

## 702. Animals Generally

§702.010 ANIMALS: RUNNING AT LARGE, IMPOUNDING, RELEASE. It shall be unlawful for the owner of any horse, mule, ass, cattle, sheep, swine or poultry to allow the same to run at large at any time within the City. Any Animal Control Officer, Police Officer or other person appointed by the City Manager for such purpose shall impound any animals or poultry found running at large and hold same until legally released.

The fees to be paid to secure the release of such animals or poultry impounded shall be as follows: horses, mules, asses, cattle, sheep or swine, fifty (\$.50) cents each for impounding and twenty-five (\$.25) cents each per day for keeping thereof: and, poultry, fifteen (\$.15) cents each for impounding and ten (\$.10) cents each per day for the keeping thereof. (Ref. §1301.190, 1301.200, Code 1966)

§702.020 ANIMALS: DISPOSITION OF UNCLAIMED ANIMALS. Animals or Poultry that are impounded and are not claimed in the time prescribed by the statutes of the state, shall be advertised and sold in accordance with said statutes. The balance, after deducting fees for impounding, keeping and selling the same, shall be paid into the City Treasury for the benefit of the owner or claimants if claimed within one (1) year from such sale. If no claim is made within said time, such balance shall become part of the general fund of the City. (Ref. §1301.210, Code 1966)

§702.030 ANIMALS: GIFT OR SALE OF CERTAIN ANIMALS, PENALTY. No chick, duckling, gosling or rabbit that has been dyed or otherwise colored artificially may be sold or offered for sale, raffled, offered or given as a prize, premium or advertising device, or displayed in any store, shop, carnival or other public place.

Chicks, ducklings and goslings younger than four (4) weeks of age shall not be sold or offered for sale, raffled, or offered, or given as a prize, premium or advertising device, in quantity of fewer than twelve (12) birds to an individual person unless sold by a person, firm, partnership or corporation engaged in the business of selling chicks, ducklings and goslings for agricultural or wildlife purposes.

Any person who shall be convicted of a violation of the provisions of this section may be punished by a fine not to exceed one hundred (\$100.00) dollars: provided that, after any violation has been called to the attention of the violator by any law enforcement officer, each day on which the violation continues or is repeated constitutes a separate offense. (Ref. §1301.220, Code 1966)

§702.040. CERTAIN CATS DECLARED A NUISANCE. No person shall own or possess any cat which destroys, damages or defiles property or which creates an offense by way of noise, odor or otherwise, or molests other animals or human beings, or is in heat and unconfined, after receiving notice from the City of the prior commission of such acts by the cat in question. Such cats are declared to be a public nuisance.

§702. 041. NOTICE OF OWNER. Upon written complaint of any person stating the acts committed by any cat, the name and address of the person owning or harboring the cat, and the name and address of the person making the complaint, the City shall notify the person owning or harboring the cat of the acts complained of to restrain the cat from committing any more such acts.

§702.042. ABATEMENT OF NUISANCE WHEN OWNER IS UNKNOWN. In the case of any cat constituting a nuisance under §702.040, where no owner or responsible party is ascertainable, the City may take whatever action is deemed appropriate to abate the nuisance.

§702.043 KEEPING OF PIGEONS AND CHICKENS

Subd. 1. Title. Ordinance authorizing the keeping of chickens and the keeping and racing of pigeons, and providing for the issuance of licenses and providing for violations. (Ref. Ord. 16-04-2011, 4/12/16).

Subd. 2. Intent and Purpose. It is the purpose and intent of this ordinance to permit the keeping, maintenance and flying of certain registered pigeons as a recreational sport and hobby, subject to regulations hereinafter set forth. The keeping, breeding, maintenance and flying of fancy, racing and sporting breeds of pigeons, as defined herein, is determined not to be a nuisance and is not detrimental to the public welfare, if regulated as hereafter set forth.

It is recognized that the keeping, breeding, maintenance and flying of such pigeons is now mainly engaged in by members of local, district and national organizations, and such persons keep their pigeons in suitable permanent structures constructed and maintained for such purpose, and keep such structures in a clean and sanitary manner, and do not permit their pigeons to remain at large in the community in such manner as to disturb their neighbors or to prevent the full enjoyment of property rights by their neighbors.

It is also recognized that the ability to cultivate one's own food is a sustainable activity that can also be a rewarding pastime. Therefore, it is also the purpose and intent of this ordinance to permit the keeping and maintenance of hens in a clean and sanitary manner that is not a nuisance to or detrimental to the public health, safety and welfare of the community. (Ref. Ord. 16-04-2011, 4/12/16)

Subd. 3. Definitions:

A. "Chicken" means a domesticated bird (*of the species Gallus domesticus or various similar or related birds*) that serves as a source of eggs and/or meat.

B. "Coop" means the structure for the keeping or housing of chickens permitted by the ordinance.

C. "Pigeon" means a member of the family Columbidae, and shall include "Racing Pigeons", "Fancy Pigeons" and "Sporting Pigeons" as defined in this ordinance.

D. "Racing Pigeon" means 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. Also, commonly know as Racing Homer, Homing Pigeon, or Carrier Pigeon.

E. "Fancy Pigeon" means 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.

F. "Sporting Pigeon" means 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.

G. "Loft" means the structure(s) for the keeping or housing of pigeons permitted by this ordinance.

H. "Hen" means a female chicken.

I. "Owner" means the owner of Hens or Pigeons subject to this ordinance.

J. "Rooster" means a male chicken.

K. "Run" means a fully enclosed and covered area attached to a coop where the hens can roam.

(Ref. Ord. 16-04-2011, 4/12/16)

Subd. 4. Conditions:

The keeping, breeding, maintenance and flying of pigeons may be permitted subject to the following:

- A. An owner may keep either pigeons or hens, but not both.
- B. All premises on which pigeons or hens are kept or maintained shall be kept reasonably clean from filth, garbage, and any substances which attract rodents. The loft or coop and its surroundings must be cleaned frequently enough to control odor. Manure shall not be allowed to accumulate in a way that causes an unsanitary condition or causes odors detectable on another property.
- C. The loft or coop must be constructed and maintained so as to be predator and rodent-proof. The loft or coop must be maintained in good condition and working order.
- D. All pigeons shall be fed within the confines of the loft on the premises on which the pigeons are housed. The pigeons shall be confined to the loft except when they are released for exercise, performance, training, or to return from areas outside corporate limits of the City of White Bear Lake for the purpose of engaging in a race or returning from training flights.
- E. All grains and food stored for the use of the hens or pigeons shall be kept in a rodent proof container.
- F. Hens and Pigeons shall not be kept in such a manner as to constitute a nuisance to the occupants of adjacent property and shall not be kept in an accessory or principal structure. An exception may be made for hens or pigeons under 4 months in age to be temporarily kept in an accessory structure to facilitate the regulation of their temperature.
- G. Pigeon lofts and hen coops shall be located in the rear yard only and shall be at least 50

feet from adjacent habitable structures and 5 feet from all property lines. If a 50-foot setback from adjacent habitable structures cannot be achieved, the property owner may seek the written consent of the affected property owner(s) for a lesser amount. Inability to obtain the written consent of the affected property owner may be appealed by applying for a formal variance pursuant to Section 1301.060 of the Zoning Code. Portable coops and runs are allowed, but allowable locations must be identified on the required site plan.

- H. A loft shall provide a minimum of one square foot of floor space per pigeon. A coop shall provide a minimum of 4 square feet of floor space per hen.
- I. No one shall release pigeons to fly for exercise, training or competition except owner(s) of pigeons who are member(s) 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.
- J. In no case shall the number of pigeons exceed 100. (Ref. Ord. 17-04-2024, 4/11/17)
- K. In no case shall the number of hens exceed 4.
- L. Roosters are prohibited.
- M. Breeding is prohibited.
- N. Hens must be contained within the coop or run whenever unattended; but when attended by the owner, may be allowed in a yard completely fenced in by a fence at least 4 feet in height. Hens must be confined to the owner's premises at all times, may not roam at large, and must be secured in the coop from sunset to sunrise each day.
- O. Keeping of pigeons and hens is limited to single- and two-family residential properties only.
- P. Dead birds must be disposed of according to the Minnesota Board of Animal Health rules which require carcasses to be disposed of as soon as possible after death, or within 48 to 72 hours. Legal forms of carcass disposal include burial, or off-site incineration, off-site rendering or off-site composting.
- Q. Issuance of a permit does not create a vested zoning right; failure to comply with these conditions is a violation of this ordinance and may result in the suspension or revocation of the approval to keep hens or pigeons. Approval to keep may be revoked following written notice of a hearing to allow the applicant the opportunity to appeal the action to the City Council. If approval is revoked, the owner shall remove the birds from the property within 15 days of the revocation and remove the coop within 30 days.

(Ref. Ord. 16-04-2011, 4/12/16)

Subd. 5. Application for Permit.

A. Applicant shall obtain a zoning permit prior to keeping any birds. The application shall be accompanied by a site plan showing the location and size of the premises and the location, size and design of the loft or coop. The application shall specify the maximum number of birds to be kept on the premises at one time, and the applicant shall sign an agreement pledging to abide by the provisions of this ordinance and to allow the premises to be inspected by the City at all reasonable times so as to assure compliance with the conditions outlined in Subdivision 4. Renters of single and two-family residential properties must provide evidence of the property owner's consent.

B. Number of Birds: The permit shall state the number of birds which may be maintained on the premises. The permittee shall immediately inform the City in writing when the number of birds maintained on the premises exceeds the number allowed by the permit. In no case shall the number of birds exceed that which is permitted by this code. The permit may be denied or revoked if the City objects to the proposed number of birds or if the owner or property is found to be in violation of this code.

C. Structure Design (Coop/Loft): Lofts and coops shall not exceed 6 feet in height or 30 square feet in size as measured at the base of the structure. The structures must be completed with exterior finish materials per Code Section 1302.020, Subd.6, or subject to staff approval. Runs 40 square feet in size or less may not exceed 6 feet in height; runs larger than 40 square feet in size may not exceed 4 feet in height. Runs must provide at least 6 square feet per bird if access to a fenced yard is available; 10 square feet per bird if access to a fenced yard is not available. The structures shall not count towards the accessory structure limits or rear yard coverage limits of Section 1302.030. (Ref. Ord. 17-04-2024, 4/11/17)

A loft may exceed 6 feet in height and 30 square feet in size if it is counted as an accessory structure and follows the City's Accessory Structure Ordinance. (Ref. Ord. 17-04-2024, 4/11/17)

Subd. 6. Right of Entry for Inspection: The Animal Control or Code Enforcement Officer may enter and inspect any property containing a loft or coop at any reasonable time for the purpose of investigating either an actual or suspected violation or to ascertain compliance or noncompliance with this ordinance.

Subd. 7. Violation and Penalties: When the Animal Control or Code Enforcement Officer finds a violation to have occurred, the officer shall give written notice thereof to the owner. If said violation is not remedied within ten (10) days, the Animal Control Officer may issue a citation to appear in district court to answer the charges stated thereon. Any owner found violating any of the provisions of this ordinance shall upon conviction be guilty of a misdemeanor punishable by a fine. Any conviction may result in the revocation of the permit by the City Council. (Ref. Ord. 988; 10/23/01; 16-04-2011, 4/12/16)

702.044 ANIMALS: TRAPPING OF ANIMALS

Subd. 1. Definitions: Trapping is defined as the use of any unattended mechanical device which is designed, used or set for the purpose of capturing, snaring, holding or killing any animal; provided, however, that it shall not include:

- (1) Cage-type traps used for the control of nuisance animals;
- (2) Any mechanical device which is specifically designed or primarily used for capturing, killing or controlling mice, rats, moles and other small rodents.

Subd. 2. Trapping Prohibited: No person shall trap animals within the City of White Bear Lake unless acting in response to a wildlife management concern with the approval of the City Manager or designee, with the exception of trapping performed on private property, in response to a wildlife management concern, at the request of the property owner, by a commercial wildlife control operator possessing a current Minnesota DNR off-season permit. Such trapping shall be in full compliance with State Statutes and regulations of the Minnesota DNR. (Ref. Ord. 1083; 1/8/13)

#### 702.045 KEEPING OF BEES

Subd. 1. Title: Ordinance authorizing the keeping of bees, and providing for the issuance of licenses and providing for violations.

Subd. 2. Intent and Purpose: It is the purpose and intent of this ordinance to permit the keeping of bees, as a hobby, subject to regulations hereinafter set forth. It is recognized that the ability to cultivate one's own food is a sustainable activity that can also be a rewarding pastime, and that gentle strains of honey bees can be maintained within populated areas without causing a nuisance if carefully managed. Therefore, it is also the purpose and intent of this ordinance to permit the keeping of bees in such ways that is not a nuisance to or detrimental to the public health, safety, and welfare of the community.

Subd. 3. Definitions:

- A. "Beekeeper" means a person who owns bees.
- B. "Colony" means an aggregate of bees consisting principally of workers, but having, when perfect, one queen, drones, brood, combs and honey.
- C. "Hives" means the receptacle inhabited by a colony that is manufactured for that purpose.
- D. "Honey Bee" means all life stages of the common domestic honey bee, *apis mellifera* (African subspecies and Africanized hybrids are not allowed).

Subd. 4. Conditions: The keeping of bees may be permitted subject to the following:

- A. Beekeeping is limited to single- and two-family residential properties only.
- B. A maximum of four colonies permitted per property. (Ref. Ord. 14-05-1092, 5/13/14).
- C. Honey bee colonies shall be kept in hives with removable frames, which shall be kept in sound and usable condition. Each hive structure shall not exceed 20 cubic feet in volume.

D. Each beekeeper shall ensure that a convenient source of water is available within 10 feet of the hives at all times that the colonies remain active outside of the hive.

E. Each beekeeper shall ensure that no wax comb or other material that might encourage robbing by other bees are left exposed outdoors. Such materials shall be stored in sealed insect-proof containers, or placed within a building.

F. No selling of honey permitted without an approved home occupation permit.

G. Hives must be setback at least 10 feet from all property lines and at least 25 feet from a principal building on an abutting lot. Hives may not be located in a front yard.

H. A flyaway barrier shall shield any part of a property line that is within 20 feet of a hive. The flyway barrier shall be six feet in height and shall consist of a wall, fence, dense vegetation or a combination thereof such that the bees will fly over, rather than through it to reach the hive. If the adjoining property is undeveloped, with no trails through it to reach the hive. If the adjoining property is undeveloped, with no trails located within 20 feet of the property line, then a flyway barrier is not required. A flyway barrier would be required if an undeveloped property becomes developed.

I. Each hive shall be equipped with a "Warning: Bee Hive" sign consisting of letters at least 4-inch tall. (Ref. Ord. 1092, 5/13/14)

Subd. 5. Application for License:

A. 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 hive. The application shall include an agreement by the applicant that the premises may be inspected by City staff at all reasonable times so as to assure compliance with the conditions outlined in Subdivision 4.

B. Renters of single and two-family residential properties must provide evidence of the property owner's consent.

C. The applicant for a license to keep bees shall provide written consent from all owners of property within 100 feet from the property on which the bees will be kept.

D. Each beekeeper shall complete a training course prior to issuance of a license by either:

- i. Providing a certificate of completion from a honeybee keeping course from either the University of Minnesota, Century College or the Three Rivers Park District.
- ii. Requesting consideration and submit documentation for having completed a comparable course from another institution or instructor.

E. The applicant shall present proof of and maintain liability insurance in the amount of at least \$100,000 covering damage that may be caused by the beekeeping activity.

F. Duration of License; Fee:

- i. Each license issued hereunder shall expire five (5) years after issuance unless sooner revoked. A license must be renewed upon expiration to continue the keeping of bees.
- ii. The fee for a permit shall be \$30.00, which shall be paid at the time of the making of the application therefore.

Subd. 6. Right of Entry for Inspection: City staff may enter and inspect any property containing a colony at any reasonable time for the purpose of investigating either an actual or suspected violation or to ascertain compliance or noncompliance with this ordinance.

Subd. 7. Violation and Penalties: When City staff finds a violation to have occurred, the city shall give written notice thereof to the beekeeper. If the violation is not remedied within ten (10) days of the notice, the City may issue a misdemeanor citation. Any beekeeper found violating any of the provisions of this ordinance shall upon conviction be guilty of a misdemeanor. Any violation of this ordinance may result in the revocation of the permit.

(Ref. Ord. 1085, 5-14-13)