

City of Gem Lake, Ramsey County, Minnesota
Agricultural and Wild Animals
Ordinance No. 142

AN ORDINANCE REPEALING AND REPLACING ORDINANCE NO. 69, REGULATING THE KEEPING OF DOMESTIC ANIMALS WITHIN THE CITY OF GEM LAKE

The City Council of the City of Gem Lake hereby ordains the Ordinance No. 69 shall be repealed and replaced with the following: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 agricultural and wild animals, 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. **Agricultural Animal.** 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.
 2. **Beekeeping.** The maintenance and breeding of honey bee colonies; also referred to as apiculture.
 1. **Apiary.** The assembly of one or more colonies of bees at a single location.
 2. **Apiary Products.** Any bees, honey, beeswax, or bee comb product on-site.
 3. **Beekeeper.** A person who owns or has charge of one or more colonies of honey bees.
 4. **Beekeeping Equipment.** Anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom board, and extractors.
 5. **Colony.** An aggregate of honey bees consisting principally of workers, but having, when perfect, one queen and at times drones, brood, comb, and honey.
 6. **Hive.** The receptacle inhabited by a colony that is manufactured for that purpose.
 7. **Honey bee.** All life stages and castes of the common domestic honey bee; *apis mellifera* species.
 8. **Lot.** A contiguous parcel of land under common ownership.

9. **Nucleus Colony.** A small quantity of bees with a queen housed in a smaller than usual hive box, primarily used to produce new queens or workers for the purpose of starting a new colony or adding to an existing colony.
10. **Undeveloped Property.** A lot or parcel of land upon which no structure or improvements exist.
11. **Swarm.** A group of bees, usually calm, with a queen that have left a hive to find a new home.
3. **Commercial Stable.** Any confinement or structure designed to contain and house more than three (3) horses or two (2) agricultural animals as described in Section 3 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.
4. **Exotic or Wild Animal.** 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:
 1. 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.
 2. Any member of the family Canidae such as wolves, coyotes, foxes, dingoes, and jackals, except domesticated dogs.
 3. Any crossbreed between wild or wild and domestic animals such as crossbreeds between dogs and coyotes, dogs or wolves, house cats and bobcats, etc.
 4. 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.
 5. Any other snake or reptile which by its size, vicious nature or other characteristic is dangerous to human beings.
 6. Any skunk, raccoon, badger, weasel, wild ferret, mink, badger, woodchuck, or fox and the like whether captured in the wild, domestically raised, de-scented or not de-scented, vaccinated against rabies or not vaccinated against rabies.
 7. Any bear or deer, elk, antelope, caribou, bison, buffalo, water buffalo, wild horse, wild boar and the like.
 8. Any member of the monkey family including but not limited to any ape, gorilla, monkey, orangutan, lemur, baboon and the like.
 9. Any raptors including any eagle, falcon, hawk, owl and the like.
 10. Any migratory waterfowl or game bird including any duck, goose, pheasant, partridge, grouse, wild turkey and the like.

11. 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.
5. **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.
6. **Personal Stable.** 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.
7. **Restraint.** An animal shall be considered under restraint if:
 1. 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 with a suitably fenced area within the boundaries of the owners' or harborers' premises.
 2. 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.

Section 3. Animal Control

1. **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 or Interim Use Permit from the City of Gem Lake:
 1. Agricultural animals including, but not limited to: 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; and other animals not otherwise permitted by this Ordinance which may be classified as agricultural animals.
 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. Animals of all types to be harbored and otherwise used within any bona fide research or veterinary facility provided applicable zoning requirements are met.
 4. Permits for these regulated animals are available from the City Clerk at a fee as set by the City Council.
2. **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:
 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.
3. **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:
 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 pose 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.

Section 4. Beekeeping Operations

1. Permitted Operations.

1. **Location Requirements.** Beekeeping is permitted in all zoning districts in accordance with this ordinance.
 1. Hives are only permitted in rear yards.
 1. For undeveloped property, hived are permitted in any location on said property, provided all other conditions of this Ordinance are met, including setbacks as stated in this section.
 2. Hive(s) must be set back at least 25 feet from any property line and at least 100 feet from any neighboring principal structure.
2. **Colony Density.** The following numbers of colonies are permitted on lots within the City, based upon the size of the lot:
 1. One half (1/2) acre or smaller: Not permitted
 2. Larger than 1/2 acre but smaller than 1 acre: 2 colonies
 3. Larger than 1 acre but smaller than 1 1/2 acre: 4 colonies
 4. Larger than 1 1/2 acre but smaller than 2 acres: 6 colonies
 5. 2 acres or more: 8 colonies
3. **Standards of Practice.**
 1. Colonies shall be kept in hives with removable frames, which shall be kept in sound and usable condition, not exceeding six feet in height.
 2. An inactive hive shall be removed within 30 days if no longer occupied by a colony.
 3. Each beekeeper shall maintain their beekeeping equipment in good condition, including maintenance of paint, and securing unused equipment from weather, potential theft or vandalism and occupancy by swarms.
 4. Each beekeeper shall ensure that a convenient source of water is available on the apiary lot so long as colonies remain active outside the hive.

5. For each colony permitted, there may also be maintained upon the same apiary lot, one nucleus colony in a hive structure not to exceed one standard 9-5/8 inch depth 10-frame hive body with no supers.
6. Each beekeeper shall ensure that no wax comb, syrup for feeding honey bees, or other material that might encourage robbing by other bees are left exposed outdoors. Such materials shall be stored in sealed insect-proof containers and removed from the site or placed within a building.
7. Sale of apiary products on-site in residential zoning districts shall adhere to the requirements for Home Occupations.
8. Sale of apiary products shall not be permitted within the Gateway District.

2. **Permitting and Inspection.**

1. **Permit Required.** A permit is required for any person seeking to keep honeybees as allowed by this section. Any applicant shall complete an application form provided by the City. Any amendment to an existing license shall constitute a new application and fee. The application shall include, but is not limited to the following information:
 1. Site plan showing the location and size of the lot and the location, size and type of all structures related to the apiary.
 2. A signed agreement by the applicant that the premises may be inspected by the Animal Control Officer to ensure compliance with all applicable conditions.
 3. A certificate of completion from a beekeeping training course from the University of Minnesota Bee Lab, or a comparable course from another institution or instructor.
 4. A mailing list for all properties within 350 feet of the apiary lot. An informational notice shall be sent to the neighboring property owners by the City Clerk upon issuance of beekeeping permit.
2. **Review, Revocation, and Appeal.** Refer to Section 9 of this Ordinance for the permit application review, revocation, and appeals processes.
3. **Duration of Permit and Fee.** A beekeeping permit shall be valid one year from the issued date. The annual fee for a permit is set forth by the City Fee Schedule.
4. **Right of Entry for Inspection.** The Animal Control Officer shall have the right to inspect any apiary at any reasonable time for the purpose of verifying compliance with this Ordinance. It shall be deemed a violation of this division for any person to resist, impede, or hinder the City official or designee in the performance of their duties in inspecting any apiary and apiary lot.

Section 5. Stable Operations

1. **Permitted Operations.** Personal stables for permitted and allowed agricultural animals, as defined in Section 3 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:
 1. Stables shall only be operated on properties of one (1) fenced acre or greater with not less than one-half (1/2) acre of pasture land.

2. The ratio of animals to acreage shall not exceed one (1) animal per one-half (1/2) acre of fenced pasture land.
 3. 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.
 4. 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.
2. **Sanitation Requirements.** All owners or operators of stables, shall provide for sanitation of the premises, including but not limited to:
1. **Removal of Manure and Waste.** All manure, feces, and other waste material generated by the stable must be handled in such a manner as to not create endangerment to the animal(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 stable is located as follows:
 1. From the property in total not less frequently than once quarterly for Personal Use Kennels and Stables; and
 2. No person 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.
 3. Commercial stables shall also be subjected to additional conditions regarding this subject as outlined in the Special or Interim Use Permit issued for this activity.
 4. Pastures and housing structures must be situated not less than fifty (50') feet from any well or individual sewage treatment system (septic system).
 5. Manure piles must be situated not less than two hundred fifty (250') feet from any well.
 3. **Care and Maintenance of Animals.** No animal shall be treated cruelly, or inhumanely, by any person or in violation of Minnesota Statutes 343 relating to cruelty to animals.

Section 6. 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 permits, 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, harborer, 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, harborer, 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 7. 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 8. 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 9. Review, Revocation and Appeal.

1. **Permit Application Review.** The City shall review the permit application. The City may deny an applicant's permit 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. 142 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 permits previously issued upon the same grounds. If a permit is denied or revoked, the City shall notify the applicant in writing, and provide information regarding the applicant's right to appeal under paragraph 3 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 10. 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 11. 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

Revised: March 19, 2024 – Added a section on beekeeping and section numbering changed.