

**CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA**

ORDINANCE NO. 08-148

**AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY
ADDING SECTIONS 95.114-95.122 WHICH PERTAIN TO KEEPING AND
MAINTAINING PIGEONS.**

SECTION 1. The City Council of the City of Lake Elmo hereby amends Chapter 95: Animals of the City Code by inserting the following new sections:

KEEPING AND MAINTAINING PIGEONS

§ 95.114 DEFINITIONS.

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

LOFT. Any and all quarters in which pigeons are housed.

PIGEON. Any and all varieties and breeds of pigeons.

§ 95.115 PURPOSE.

The purpose of this subchapter is to establish certain requirements for keeping and maintaining pigeons to avoid issues that might otherwise be associated with keeping and maintaining pigeons in populated areas.

§ 95.116 INVESTIGATION AND ENFORCEMENT.

Officers designated by the city shall have authority in the investigation and enforcement of this subchapter, and no person shall interfere with, hinder or molest any such officer in the exercise of such powers. The city shall make investigations as is necessary and may grant, deny, or refuse to renew any application for permit, or terminate an existing permit under this subchapter.

§ 95.117 KEEPING OF PIGEONS.

(A) Pigeons shall only be permitted on lots 2.5 acres or greater in size in the RR – Rural Residential and A-Agriculture zoning districts.

(B) Maximum number of pigeons shall be no more than twenty (20) per residential lot.

(C) The property will be the primary residence of the pigeon keeper.

§ 95.118 PERMIT REQUIRED; TERM, CONSENT, FEE.

(A) No person shall (without first obtaining a permit in writing from the City Clerk) own, keep, harbor, or have custody of any pigeons within the city of Lake Elmo.

(B) The first permit is valid for up to 2 years beginning on the date of issuance and ending on December 31 of the following year. Subsequent permits are valid from January 1 to December 31.

(C) Prior to issuance of a permit, notices must be mailed to all homes within 150 feet of the applicant's property lines.

(D) The fee for a permit may be imposed, set, established and fixed by the city council, by ordinance, from time to time.

§ 95.119 APPLICATION.

Any person desiring a permit required under the provisions of this subchapter shall make written application to the City Clerk upon a form prescribed by and containing such information as required by the city. Among other things, the application shall contain the following information:

(A) A description of the real property upon which it is desired to keep the pigeons.

(B) The number of pigeons to be maintained on the premises.

(C) A site plan of the property showing the location and size of the proposed loft, and/or aviary, setbacks from the loft to property lines and surrounding buildings (including houses and buildings on adjacent lots).

(D) Statements that the applicant will at all times keep the pigeons in accordance with all of the conditions prescribed by the officer, or modification thereof, and that failure to obey such conditions will constitute a violation of the provisions of this article and grounds for cancellation of the permit.

(E) Such other and further information as may be required by the officer.

§ 95.120 PERMIT CONDITIONS.

Each person keeping pigeons within the City of Lake Elmo shall comply with the following:

(A) No loft for keeping or confining pigeons shall be maintained or operated in any manner which violates the city building code or zoning ordinance.

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

(C) All premises on which pigeons are kept and maintained shall be kept reasonably clean and free from filth, garbage and such substances which attract rodents at all times.

(D) All pigeons shall be fed within the confines of the loft or premises on which pigeons are housed.

(E) All grains and food stored for the use of pigeons shall be kept in rodent-proof containers.

(F) Pigeons shall be exercised and permitted to fly only when under control of the permit holder or their representative.

(G) All aviaries shall be completely enclosed with wire netting or equivalent material that will prevent pigeons from escaping the confines of the loft or coop.

(H) The outline of the loft to house said pigeons shall be of such design to conform to the symmetry of the existing buildings.

(I) The loft must provide a minimum 4 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 12 feet and a maximum floor area of 200 square feet and must comply with Section 154.406.

(K) Pigeon lofts may be located in the rear yard only and shall be at least 50 feet from adjacent property lines and habitable structures.

(L) The property upon which pigeons are kept shall have established a principal use conforming to the zoning ordinance.

(M) Dead Pigeons must be disposed of according to the Minnesota Board of Animal Health rules which require pigeon carcasses to be disposed of as soon as possible after death, usually within 48 to 72 hours. Legal forms of Pigeon carcass disposal include burial, off-site incineration or rendering, or composting.

§ 95.121 VIOLATIONS.

(A) Any person violating any of the sections of this article shall be deemed guilty of a misdemeanor and upon conviction, shall be penalized in accordance with § 10.99.

(B) If any person is found guilty by a court for violation of this section, their permit to own, keep, harbor, or have custody of pigeons shall be deemed automatically revoked and no new permit may be issued for a period of 1 year.

(C) Any person violating any conditions of this permit shall reimburse the city for all costs borne by the city to enforce the conditions of the permit including, but not limited to, the pickup and impounding of pigeons.

§ 95.122 ISSUANCE, REVOCATION.

(A) If granted, the permit shall be issued by the city and shall state the conditions, if any, imposed upon the permitted for the keeping of pigeons under this permit. The permit shall specify the restrictions, limitations, conditions and prohibitions which the city deems reasonably necessary to protect any person or neighboring use from unsanitary conditions, unreasonable noise or odors, or annoyance, or to protect the public health and safety. Such permit may be modified from time to time or revoked by the city for failure to conform to such restrictions, limitations, or prohibitions. Such modification or revocation shall be effective after 10 days following the mailing of written notice thereof by certified mail to the person or persons keeping or maintaining such pigeons.

(B) The city may revoke any permit issued under this subchapter if the person holding the permit refuses or fails to comply with this subchapter, with any regulations promulgated by the city council pursuant to this article, or with any state or local law governing cruelty to animals or the keeping of animals. Any person whose permit is revoked shall, within 10 days thereafter, humanely dispose of all pigeons being owned, kept or harbored by such person, and no part of the permit fee shall be refunded.

SECTION 2. Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 3. Adoption Date. This Ordinance No. 08-148 was adopted on this ___ day of _____, 2016, by a vote of _ Ayes and _ Nays.

Mayor Mike Pearson

ATTEST:

Kristina Handt
City Administrator

This Ordinance No. 08-148 was published on the ___ day of _____, 2016.