

City of Gem Lake, Ramsey County, Minnesota
Domestic Fowl and Pigeons
Ordinance No. 141

AN ORDINANCE REPEALING AND REPLACING ORDINANCE NO. 110 & ORDINANCE NO. 126, REGULATING THE KEEPING OF DOMESTIC FOWL AND PIGEONS WITHIN THE CITY OF GEM LAKE

The City Council of the City of Gem Lake hereby ordains the Ordinance No. 110 & Ordinance No. 126 shall be repealed and replaced with the following:

Section 1. 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 domestic fowl and pigeons, which may be kept, and the manner in which they shall be kept.

Section 2. Interpretation, Construction, Scope and Definition.

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.
2. **Construction.** 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.
3. **Scope.** This Ordinance shall govern and apply to all animals owned, kept, or found within the City of Gem Lake.
4. **Definitions.**
 1. **Animal Control Officer.** An agency of the state, county, municipality, or other governmental subdivision of the state which is responsible for animal control operations in its jurisdiction.
 2. **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.
 3. **Commercial Kennel.** 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.
 4. **Confinement Area.** A structure used or designed for use to restrict an animal to a limited amount of space, such as a room, pen, cage, kennel, compartment, crate, or hutch.
 5. **Domestic Fowl.** Chickens, ducks, turkeys, and other commonly domesticated fowl, excluding ostrich, emu, peacocks, or other large birds.
 6. **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.
 7. **Foster Care Provider.** A person who provides care or rehabilitation for companion animals through an affiliation with a public or private animal shelter, home-based rescue, releasing agency, or other animal welfare organization.
 8. **Foster Home.** A private residential dwelling and its surrounding grounds, or any facility other than a public or private animal shelter, at which site through an affiliation with a public or private animal shelter, releasing agency, or other animal welfare organization, care of rehabilitation is provided for companion animals.
 9. **Great Bodily Harm.** Bodily injury which creates a high probability of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily harm.
 10. **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 domestic animals to be kept or to stay on or about the harborer's premises for a period of three (3) or more consecutive days.

11. **Mature Pigeon.** A pigeon aged six months or older.
12. **Owner.** Any person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having care, custody, or control of a domestic animal.
13. **Pigeon.** A member of the family Columbidae, and shall include "Fancy Pigeons", "Racing Pigeons", and "Sporting Pigeons" as defined in this ordinance.
 1. **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.
 2. **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.
 3. **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, Tiplers.
14. **Pigeon Loft.** A structure for the keeping or housing of pigeons.
15. **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.
16. **Possess.** To have custody of or have control over.
17. **Premises.** Any building, structure, shelter, or land wherein or whereon domestic animals are kept or confined.
18. **Proper Enclosure.** "Proper 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 proper 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.
19. **Running at Large.** An animal found outside the boundaries of the property of its owner or harbinger when not under direct restraint.
20. **Substantial Bodily Harm.** Bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily member or organ, or which causes a fracture of any bodily member.
21. **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

1. **Running at Large.** It shall be unlawful for any owner or harbinger of any animals to allow said animal to be running at large within the City of Gem Lake and animals shall at all times be under direct restraint of the owner or harbinger.
2. **Chasing.** It shall be unlawful for any owner or harbinger 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.
3. **Destruction of Property.** It shall be unlawful for any owner or harbinger of any animal to allow said animal to molest, defile or otherwise destroy any property, public or private, within the City.
4. **Confinement of Certain Animals.** The owner or harbinger 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.
5. **Animals Creating Nuisances Prohibited.** It shall be unlawful for any owner or harbinger to keep or harbor any animal which squawks 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.

6. **Housing and Keeping of Animals.** It shall be unlawful for any owners and harbinger of animals to fail to provide and maintain suitable shelter and care for the animals as prescribed herein:
 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.
 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 posed a sanitation or other health problem or nuisance to the occupants of the premises, adjacent property owners, or the community. All animal waste 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. **Care of Animals.** All animals shall be properly cared for including, but not limited to, regular feeding of appropriate food for the animal and regular medical care by a licensed doctor of veterinary medicine.
7. **Keeping of Pigeons.** The keeping, breeding, maintenance and flying of pigeons may be permitted subject to the following:
 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.
 2. The loft must be constructed and maintained so as to be rodent proof.
 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.
 4. Pigeon lofts may be located in the rear yard only and shall be at least 50 feet from adjacent habitable structures.
 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.
 6. All pigeons shall be fed within the confines of the loft on the premises on which the pigeons are housed.
 7. All grains and food stored for the use of the pigeons on a licensed premises shall be kept in a rodent-proof container.
 8. Pigeons must be banded in a way to identify each pigeon as kept by its owner.
 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.
 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.
8. **Keeping of Domestic Fowl.** The keeping of domestic fowl may be permitted subject to the following:
 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 (4') feet of interior space from floor to ceiling, and may have a maximum height of nine (9') feet.
 2. The Bird structure must be constructed and maintained so as to be rodent proof.
 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.
 4. Bird structures may be located in the rear yard only and shall be at least 50 feet from adjacent habitable structures.

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.
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.
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.

1. **Domestic Fowl / Pigeon Keeping License.** No person shall own, keep or harbor domestic fowl / pigeon within the City of Gem Lake without first obtaining a license.
 1. Applicant shall complete an application form provided by the City. The application shall include, but not be limited to the following information:
 1. 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;
 2. A statement of the maximum number of domestic fowl / pigeon to be kept on the premises at one time, by type; and;
 3. 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 3.7 and 3.8.
 4. Only one license may be issued per property.
 2. **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 renewal.
 3. **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 (5) (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. **Denial or Revocation.** The domestic fowl keeping license may be revoked, or renewal denied, if the license fails to comply with any of the conditions outlined in Section 3.

Section 5. Enforcement, Records and Penalties.

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.
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.
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.
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 6. Exemptions to this Ordinance.

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.

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 for 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.
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 7. Animal Owner Responsibilities.

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.
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.
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.
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 8. Review, Revocation and Appeal.

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 No. 140 or any applicable state Statutes within the preceding three (3) years shall be considered evidence of a threat to the health, safety, and welfare of the public.
2. **Revocation.** 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.
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 9. Severability. Should any section, subdivision, clause or other provision of this Ordinance be held to be invalid by any court of competent jurisdiction, such decision shall not affect the validity of the Ordinance as a whole, or of any part thereof, other than the part held to be invalid.

Section 10. Enactment and Effective Date

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

Dated: October 18, 2022

APPROVED:

Gretchen Artig-Swomley

Gretchen Artig-Swomley, Mayor

ATTEST:

Melissa Lawrence

Melissa Lawrence, Acting City Clerk