

Councilmember _____ introduced the following resolution and moved for its adoption:

RESOLUTION #24-022

A RESOLUTION DETERMINING THAT A VIOLATION OF THE RAMSEY CITY CODE RELATING TO KEEPING A ROOSTER ON A PARCEL OF LESS THAN 2.5 ACRES HAS OCCURRED AT 6025 177TH LANE NORTHWEST AND DIRECTING CITY STAFF AND LAW ENFORCEMENT AUTHORITIES TAKE SUCH MEASURE AS MAY BE NECESSARY TO REMOVE THE ANIMAL THEREON.

WHEREAS, Ramsey City Code Chapter 10 permits the keeping of roosters on properties greater than 2.5 acres in size only; and

WHEREAS, Mr. Derek Michael Trout owns property located at 6025 177th Lane NW, Ramsey, MN 55303, which public records indicate is 2.19 acres in size; and

WHEREAS, Mr. Trout is keeping a rooster on the aforesaid property notwithstanding that doing so is in violation of the Ramsey City Code; and

WHEREAS, on August 21, 2023, Mr. Trout was sent a City Code correction letter to remove the rooster no later than September 4, 2023; and

WHEREAS, on August 28, 2023, Mr. Trout contacted the City of Ramsey Code Enforcement Officer stating he was currently working through the process of obtaining a letter from a medical professional to claim the rooster as an emotional support animal for himself; and

WHEREAS, on September 18, 2023, Mr. Trout was sent a subsequent notice of violation which continued to identify the rooster as noncompliant; the letter ordered to removal of the rooster no later than October 2, 2023; and

WHEREAS, on September 20, 2023, the Code Enforcement Officer was provided a letter from a medical professional recommending that Mr. Trout's wife, Lanie Trout, be able to utilize the rooster as an emotional support animal, and

WHEREAS, the City received complaints regarding the rooster on several occasions from nearby citizens, at least one of whom had a disability that could be adversely affected by the presence of a rooster on nearby residential property; and

WHEREAS, Mr. Trout requested an appeal, as identified in City Code, Chapter 2, Article 7, Section 2-332; and

WHEREAS, on October 17, 2023, a Settlement Conference took place between Mr. and Mrs. Trout; Brian Hagen, City Administrator; Stephanie Hanson, Community Development Director; and Todd Larson, Planning Manager; and

WHEREAS, at the Settlement Conference, Mr. Trout noted the rooster was hatched with

other chicks in the spring of 2023; and

WHEREAS, on October 25, 2023, Mr. Hagen provided a letter to Mr. Trout detailing the information collected at the Settlement Conference; and

WHEREAS, the October 25, 2025 settlement conference letter stated that staff decided to uphold the requirements of the City Code related to the keeping of certain animals, livestock and poultry; more specific to this case, staff considered factors of this case and city code regulations for the keeping of roosters on properties more than 2.5 acres in size; and

WHEREAS, no resolution was made between City staff and Mr. Trout; therefore, Mr. Trout requested an appeal to the settlement conference; and

WHEREAS, a settlement hearing was held at the City Council meeting; in which City Council heard evidence relevant to the case in order to reach a decision to affirm, repeal, or modify the order from the city at the conclusion of the conference as allowed by City Code.

BASED ON THE FOREGOING, AND AFTER HEARING, THE CITY COUNCIL FINDS AS FOLLOWS:

1. The subject property is approximately 2.19 acres in size, which is less than the 2.5 acres required for a rooster to be allowed. There is a rooster on it.
2. The City has received multiple complaints from multiple neighbors about the presence of a rooster on the property.
3. The presence of the rooster on the subject property is a violation of the express provisions of the Ramsey City Code.
4. The property owner documented that Mrs. Trout would benefit, in the opinion of a medical professional, from the presence of a rooster as an emotional support animal. The owner is requesting a waiver of the ordinance requirement due to the rooster's status as a declared emotional support animal.
5. In weighing a request for a waiver or exception of animal regulations in its Code, the Council must consider numerous factors, such as the importance of consistency in City Code enforcement, the rights of other citizens and the public in having specific provisions of the Code enforced, as well as the personal, unique considerations as may be posed by a particular request such as this one.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RAMSEY, MINNESOTA

- 1. That the rooster that is at the property at 6025 177th Lane Northwest in Ramsey, Minnesota, is unpermitted under the regulations of the Ramsey City Code: and**
- 2. After careful consideration of the evidence, including a review of the staff reports and testimony and the concerns raised by adjoining property owners, there is an insufficient basis for providing an exception to the rule stated in the City Code that a rooster cannot be kept on a property of less than 2.5 acres notwithstanding the potential benefit that keeping the animal on a substandard property might have for the individual property owner.**
- 3. The rooster located on the property at 6025 177th Lane is there in violation of City Code and must be removed.**

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember _____, and upon vote being taken thereon, the following voted in favor thereof:

Mayor Kuzma
Councilmember Riley
Councilmember Musgrove
Councilmember Howell
Councilmember Olson
Councilmember Specht
Councilmember Woestehoff

and the following voted against the same:

and the following abstained:

and the following were absent:

Whereupon said resolution was declared duly passed and adopted by the Ramsey City Council this the 9th day of January, 2024.

Mayor

ATTEST:

City Clerk