

shall any unshielded light standard be placed closer than seventy-five (75) feet from any adjacent property line. Light standards with lights shielded to prevent direct lighting of adjacent properties may be placed as close as twenty (20) feet from a property line.

- D. No parking area shall be located within twenty (20) feet of Lot lines.
- E. No unsafe, uncomfortable, or offensive vibrations, noises, visual effects, odors, or air pollutants shall be allowed to radiate across Lot lines.
- F. Off-Street Parking requirements:
  - 1. Churches: at least one (1) parking space for each three (3) seats based on the design capacity of the main assembly hall.
  - 2. Schools (elementary and middle school): at least one (1) parking space for each classroom plus one (1) additional space for each employee. Sports facilities will require additional parking.
  - 3. Schools (high school through college): at least one (1) parking space for each ten (10) students based on design capacity plus two (2) additional spaces for each classroom. Sports facilities will require additional parking.
- G. Structures shall be designed and the grounds shall be landscaped so as to be harmonious with the neighborhood and with the district. Where existing residential uses on adjoining properties are sited at the side yard setback, the landscaping shall include landscape screening (fencing, earthen berms, trees, and shrubs, etc.) sufficient to protect the privacy of the adjacent residential use.
- H. A water meter shall be installed for the purpose of determining that the use is in compliance with regulations regarding the capacity of subsurface treatment systems contained in Minnesota Rules, Chapter 7080, and City Code, Chapter 14. If the use is not in compliance with such regulations, the City Council may order the owner to bring the individual sewage treatment system into compliance within a reasonable period of time, not to exceed one (1) year.

**SECTION 7A-809. DOG KENNELS.**

A. **Rural Residential District.** The keeping of four (4) or more dogs, over the age of six (6) months, requires a Residential Dog Kennel Permit. The property acreage determines the maximum number of dogs allowed.

1. **Residential Dog Kennel.** A Residential Dog Kennel Permit is required for keeping four (4) or more dogs, over the age of six (6) months. A maximum of ten (10) dogs are allowed in a Residential Dog Kennel. A Residential Dog Kennel Permit does not preclude the permittee from selling offspring, but does not allow boarding of dogs for a fee. Performance standards for a Residential Dog Kennel Permit include the following:

- (a) A Residential Dog Kennel is permitted under procedures prescribed in subsection 2. below.
- (b) The maximum number of dogs, over the age of six (6) months, allowed in a Residential Dog Kennel is based upon the following residential property acreage:

Less than 4 acres	4 dogs
4 acres or more and less than 6 acres	6 dogs
6 acres or more and less than 8 acres	8 dogs
8 acres or more	10 dogs

- (c) All dogs kept in a Residential Dog Kennel require up-to-date rabies vaccinations.

- (d) All dogs in a Residential Dog Kennel allowed out of doors must be contained on the permittee's property by a security fence, an electronic or "invisible fence," a tether, a leash, or under supervision and voice control.
  - (e) Dogs kept out of doors unattended for six or more hours shall be provided adequate shelter, which keeps the dog dry, allows the dog to retain body heat, and is large enough to stand, turn freely, and lie down in a natural position.
  - (f) Dog houses, cages, tethers, runs, or other out of doors containment areas shall be kept a minimum of seventy-five (75) feet from all property lines.
  - (g) Dog houses, cages, tethers, runs, or other out of doors containment areas may be allowed between the street and the principal building, only when there is fencing, landscaping, or natural vegetation which provides at least eighty (80) percent screening of the out of doors containment areas year round.
  - (h) Dog houses or pens that are enclosed within a principal building or authorized accessory building shall meet the setback required for the principal building or accessory building.
  - (i) Dog houses, cages, tethers, runs, or other out of doors containment areas shall be screened from any existing adjacent residence within one hundred fifty (150) feet. Adequate screening shall mean a privacy fence or landscaping sufficient to prevent views from neighboring residences to out of doors dog containment areas.
  - (j) Dogs shall have access to clean water at all times.
  - (k) Dogs shall be fed nutritious foods on a daily basis.
  - (l) Feeding times may be regulated in the Residential Dog Kennel permit.
  - (m) Food and water supplies and containers shall be kept in sanitary conditions.
  - (n) Dog food shall be kept in locations and containers sufficient to prevent vermin infestation.
  - (o) All dogs, including those under the age of six (6) months shall be kept in safe conditions and treated in a manner promoting the dogs' health and comfort.
  - (p) Dog excrement shall be removed and disposed properly from out of doors containment areas on a regular basis to prevent odor and infestation.
  - (q) Commercial Breeders shall keep and provide for dogs in a manner consistent with the Minnesota Department of Agriculture's "Best Management Practices for Care of Dogs and Cats by Dealers, Commercial Breeders, and Brokers," pursuant to 1994 Minnesota Laws, Chapter 642, Section 8, as may be amended from time to time.
  - (r) All other applicable requirements and provisions for animal control, as described in Chapter 4 of the City Code, shall be met.
  - (s) Dogs shall not be allowed to habitually bark and cause a public nuisance, as described in Chapter 5 of the City Code.
  - (t) Dogs shall be kept in compliance with all other federal, state and local laws, rules, regulations, guidelines, and ordinances.
  - (u) Permittees shall allow City personnel and its agents access to the kennel facilities at any time, upon reasonable notice, to inspect the facilities.
2. **Dog Kennel Permit.** Residential Dog Kennels in the Rural Residential District are permitted according to the following procedures and criteria:

- (a) Dog Kennels are permitted under the Interim Use Permit procedures prescribed in the City Code.
- (b) Applications for a Dog Kennel Permit shall include written and graphic information sufficient to address the performance standards for a Residential Dog Kennel.
- (c) Applications for a Dog Kennel Permit shall include a written description of measures proposed for animal safety during emergencies that occur when the facility is unattended.
- (d) Issuance of a Dog Kennel Interim Use Permit is not a substitute for or intended to replace other applicable requirements for permits, licenses or regulations by federal, state, or other units of government.
- (e) Dog Kennel Interim Use Permits are valid for a maximum of ten years, subject to administrative annual review and a 5-year, mid-term administrative review. Annual reviews shall include, but may not be limited to, the determination of the number and identification of dogs in the kennel and verification of up-to-date rabies vaccinations for all dogs. The 5-year, mid-term review shall include the determination that the kennel has operated in compliance with the conditions established for the kennel and that no substantiated complaint has been registered against the kennel. Failure to make such an administrative determination shall be grounds for permit revocation.
- (f) The permittee shall complete the annual permit review requirements established by the City.
- (g) Failure of the permittee to complete the annual review requirements within the timeframe required shall be grounds for permit revocation.
- (h) Kennel operators with prior licenses for dog kennels at the time of this Ordinance shall prepare a Compliance Plan, if the number of dogs allowed under prior licensing exceeds the number of dogs allowed in Section 7A-809 subdivision A. 1. (b). The Compliance Plan shall include the number and adequate identification of all existing dogs and commit to the eventual compliance with the maximum number of dogs allowed on the property through natural attrition of the dogs. The Compliance Plan will be a part of the Dog Kennel Interim Use Permit.
- (i) Dog Kennel Interim Use Permit fees are intended to cover the City's costs in administering kennel permitting, including at least one on-site inspection.
- (j) The costs of additional inspections and remedial actions required as a result of prior inspection follow-ups or resulting from complaints about the facility shall be borne by the permittee.
- (k) Upon expiration of a Dog Kennel Interim Use Permit, a permittee may reapply for an Interim Use Permit according to the procedures prescribed in this City Code.
- (l) Violations of the conditions of the Dog Kennel Interim Use Permit shall be grounds for permit revocation.

B. **Horse Racing District.** Dog Kennel Permits are not allowed in the Horse Racing District.

C. **Mixed Use Medium Density District, Mixed Use High Density District, Community Commercial District, General Commercial District, Highway Commercial District, General Business District, Light Industrial District and Commercial/Industrial District.** The mixed use, commercial and industrial zoning districts in the City include varying provisions for veterinary clinics, animal hospitals and

boarding facilities. Such uses may allow dog boarding facilities by Conditional Use Permit or by Interim Use Permit. The acreage requirements for commercial boarding facilities are determined by the minimum lot size in each district. Dog Kennels that are associated with owner occupied legal nonconforming residences in any commercial or industrial zoning district shall follow the regulations and permitting requirements for the Rural Residential District.

1. **Commercial Dog Kennel.** A Commercial Dog Kennel Permit is required for the boarding, breeding, training, and grooming of dogs for a fee in any commercial or industrial district that allows the boarding, breeding, training, or grooming of dogs. Boarding shall include temporary day time care of dogs and overnight care of dogs. A Commercial Dog Kennel Permit is not required for the overnight care of dogs or other domestic animals treated in a veterinary clinic or animal hospital. Performance standards for a Commercial Dog Kennel Permit include:
  - (a) A Commercial Dog Kennel is permitted under procedures prescribed in subsection 2. below.
  - (b) All dogs kept in a Commercial Dog Kennel require up-to-date rabies vaccinations.
  - (c) The minimum acreage for a Commercial Dog Kennel is determined by the minimum acreage requirements in the underlying zoning district.
  - (d) All boarding pens shall be contained within the principal structure.
  - (e) No more than sixty (60) dogs shall be allowed for overnight boarding in a Commercial Dog Kennel and no more than sixty (60) dogs shall be allowed for temporary day time care. The actual number of dogs allowed shall be based upon the capacity of the principal structure to contain boarding pens, indoor exercise or training areas, grooming areas, and feeding areas.
  - (f) Out of doors exercise areas must be enclosed by security fencing.
  - (g) Dogs in a Commercial Dog Kennel shall only be allowed out of doors under employee supervision, unless otherwise specified in the Commercial Dog Kennel Permit.
  - (h) The city may require screening for out of doors containment areas. Adequate screening shall mean a privacy fence or landscaping or combination thereof.
  - (i) Applicants for a Commercial Dog Kennel Permit shall describe measures for animal safety during emergencies that occur when the facility is unattended.
  - (j) Dogs shall have access to clean water at all times.
  - (k) Dogs shall be fed nutritious foods on a daily basis.
  - (l) Feeding times may be regulated in the Dog Kennel Permit.
  - (m) Food and water supplies and containers shall be kept in sanitary conditions.
  - (n) Dog food shall be kept in locations and containers sufficient to prevent vermin infestation.
  - (o) All dogs, including those under the age of six (6) months, shall be kept in safe conditions and treated in a manner promoting the dogs' health and comfort.
  - (p) Dog excrement shall be removed from indoor and out of doors containment areas on a daily basis. Excrement shall be disposed of in a manner consistent with approved solid waste disposal or by other manner approved by the City.

- (q) Dogs shall be kept and provided for in a manner consistent with the Minnesota Department of Agriculture’s “Best Management Practices for Care of Dogs and Cats by Dealers, Commercial Breeders, and Brokers,” pursuant to 1994 Minnesota Laws, Chapter 642, Section 8, as may be amended from time to time.
  - (r) All other applicable requirements and provisions for animal control, as described in Chapter 4 of the city Code, shall be met.
  - (s) Dogs shall not be allowed to habitually bark and cause a public nuisance, as described in Chapter 5 of the City Code.
  - (t) Kennels shall be operated in compliance with all other federal, state, and local laws, rules, regulations, guidelines, and ordinances.
  - (u) Permittees shall allow City personnel and its agents access to the kennel facilities at any time, upon reasonable notice, to inspect the facilities.
2. **Dog Kennel Permit.** Commercial Dog Kennels in the Mixed Use Medium Density District, Mixed Use High Density District, Community Commercial District, General Commercial District, Highway Commercial District, General Business District, Light Industrial District and Commercial/Industrial District are permitted according to the following procedures and criteria:
- (a) Commercial boarding facilities allowed as a conditional use in any of the commercial and industrial zoning districts shall follow the Conditional Use Permit procedures prescribed in the City Code.
  - (b) Commercial boarding facilities allowed as an interim use in any of the commercial and industrial zoning districts shall follow the Interim Use Permit procedures prescribed in the City Code.
  - (c) Applications for a Dog Kennel Permit shall include written and graphic information sufficient to address the performance standards for a Commercial Kennel.
  - (d) Applications for a Dog Kennel Permit shall include a written description of measures proposed for animal safety during emergencies that occur when the facility is unattended.
  - (e) Issuance of a Dog Kennel Permit is not a substitute for or intended to replace other applicable requirements for permits, licenses or regulations by federal, state, or other units of government.
  - (f) Applicants shall reimburse the City for all out of pocket costs associated with the issuance of the Dog Kennel Permit, facility inspections, and enforcement of the Dog Kennel Permit.