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October 25, 2023

VIA EMAIL

Trout, Derek Michael
6025 177th Lane NW
Ramsey, MN 55303

Re: Settlement Conference – Animal Violations of Chapter 10

Dear Mr. Trout,

The purpose of this letter is to inform you of the decision made following the Settlement Conference you and your wife (Lanie Trout) had with myself, Stephanie Hanson our Community Development Director and Todd Larson our Planning Manager. After meeting with you and making consideration on your case, the determination has been made to uphold the requirements of the City Code related to the keeping of certain animals, livestock and poultry. Staff considered factors of the case, most notably the fact that the City of Ramsey specifically has adopted regulations on chickens and roosters. While the City appreciates the Importance of emotional support animals, it must also take into account the rights of surrounding residents, including those with disabilities, in having the City's ordinances enforced. Below is a list of findings of fact that were considered as part of your appeal.

- August 21, 2023 you were notified of various code violations, which included a violation to the City of Ramsey's Animal Chapter. Specifically, you have a rooster on your property that does not meet the minimum lot size requirement of 2.5 acres. This letter ordered the removal not later than Monday, September 4, 2023.
- August 28, 2023 you left a voicemail for Craig Swalchick, Code Enforcement Officer, stating you were "currently going through VA to get an emotional support animal letter" for the rooster.
- September 18, 2023 you received a subsequent notice of violation which continued to identify the keeping of the rooster on your property. This letter ordered the removal not later than Monday, October 2, 2023.
- September 20, 2023 you provided Mr. Swalchick a letter from Ellie Mental Health recommending that your wife, Lanie Trout, be able to utilize her emotional support rooster named Little Roo.
- October 9, 2023 you provided a written request for a Settlement Conference.

- October 12, 2023 Mr. Larson confirmed the \$250 deposit was received and provided you with available meeting dates.
- October 17, 2023 Lanie and yourself met with Ms. Hanson, Mr. Larson and myself to conduct the Settlement Conference. Details shared during that time are summarized below:
 - Staff reiterated the cause of the violation being your property (approx. 2.19 acres) has a rooster on it, whereas, City Code requires a 2.5 acre minimum parcel for a rooster.
 - Staff reiterated that the city has received multiple complaints from multiple neighbors.
 - Staff explained that the animal chapter of City Code was adopted February 8, 2022. At which time, the City Council was active in drafting the code language. Furthermore, six of the seven current councilmembers held seats on the City Council at time of adoption.
 - Staff further discussed the purpose of the city code is to set forth requirements for parcels in the city that benefit the majority of properties. It was recognized that not all property owners may agree with requirements within code, but are still expected to adhere.
 - It was asked to Mrs. Trout why a rooster was the best emotional support animal. No response was provided.
 - It was asked how long the rooster has been on the property. You indicated that 22 chickens were purchased in April 2023. At the time, you believed all 22 were hens. However, one actually was a bantam rooster and the two of you would prefer to keep it as you have grown to like him.
 - This timeline concludes you obtained and were aware of the rooster prior to it being identified as an emotional support animal.
 - Bantam roosters you believed had a lifespan of approximately four to five years and weighed around four pounds.
 - You further provided information that you have measured the decibel levels of the rooster crowing via an app on your phone. The decibels ranged in levels, but generally fell around 95 decibels.

Just as a reminder, we are following the appeal process identified in city code under Chapter 2, Article 7, Sec 2-332. Below is a snapshot of the code language:

Hearing procedure. Any property owner who feels aggrieved by an order of the city administrator and/or designee issued pursuant to this article may request a hearing before the examiner city council.

a. Request.

1. Such request shall identify with specificity the basis for the property owner's objection to the interpretation of this Code and notice of violation.
2. Such request shall be filed in writing with the community development department within 14 days after the date of the service of the notice by the city administrator and/or designee.
3. Such request shall include a filing fee as established by the city's rates and charges. This fee will be refundable to the petitioner if found to be the prevailing party.

b. Settlement conference.

1. The planning manager or community development director shall schedule a settlement conference, to be conducted no more than ten days after receipt of the hearing request and filing fee. A later date may be mutually agreed upon by the parties. The settlement conference will be held between the city and the property owner to encourage a resolution prior to a settlement hearing brought before city council.
2. If after the conference, no resolution has been made, the planning manager, community development director, or his designee shall notify the property owner of the date, time and place of a settlement hearing.

c. Settlement hearing.

1. A settlement hearing shall be conducted during the first available city council meeting after an appeal request from the settlement conference is received. Appeals to the settlement conference must be received within ten days of final resolution of the conference unless a later date is mutually agreed to by the property owner and the city.
2. Both the property owner and the city may appear at the hearing with counsel and may call such witnesses and present such evidence relevant to the case.
3. Any history of the property owner's prior violations shall be deemed relevant and admissible as evidence.

d. Resolution.

1. A decision shall be made to affirm, repeal or modify the order of the city at the conclusion of the conference. Within 14 days after such hearing, the findings of fact and final decision shall be provided to the property owner.
2. Any person aggrieved by the decision reached during the settlement conference may appeal that decision to the city council by filing notice, in writing, of such appeal with the community development department within ten days of the decision reached during the settlement conference.
3. Within 30 days of the filing of a notice of appeal of the conferences decision, the city council shall review the decision and findings of fact reached during the settlement conference and shall affirm, repeal or modify that decision.

The city shall take no action to abate any nuisance or violation while the matter is still pending.

Respectfully,



Brian Hagen
City Administrator