- 2) Dog’s name, breed (if known), date of birth (if known), color and sex.

Proof that rabies and other vaccinations have been done must be supplied when the license is applied for.

The provisions of this Section shall not be intended to apply to dogs whose owners are visitors temporarily in the City for sixty (60) days or less.

B) It is also suggested that one of the following identification methods may be used to further identify each dog:

- 1) Commercially available tags not less than 1" square or diameter which identify the owner by name and/or address and/or phone number; or
- 2) Permanent brands or tattoos placed on the animal in accordance with accepted practices and which carry appropriate owner or harborer registration information; or
- 3) Such electronic identification methods including implants, provided a tag or other identification device identifies electronic registration.

4.1.2 Other Domestic Animal Identification. No person shall own, keep, or harbor any other domestic or agricultural animal (other than a dog) over the age of six (6) months within the City of Gem Lake without providing a method of identification for each animal as herein provided.

- A) Commercially available tags not less than 1" square or diameter which identify the owner by name and/or address and/or phone number; or
- B) Permanent brands or tattoos placed on the animal in accordance with accepted practices and which carry appropriate owner or harborer registration information; or

C) Such electronic identification methods including implants, provided a tag or other identification device identifies electronic registration.

Section 4.2. Pigeon Keeping License. No person shall own, keep or harbor pigeons 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 pigeon lofts, and demonstration that said lofts will comply with City zoning requirements; a statement of the maximum number of pigeons to be kept on the premises at one time; 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 3.12. Only one license may be issued per property.

4.2.1 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 pigeons. 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.

4.2.2 Number of Animals. The number of pigeons permitted to be kept under an approved license is calculated by dividing the volume of loft space by nine (minimum space per bird). The maximum number of pigeons allowed to any licensee, regardless of capacity, is 120 birds from March 1 to May 31, and 90 birds during the rest of the year.

4.2.3 Denial or Revocation. The pigeon-keeping license may be revoked, or renewal denied, if the licensee fails to comply with limits on number of pigeons or any of the conditions outlined in Section 3.12.

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 4.4 Animal Licensing: Review, Revocation and Appeal

4.4.1 License Application Review. The City shall review the license application. The City may deny an applicant's license application for any reason reasonably related to the regulation of animals within city limits, including but not limited to; protecting the health, safety, and welfare of the public. Convictions for violations of City Ordinance # 69 or any applicable state statutes within the preceding three years shall be considered evidence of a threat to the health, safety, and welfare of the public.

4.4.2 The City may revoke licenses previously issued upon the same grounds. If a license is denied or revoked, the City shall notify the applicant, in writing, and provide information regarding the applicant's right to appeal under paragraph 2 of this section.

4.4.3 Appeal. An applicant may appeal the City's determination by filing written notice with the City Administrator within ten (10) days of the applicant's receipt of the City's notice. Failure to file a timely appeal results in a waiver of the appeal. If the applicant files a timely appeal, a hearing will be held before an impartial hearing officer as soon as practicable after the City's receipt of the appeal. The rules of evidence do not apply at the hearing and any reports and records of the Ramsey County Animal Control officer shall be considered without further foundation. The hearing officer will make written findings of fact. The hearing officer's decision will be personally served upon the owner or a person of suitable age at the residence of such owner and is the final decision of the City.

#### SECTION 4.5 Service Animal Registration Required.

4.5.1 Service Animal Registration. All service animals kept, harbored or maintained within the City shall be registered. There shall be no fee for service animal registration. The applicant shall give the following information on forms provided by the City:

- 1) verify that the animal is required because of a disability; and
- 2) identify what work or task the animal has been trained to perform.

If this information is not provided, the animal shall not be considered a service animal and is subject to the license and registration requirements of §4.1.1(A). The registrant shall also give the following information on forms provided by the City:

- 1) Owner's name and home address; and
- 2) Dog's name, breed (if known), color, and sex.

Proof that rabies and other vaccinations have been done must be supplied when the license is applied for.

Service animals are not considered animals for the calculation under § 5.1.1.

## SECTION 5 - STABLE AND KENNEL OPERATION

### Section 5.1 PERMITTED OPERATIONS

5.1.1 Personal Kennel Operation. Personal kennels that harbor no more than **three (3) domestic animals** of various types and which animals are solely owned by the occupants of the premise and which are over the age of six (6) months are allowed in the residential districts of the City of Gem Lake. The operators of such kennels are responsible to operate these kennels in compliance with all of the terms and regulations defined in this Ordinance.

The kennel structure shall be made of suitable fencing or other materials suitable for containment of the animal based upon the size and weight of the animal.

The kennel structure shall be placed so as to be located as far as possible from neighboring residences and not less than fifty (50') feet from adjacent property lines.

5.1.2 Personal Stable Operation. Personal stables for permitted and allowed agricultural animals, as defined in Section 3.8.1 of this Ordinance, and which animals are solely owned by the occupants of the premises and which are over the age of six (6) months are allowed in the residential districts of the City of Gem Lake. The operators of such stables are responsible to operate these stables in compliance with the terms and regulations defined in this Ordinance, and specifically:

A) Stables shall only be operated on properties of one (1) fenced acre or greater with not less than one-half ( $\frac{1}{2}$ ) acre of pasture land.

B) The ratio of animals to acreage shall not exceed one (1) animal per one-half ( $\frac{1}{2}$ ) acre of fenced pasture land.

C) A stable shall only exist with the written consent of all abutting property owners and all other property owners within three-hundred fifty (350) feet of the property upon which the stable is located.

D) On lots smaller than three (3) acres, all pasture land must lie not less than fifty (50') feet from the dwelling and/or front yard of the lot.

Section 5.2 Sanitation Requirements For Kennels and Stables. All owners or operators of kennels and stables, shall provide for sanitation of the premises, including but not limited to:

5.2.1 Removal of Manure and Waste. All manure, feces, and other waste material generated by the kennel or stable must be handled in such a manner as to not create endangerment to the animals(s) being harbored or to become a public nuisance, to control offensive odors, flies and rodents, and must be removed from the property, where the kennel or stable is located as follows:

A) From the property in total not less frequently than once quarterly for Personal Use Kennels and Stables; and

B) No persons shall permit accumulations of manure from any animal under his control to remain on any street, sidewalk, or alley, nor upon any open area or lot in any residential area in the City.

C) Commercial kennels and stables shall also be subjected to additional conditions regarding this subject as outlined in the Special or Interim use permit issued for this activity.

D) Pastures and housing structures must be situated not less than fifty (50') feet from any well or individual sewage treatment system (septic system).

E) Manure piles must be situated not less than two-hundred fifty (250') feet from any well.

Section 5.3 Care and Maintenance of Animals. No animal shall be treated cruelly, or inhumanely, by any person or in violation of Minnesota Statutes, Section 346.20-346.26, relating to cruelty to animals.

## SECTION 6 - IMPOUNDING ANIMALS

Section 6.1 Impounding Animals. All law enforcement or animal control officers of the City or under contract to the city are hereby authorized and empowered to use such force as is reasonably necessary to take up, capture, or restrain and impound any animal found in violation of this Ordinance. All animals shall be impounded at a facility which is under contract with the City. Such law enforcement or animal control officer may enter upon private premises where it appears that there is reasonable cause to believe that an animal is not being kept, confined, or restrained as herein required.

Section 6.2 Notice to Owner or Harboring. Immediately upon impounding of an animal wearing any type of identification, the police, animal control officer or impounding facility officer shall make every reasonable effort to notify the owner or harboring of such impoundment, and the conditions whereby the owner or harboring may regain custody of the animal. Verbal notice shall be immediately confirmed in writing by the city's official.

Section 6.3 Reclaiming Impounded Animals.

6.3.1 Any non-regulated domestic animal impounded hereunder may be reclaimed by the owner or harboring of same within ten (10) days after receiving notice of such impoundment, excluding Saturdays, Sundays, and legal holidays, upon payment to the City of an impounding fee as established by the city from time to time together with the actual costs incurred for boarding. 6.3.1 Any regulated animal impounded hereunder may be reclaimed by the owner or harboring of same within five (5) days after receiving notice of such impoundment, excluding Saturdays, Sundays, and legal holidays, upon payment to the City of an impounding fee as established by the city from time to time together with the actual costs incurred for boarding.

Section 6.4 Selling of Impounded Animals

6.4.1 Any non-regulated domestic animal taken up and impounded that



has not been reclaimed within the time provided herein, or if the owner or harborer cannot be located, then within five (5) days, the person in charge of the pound shall give five (5) days notice of the time and place where said animal will be sold by posting notices in the office in charge of the pound, the office of the City Clerk, and in a conspicuous place at the pound. Should the person in charge of the pound be unable to sell said animal, for want of bidders or otherwise, that person cannot sell or to otherwise dispose of such animal thereafter without notice to the City.

6.4.2 Any regulated animal taken up and impounded hereunder may be that is not reclaimed by the owner or harborer of same within five (5) days after receiving notice of such impoundment, excluding Saturdays, Sundays, and legal holidays, the animal may be sold or destroyed and the impounding fees to the City together with the actual costs incurred for boarding, notices and other such expenses along with reasonable legal and administrative fees shall be assessed to the owners' or harborers' property.

Section 6.5 Biting Animals Quarantined. Whenever any animal, other than a dog subject to the regulations of Section 7 of this Ordinance, has bitten a person, the owner or harborer of such animal, having been so notified, either orally or in writing, shall immediately quarantine said animal at the owners' or harborers' home or other suitable place of confinement, as directed by the law enforcement or Animal Control officer of the City for a period of fourteen (14) days after the occurrence. During the quarantine period, the animal shall be securely confined in a building or in a yard enclosed by a fence so constructed that the animal cannot escape or otherwise leave said enclosure, and which will not permit other animals or persons to enter, for the purpose of preventing the animal from biting or otherwise coming in contact with persons or animals.

6.5.1 Rabid Animals. Upon a reasonable suspicion that an animal may be rabid, the animal shall be subjected to the necessary tests by a doctor of veterinary medicine for the purpose of determining if it is infected with rabies. The confinement, testing, and treatment, in addition to all other expenses incurred as the result of an animal biting a person shall be the sole expense to the owner or harborer of said animal.

Section 6.6 Animals Which Cannot Be Impounded. If an animal is rabid, or otherwise diseased, vicious, or dangerous, and cannot be impounded after a reasonable effort or without serious risk to the law enforcement or Animal Control officer, impound employees, or others, such animal may be immediately killed.

## SECTION 7 - DANGEROUS/POTENTIALLY DANGEROUS DOGS.

7.1 Incorporation of Statute. The provisions of Minnesota Statutes, Sections

347.50 through 347.56, inclusive, are hereby adopted as the potentially dangerous and dangerous dog regulations for the City. Where a conflict exists between the provisions of the City Ordinances, and the provisions of Minnesota Statutes, Sections 347.50 through 347.56, inclusive, the more restrictive provision shall apply.

7.2 Initial Determination. The City's designated Animal Control Authority shall be responsible for initially determining ("Initial Determination") whether a dog is a potentially dangerous dog or a dangerous dog. The Animal Control Authority may retain custody of a dog which has been initially determined to be a dangerous dog pending the hearing as hereinafter provided. The Initial Determination shall be conclusive unless the owner appeals the Initial Determination as hereinafter provided.

7.2.1 Notice of Initial Determination. The Notice of Initial Determination shall be personally served on the owner of the dog or on a person of suitable age at the residence of such owner. The Notice of Initial Determination shall describe the dog deemed to be potentially dangerous or dangerous; shall identify the time, place and circumstances under which the dog was declared dangerous; shall identify the officer making the Initial Determination; and shall inform the owner of the owner's right to appeal the Initial Determination within 14 days of the date of notice. The notice shall also inform the owner that compliance with 7.4.1 and 7.4.3 of this Ordinance until the appeal is decided, and that all actual costs of care, keeping and disposition of the dog are the responsibility of the owner.

7.2.2 Request of Hearing and Hearing. An owner may appeal the Initial Determination by filing a Request for Hearing with the City Administrator within fourteen (14) days of the owner's receipt of the Notice of Initial Determination. A hearing shall be held within fourteen (14) days after the City's receipt of the Request for Hearing. The City Administrator shall assign a Hearing Officer who shall not be the person who made the Initial Determination. At the hearing, the Hearing Officer shall consider the reports and comments of the Animal Control Authority, the testimony of any witnesses, witness statements, and the comments of the owner of the dog. After considering all of the evidence submitted, the Hearing Officer shall make written findings and shall determine whether the dog is a potentially dangerous dog or a dangerous dog (Final Determination). The Hearing Officer shall apply the definitions of Section 2.3 in making a determination, but shall not declare a dog dangerous if the evidence at hearing shows it is more likely than not that the threat, injury, or damage was sustained by a person:

(1) who was committing, at the time, a willful trespass or other tort upon the premises occupied by the dog;

(2) who was provoking, tormenting, abusing, or assaulting the dog or who has repeatedly, in the past, provoked, tormented, abused or assaulted the dog; or

(3) who was committing or attempting to commit a crime.

The findings shall be made within ten (10) days of the date of the hearing and shall be personally served upon the owner of the dog or upon a person of suitable age at the residence of the owner. If the Hearing Officer upholds the dangerous dog determination, the dog's owner shall be responsible for paying the actual costs of the hearing, up to \$1,000.

### 7.3 Dangerous Dog Restrictions.

7.3.1 Registration Required. No person may keep a dangerous dog in the City of Gem Lake unless the dog is registered with the Animal Control Authority as provided in this chapter. The Animal Control Authority shall issue a certificate of registration to the owner of the dangerous dog if the owner presents the following information:

(a) Secure Enclosure. A Secure enclosure exists for the dangerous dog and there is a posting on the premises with a clearly visible warning sign, including a warning symbol to inform children, that there is a dangerous dog on the property.

(b) Bond/Insurance. A surety bond issued by a surety company authorized to conduct business in the State of Minnesota in a form acceptable to the Animal Control Authority in the sum of at least \$300,000.00, payable to any person injured by the dangerous dog, or a policy of liability insurance issued by an insurance company authorized to conduct business in the State of Minnesota in the amount of at least \$300,000.00, insuring the owner for any personal injuries inflicted by the dangerous dog.

(c) Registration fee. The owner shall pay a dangerous dog registration fee of \$500.00, in addition to standard dog licensing fees.

(d) Microchip. The owner has had a microchip identification implanted in the dangerous dog, and the name of the microchip manufacturer and identification number of the microchip must be provided to the Animal Control Authority. If the microchip is not implanted by the owner, it may be implanted by the Animal Control Authority with the costs borne by the dog's owner.

(e) Warning Symbol. The owner has posted a warning symbol to

inform children that there is a dangerous dog on the property. The design of the warning symbol must have been approved by the Minnesota Commissioner of Public Safety.

7.3.2 Tag. The dangerous dog must have a standardized, easily identifiable tag identifying the dog as dangerous and containing the Uniform Dangerous Dog symbol, affixed to the dog's collar at all times.

7.3.3 Photograph. The owner of the dangerous dog shall make the dog available to be photographed for identification by the Animal Control Authority at a time and place specified by the Animal Control Authority.

#### 7.4 Dangerous Dog Regulations.

7.4.1 Muzzling. A dangerous dog shall be kept in a secure enclosure while on the owner's property. If the dangerous dog is outside a Secure Enclosure, the dog must be muzzled and restrained by substantial chain or leash and be under the physical restraints of a responsible person. The muzzle must be made in a manner that will prevent the dog from biting any person or animal but that will not cause injury to the dog or interfere with its vision or respiration.

7.4.2 Annual Renewal. The owner of a dangerous dog must renew the registration of the dog annually until the dog is deceased. The owner of a dangerous dog shall pay the fee set forth in section 7.3.1(c) above, in addition to any regular dog licensing fees, to obtain a renewal certificate of registration for a dangerous dog under this section. If the dog is removed from the City, it must be registered as a dangerous dog in its new jurisdiction.

7.4.3 Death/Transfer from City. The owner of any dangerous dog must notify the City in writing of the death of the dog; of its transfer to a residence outside of the City of Gem Lake or of its transfer within the City within thirty (30) days of the death or transfer

7.4.4 Notice to Landlord. The owner of a dangerous dog who rents property from another where the dog will reside must disclose to the property owner, prior to entering into the lease agreement and at the time of any lease renewal, that the person owns a dangerous dog that will reside at the property.

7.4.5 Transfer of Ownership. The owner of a dangerous dog must notify any new owner, whether by purchase, donation or other transfer, that the City has identified the dog as a dangerous dog. The transferring or selling owner must also notify the Animal Control Authority in writing of the sale and provide the Animal Control Authority with the new owner's name, address, and telephone number.

7.4.6 Sterilization. The Animal Control Authority shall require a dangerous dog to be sterilized at the owner's expense. If the owner does not have the dangerous dog sterilized within 30 days of a final determination, the Animal Control Authority may have the animal sterilized at the owner's expense.

## 7.5 Potentially Dangerous Dog Restrictions.

7.5.1 Registration Required. No person may keep a potentially dangerous dog in the City of Gem Lake unless the dog is registered with the Animal Control Authority as provided in this section. The Animal Control Authority shall issue a Certificate of Registration to the owner of a potentially dangerous dog if the owner presents the following information:

(a) Microchip. The owner has had a microchip identification implanted in the dangerous dog, and the name of the microchip manufacturer and identification number of the microchip must be provided to the Animal Control Authority. If the microchip is not implanted by the owner, it may be implanted by the Animal Control Authority with the costs borne by the dog's owner

(b) Warning Symbol. The owner has posted a warning symbol to inform children that there is a potentially dangerous dog on the property. The Animal Control Authority shall approve the warning symbol and its location on the property.

(c) Registration fee. The owner shall pay a dangerous dog registration fee of \$250.00, in addition to standard dog licensing fees.

7.5.2 The Animal Control Authority may also require any of the following items to register a potentially dangerous dog:

(a) Secure Enclosure. A secure enclosure exists for the potentially dangerous dog and there is a posting on the premises with a clearly visible warning sign, including a warning symbol to inform children, that there is a potentially dangerous dog on the property.

(b) Bond/Insurance. A surety bond issued by a surety company authorized to conduct business in the State of Minnesota in a form acceptable to the Animal Control Authority in the sum of at least \$300,000.00, payable to any person injured by the potentially dangerous dog, or a policy of liability insurance issued by an insurance company authorized to conduct business in the State of Minnesota in the amount of at least \$300,000.00, insuring the owner for any personal injuries inflicted by the potentially dangerous dog.

(c) Photograph. The owner of the potentially dangerous dog shall make

the dog available to be photographed for identification by the Animal Control Authority at a time and place specified by the Animal Control Authority.

## 7.6 Potentially Dangerous Dog Regulations.

7.6.1 Annual Fee. The owner of a potentially dangerous dog shall pay the potentially dangerous dog fee set in 7.5.1(c) upon each annual renewal, in addition to any regular dog licensing fees, to obtain a certificate of registration for a potentially dangerous dog under this section.

7.6.2 Annual Renewal. The owner of a potentially dangerous dog must renew the registration of the dog annually until the dog is deceased. If the dog is removed from the City of Gem Lake, it must be registered as a potentially dangerous dog in its new jurisdiction.

7.6.3 Death/Transfer from City. The owner of any potentially dangerous dog must notify the Animal Control Authority in writing of the death of the dog; of its transfer to a residence outside of the City of Gem Lake or of its transfer within the City of Gem Lake within thirty (30) days of the death or transfer. The notice must also provide the new location where the dog will reside if moved.

7.6.4 Notice to Landlord. The owner of a potentially dangerous dog who rents property from another where the dog will reside must disclose to the property owner, prior to entering into the lease agreement and at the time of any lease renewal, that the person owns a potentially dangerous dog that will reside at the property.

7.6.5 Transfer of Ownership. The owner of a potentially dangerous dog must notify any new owner, whether by purchase, donation or other transfer, that the City has identified the dog as a potentially dangerous dog. The transferring or selling owner must also notify the Animal Control Authority in writing of the sale and provide the Animal Control Authority with the new owner's name, address, and telephone number.

7.7 Designation Review. Beginning six months after a dog is declared a dangerous dog or potentially dangerous dog, an owner may request annually a review of the designation. The owner must provide evidence that the dog's behavior has changed due to the dog's age, neutering, environment, completion of obedience training that includes modification of aggressive behavior, or other factors. The owner shall submit a request for reconsideration to the City Administrator, who shall then assign a Hearing Officer to consider the request, in Consultation with the Animal Control Authority. If the Hearing Officer finds sufficient evidence that the dog's behavior has changed, the Officer may rescind the dangerous dog or potentially dangerous dog designation.

7.8 Seizure of Dangerous Dog. The Animal Control Authority shall immediately seize any dangerous dog if:

7.8.1 The owner has not registered the dog in compliance with the provisions of Section 7.3 within fourteen (14) days after the service of the Notice of Final Determination declaring a dog to be a dangerous dog.

7.8.2 The owner does not secure the proper liability insurance pursuant to Section 7.3 within fourteen (14) days after the service of the Notice of Final Determination declaring a dog to be a dangerous dog.

7.8.3 The dangerous dog is not maintained in a secure enclosure.

7.8.4 The dangerous dog is outside a secure enclosure and not under the physical restraint of a responsible person.

7.8.5 The dangerous dog is not sterilized within thirty (30) days as required by 7.4.6.

7.8.6 Seizure is ordered by the District Court upon conviction of the owner for a crime related to the keeping of a dangerous dog.

7.9 Reclaiming a Dangerous Dog. Unless otherwise ordered by the District Court, a dangerous dog may be reclaimed by the owner of the dog upon payment of the impounding and boarding fees, and upon presentation of proof to the Animal Control Authority that the requirements of Sections 7.3 and 7.4 have been satisfied. A dangerous dog not reclaimed under this provision within seven (7) days may be disposed of as provided in Minnesota Statutes, Section 35.71, Subdivision 3, and the owner shall be liable to the Animal Control Authority for costs incurred in confining and disposing of the dangerous dog. Any person claiming an interest in a seized dog may prevent disposition of the dog by posting security, by cash or letter of credit, in an amount sufficient to provide for the dog's actual cost of care and keeping. The security must be posted within seven (7) days of the seizure inclusive of the date of seizure.

7.10 Review of Status for Persons Prohibited from Owning Dogs. A person barred from owning a dog under Minnesota Statutes, § 347.542, subd. 1 may request that the City Council review the prohibition. No request for review may be made before three years have passed from the date of conviction which caused the person to be barred from dog ownership. The Animal Control Authority shall report to the City Council on matters relating to the review, including but not limited to the seriousness of the violation or violations that led to the prohibition, any criminal convictions of the person under review, and any other appropriate factors. The Animal Control Authority may recommend continuing the prohibition, rescinding the prohibition with limitations upon ownership, or

completely rescinding the prohibition. The City Council, in addition to acting on the recommendation, may also establish conditions that the person must meet before a prohibition is partially or completely rescinded, including, but not limited to, successfully completing dog training or dog handling courses. A person under prohibition may only make one (1) request for review in any twelve-month period, regardless of outcome. If a person has a prohibition rescinded, in full or in part, by the City Council, and subsequently fails to comply with any limitation imposed by the Council or is again convicted of an animal violation involving unprovoked bites or attacks, the City Council may permanently prohibit the person from owning a dog in the State of Minnesota.

**7.11 Confiscation of Dangerous Dog.** If the owner of a dangerous dog has been convicted of a misdemeanor violation of Minnesota Statutes §347.51, §347.515, or §347.52, and the owner is charged with a subsequent violation of those statutes with the same dog, the Animal Control Authority shall immediately seize the dangerous dog and hold it until resolution of the new criminal charges. The Animal Control Authority shall follow the directives of the District Court regarding disposition of the dog. If the owner is not convicted of the charges, the owner shall be notified of the right to reclaim the dog within seven (7) days consistent with other reclamations.

**7.12 Destruction of Dog Under Certain Circumstances.** Upon a Final Determination, following a hearing if one is requested, and notwithstanding the other provisions of this Ordinance, a dangerous dog that: (i) inflicted substantial bodily harm or great bodily harm on a human being on public or private property without provocation; (ii) inflicted multiple bites on a human on public or private property without provocation; (iii) bit multiple human victims on public or private property in the same attack without provocation; or (iv) bit a human on public or private property without provocation in an attack where more than one dog participated in the attack may be destroyed in a proper and humane manner by the Animal Control Authority.

## **SECTION 8 - ENFORCEMENT, RECORDS AND PENALTIES**

**Section 8.1 Enforcement.** The provisions of this Ordinance shall be enforced by the Animal Control Officer and other such persons or agencies as may, from time to time, be appointed by the City Council.

**Section 8.2 Records.** The City shall maintain accurate records of all licenses, impoundments, quarantines, disposition of animals taken into custody, reports of all animal attacks or bites, and fees and fines related thereto and to make such records available as public documents within reasonable times.

**Section 8.3 Penalties.** Any owner, harbinger, or other person, or the parents of any person under eighteen (18) years of age violating any provision of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished to



the maximum extent allowed by law.

Section 8.4 Other Associated Costs. Any owner, harbinger, or other person, or the parents of any person under eighteen (18) years of age violating any provision of this Ordinance shall be solely responsible for all costs associated with enforcement of this Ordinance including, but not limited to, impound fees, boarding, notification of owners, and disposal.

## SECTION 9 - EXEMPTIONS TO THIS ORDINANCE

### Section 9.1 Exemptions

9.1.1 Hospitals, clinics, and other premises operated by licensed veterinarians for the care and treatment of animals are exempt from the provisions of this Ordinance except where such duties are expressly stated and where such facility meets the applicable zoning code.

9.1.2 The licensing and vaccination requirements of this Ordinance shall not apply to any animal belonging to a non-resident of the City of Gem Lake and kept within the City of less than thirty (30) days, provided all such animals are fully and at all times confined within a building enclosure or vehicle or are deemed to be under complete restraint of the owner.

9.1.3 Non-poisonous snakes or snakes not prohibited as wild and exotic by definition, birds kept indoors, hamsters, mice, rabbits, gerbils, white rats, guinea pigs, chinchillas, or lizards and similar small animals capable of being kept in cages continuously are exempt and do not require a permit.

## SECTION 10 - ANIMAL OWNER RESPONSIBILITIES

Section 10.1 Animal Owner Responsibilities and Liability. This Ordinance shall not relieve or lessen the responsibility or liability of any person owning or harboring any animal to persons or real property or any other injury occasioned thereby.

Section 10.2 Abrogation and Greater Restriction. It is not intended by this Ordinance to appeal, abrogate, annul, impair or interfere with any State or Federal law, or local ordinances, rules, regulations, or permits issued pursuant to law. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.

Section 10.3 Right of Entry. All law enforcement and animal control officers may enter upon private property where it appears that there is reasonable cause to believe that an animal is not being kept, confined, or restrained as herein required or where it appears that a violation of this Ordinance may be present and when accompanied by a warrant to enter property duly issued by a judge of the district

court.

Section 10.4 Interference. No person shall interfere with, hinder, or molest any agent of the City while engaged in the performance of any duty related to this Ordinance or release any animal in the custody of the agent.

## SECTION 11 - ENACTMENT AND EFFECTIVE DATE

Section 11.1 Existing Uses. Existing uses that are not compliant with the Ordinance shall have one-hundred twenty (120) days to become compliant unless a Special or Interim Use Permit is issued by the City Council to specifically exempt the existing activity from all or portions of the regulations described in the Ordinance. A Special or Interim Use Permit application can be procured from the City Clerk. Nothing in this paragraph vests any non-confirming use from being controlled by these regulations.

Section 11.2 Enactment and Effective Date. This Ordinance No. 69 was adopted by the City Council of the City of Gem Lake on the 16th day of November in the year 2005 and ordered to be placed in full force and effect upon publication in the White Bear Press, the City's official legal publication.

ATTEST: ATTEST:

Paul R. Emeott Frederic C. Magnuson

Paul R. Emeott, Mayor Frederic C. Magnuson, City Clerk

Enacted 16 November 2005 Enacted 16 November 2005

CITY OF GEM LAKE

### **ORDINANCE No. 69 LEGEND**

An Ordinance Regulating the Keeping of Dogs was originally adopted by the City Council in Ordinance Number 12 on January 27, 1965. The Council has since repealed Ordinance 12 and replaced it with Ordinance No. 69, the Animal Control Ordinance, on November 16, 2005. Since that time, the City Council has made amendments to the Ordinance in keeping with changes in State law and the wishes of the community. The following table indicates the original ordinance and the said amendments.

ORDINANCE DESCRIPTION ENACTMENT

12 An Ordinance Regulating the Keeping of Dogs 01/27/1965

69 An Ordinance Regulating the Keeping of Dogs, Cats, Horses and Other Animals Within the City of Gem Lake, repealing Ordinance No. 12.

11/16/2005

106 An Ordinance Amending Ordinance No. 69 to Provide for the Regulation of Dangerous and Potentially Dangerous Dogs, adding definitions, internal references, and a new Section 7, renumbering thereafter.

02/10/2009

110 An Ordinance to Permit and Regulate the Keeping of Pigeons in the City of Gem Lake, Amending Ordinance No. 69

10/19/2009

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

07/17/2012

**9/16/2014**

5.1.1 Personal Kennel Operation. Personal kennels that harbor no more than **three (3) domestic animals** of various types and which animals are solely owned by the occupants of the premise and which are over the age of six (6) months are allowed in the residential districts of the City of Gem Lake. The operators of such kennels are responsible to operate these kennels in compliance with all of the terms and regulations defined in this Ordinance.

A) The kennel structure shall be made of suitable fencing or other materials suitable for containment of the animal based upon the size and weight of the animal.

B) The kennel structure shall be placed so as to be located as far as possible from neighboring residences and not less than fifty (50') feet from adjacent property lines.

**12/16/2014 Changes**

Add the following definition to the text of Section 2.3:

**Animal, Service:** Any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability.

Section 2

Amend the text of Section 4 as shown (*\*NOTE\* Amendments & addition language underlined*):

Section 4.1 Dog Licensing and Identification Required.

4.1.1 Dog Licensing and Identification. No person shall own, keep, or harbor any dog over the age of six (6) months within the City of Gem Lake without first obtaining a city issued license for each animal as herein provided.

B) Dog licenses are issued by the City Clerk. Each dog license is valid for a period of ~~one~~ two (2) years at a fee set by the City Council. The dog license issued will be in the form of a “tag” that shall be attached to the dog to identify its owner or harborer. Applicant shall give the following information on forms provided by the City:

1) Owner’s name and home address; and

2) Dog’s name, breed (if known), date of birth (if known), color and sex.

Proof that rabies and other vaccinations have been done must be supplied when the license is applied for.

The provisions of this Section shall not be intended to apply to dogs whose owners are visitors temporarily in the City for sixty (60) days or less.

#### SECTION 4.4 Animal Licensing: Review, Revocation and Appeal

4.4.1 License Application Review. The City shall review the license application. The City may deny an applicant’s license application for any reason reasonably related to the regulation of animals within city limits, including but not limited to; protecting the health, safety, and welfare of the public. Convictions for violations of City Ordinance # 69 or any applicable state statutes within the preceding three years shall be considered evidence of a threat to the health, safety, and welfare of the public.

4.4.2 The City may revoke licenses previously issued upon the same grounds. If a license is denied or revoked, the City shall notify the applicant, in writing, and provide information regarding the applicant’s right to appeal under paragraph 2 of this section.

4.4.3 Appeal. An applicant may appeal the City’s determination by filing written notice with the City Administrator within ten (10) days of the applicant’s receipt of the City’s notice. Failure to file a timely appeal results in a waiver of the appeal. If the applicant files a timely appeal, a hearing will be held before an impartial hearing officer as soon as practicable after the City’s receipt of the appeal. The rules of evidence do not apply at the hearing and any reports and records of the Ramsey County Animal Control officer shall be considered without further foundation. The hearing officer will make written findings of fact. The hearing officer’s decision will be personally served upon the owner or a person of suitable age at the residence of such owner and is the final decision of the City.

SECTION 4.5 Service Animal Registration Required.

4.5.1 Service Animal Registration. All service animals kept, harbored or maintained within the City shall be registered. There shall be no fee for service animal registration. The applicant shall give the following information on forms provided by the City:

- 3) verify that the animal is required because of a disability; and
- 4) identify what work or task the animal has been trained to perform.

If this information is not provided, the animal shall not be considered a service animal and is subject to the license and registration requirements of §4.1.1(A). The registrant shall also give the following information on forms provided by the City:

- 3) Owner's name and home address; and
- 4) Dog's name, breed (if known), color, and sex.

Proof that rabies and other vaccinations have been done must be supplied when the license is applied for.

Service animals are not considered animals for the calculation under § 5.1.1.