

# **Sherburne County Private and Commercial Kennel Licensing Ordinance**

## **ORD - 134**

### **Section I. Purpose**

This licensing ordinance is intended to help enforce public health, safety and welfare concerns for the general public and animals for the purpose of prohibiting nuisance, animal neglect, and containing the spread of diseases. Public safety concerns such as dangerous and/or nuisance dogs have been identified by law enforcement to be potential public safety concerns associated with private and commercial kennels.

### **Section II. Title**

This licensing ordinance shall be known and referred to as the Sherburne County Private and Commercial Kennel Ordinance, hereinafter “License.”

### **Section III. Jurisdiction, Scope, Interpretation, Severability**

#### **A. Jurisdiction**

The jurisdiction of this License shall apply to all the unincorporated areas of Sherburne County in which the County has zoning and land use authority. Private and Commercial Kennels are allowed as a Permitted Use in the Agricultural, General Rural, Urban Expansion, Commercial, and Industrial zoning districts as referenced in the Sherburne County Zoning Ordinance, Sections 8 through 11, subdivision 2.

#### **B. Scope**

From and after the effective date of this license, all commercial kennels shall be subject to the terms of this License.

#### **C. Interpretation**

The provisions of this License shall be controlling, unless the provisions provided under Minnesota State Statute, other ordinance, or regulation impose more stringent requirements in which those requirements shall be controlling. Words and phrases contained within this License are to be construed according to the rules of grammar and according to their common and approved usage. Singular words contained within this License include the plural and the singular. Words of in the past or present tense also include the future.

#### **D. Severability**

If any provision of this License or the application thereof to any person or circumstance is held invalid, said invalidity does not affect other provisions or applications of the License which can be given effect without the invalid provision or application, and for this purpose, the provision of this License are severable.

#### **Section IV. Definitions**

**Animal** - every non-human species of animal, both domestic and wild.

**Animal Control Authority** - a person employed by or under contract with the County and/or Township who is responsible for animal control enforcement.

**Dog** - any animal in whole or in part of the species canis familiaris.

**Environmental Health Officer** - an official employed by or under contract with the County and/or township who is responsible for investigating noise complaints.

**Kennel, Commercial** – Any place where four or more dogs over six months of age are owned, kept, boarded, bred and/or offered for sale.

**Kennel, Private** – Any place where four or more dogs over six months of age are owned or kept for private enjoyment.

**Kennel Run** – enclosed area, indoor or outdoor to allow animals to exercise.

**Person** - one (1) or more natural persons; a partnership, including a limited partnership; a corporation; a trust; or any other business organization or association.

**Unreasonably disturb the peace and quiet** - includes, but is not limited to, the creation of any noise by any animal which can be heard by any person, including the Animal Control Authority, Environmental Health Officers or licensed peace officers, from a location outside of the building or premises where the animal is being kept and which animal noise occurs either: (1) repeatedly over at least a seven-minute period of time with one minute or less lapse of time between each animal noise during the seven-minute period, or (2) repeatedly over at least a fourteen-minute period of time, at an average of at least twelve animal noises per minute.

**Unsterilized Female Dog** – non-spayed female dog over six months of age.

#### **Section V. Requirements**

1. Private and Commercial Kennels may operate in the Agricultural, General Rural, Urban Expansion, Commercial, and Industrial zoning districts as provided in the Sherburne County Zoning Ordinance upon the issuance of the Sherburne County Private and/or Commercial Kennel License, and meeting any other requirements imposed by law.

2. The licensee shall at all times remain compliant with all applicable local, state and/or federal laws, rules and / or regulations. Any violation of any applicable local, state and / or federal laws, rules and or regulations, shall result in the immediate revocation of the license.
3. No more than forty (40) dogs over six months of age may be kept on the private and or commercial kennel property, including no more than ten (10) unsterilized female dogs over six months of age.

#### **A. Location and Kennel Structure**

1. Kennels must be located on a minimum of two and one half (2 ½) acres unless located within the Commercial or Industrial Zoning Districts.
2. Kennels or shelters and dog runs may not be located within 500' of a pre-existing residence except that of the kennel owner.
3. Kennels may require a building permit if over 120 sq ft in size, and must comply with building setbacks within the applicable zoning district.
4. Dogs must be confined or under direct control of the kennel operator or staff at all times. Outdoor commercial kennel areas shall be fenced. Fencing shall consist of durable materials, with a minimum height of six (6) feet, and shall deter dogs from escaping over, under, or through the fence.
5. All-weather kennels or shelters and dog runs or enclosed exercise areas shall be provided for all dogs and shall be adequately sized for the particular breed.
6. The owner and/or operator of the Private or Commercial Kennel shall operate the kennel so as to not unreasonably disturb the peace and quiet of any person.

#### **B. License, Inspection and Enforcement**

1. Complete applications shall be reviewed and approved or denied within 30 days of the date of submittal. Annual licenses are valid from the time they are issued until June 1<sup>st</sup> the next year after their issuance. The annual license fee will be set by the County Board.
2. Private and Commercial Kennel Licenses shall be issued by the Sherburne County Planning & Zoning Department.
3. The application and Operational Plan must be complete in order for the Planning & Zoning Department to accept and review the application. Prior to administrative approval, the Sheriff's Department may conduct a criminal background check of the applicant and property owner.
4. The Sheriff's Department and/or Public Health Department shall inspect Commercial Kennels on an annual basis unannounced.<sup>1</sup>
5. All complaints concerning dogs within the unincorporated areas of the County shall be addressed to the Sheriff's Department.
6. Complaints shall be investigated by the Sheriff's Department and/or the Public Health Department acting as the Animal Control Authority and/or Environmental Health Officer.
7. Any person who violates any provision of the Ordinance shall be deemed guilty of a misdemeanor and shall be punishable according to State of Minnesota Law. Each day that a violation continues shall constitute a separate offense. The County may also initiate any applicable civil action, such as the seizure of animals and/or revocation of a Private and/or Commercial Kennel license.

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<sup>1</sup> **Author's Note:** Time and costs associated with inspections shall be included within the annual license fee.

### **C. Operational Plan**

An Operational Plan shall be submitted to include the following:

1. Name of Kennel Operator(s), address, phone number, signature, and date of signature.
2. Name of property owner(s), address, phone number, signature, and date of signature.
3. Address of property to be used for kennel (if different than above).
4. Name of business.
5. Site Plan, to include:
  - a. Property acreage, location and approximate acreage or dimensions of kennel area and runs.
  - b. Distance between kennel, exercise area and property line.
  - c. Customer parking area, if applicable.
  - d. Waste Disposal area (i.e. waste bin, spreading area, etc).
  - e. Location of all structures on property and distance to kennel area.
  - f. Location of well and septic system
6. Total number and breed(s) of dogs over six months of age to be permanently housed on property.
7. Number of dogs over six months of age to be temporarily (boarded) on property.
8. Number of Unsterilized Female Dogs to be housed on property for the purposes of breeding.
9. Number of kennel employees, full and part time (including owner/operator), and the approximate months, days and time periods per week employees will be overseeing kennel operations.
10. Ratio of dogs to employees (full-time equivalent).
12. Waste disposal plan, to include a copy of a contact with the waste hauler who will be “specifically” removing animal waste.
13. Proposed signage and location (maximum of one (1) non-illuminated sign not to exceed 12 sq ft located on the premises).

A copy of the complete application shall be proved to the applicable township by the Planning and Zoning office for their records.

### **Section VI. Public Nuisance**

No person owning, operating, having charge of, or occupying any building or premises shall keep or allow to be kept any dog which shall, by any noise, unreasonably disturb the peace and quiet as defined herein.

### **Section VII. Date of Effect**

All pre-existing Private and/or Commercial Kennels as defined in this ordinance shall comply with this ordinance within six months of the Date of Effect or shall be deemed guilty of a misdemeanor and shall be punishable according to State of Minnesota Law.

This provision was passed by the Sherburne County Board of Commissioners on the 1st day of August, 2006 and duly filed with the Sherburne County Auditor.

Effective date: September 5, 2006

Signed: Terry Nagorski, County Board Chair

The foregoing instrument was acknowledged before me this 2nd day of August, 2006.

Linda Colleen Bronson  
Signature of person taking acknowledgement

*Drafted by the Sherburne County Zoning Office  
Sherburne County Government*