

CHAPTER 3**POLICE REGULATIONS****343. LIMITATIONS ON THE KEEPING OF ANIMALS AS PETS**

Section 343.01. Purpose. The purpose of this ordinance is to regulate the keeping of animals as pets within the City in order to protect the health, safety and welfare of the public and also of said animals. This ordinance is not intended to address the keeping of traditional farm animals or animals considered livestock, the regulation of which can be found in Chapter 8 of the Medina City Code.

Section 343.03. Definitions. As used herein, the following terms shall have the meanings ascribed to them by this section:

Subd. 1. Owner means any person, group, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having care, custody or control of a dog.

Subd. 2. Adult Dog means a dog older than four months of age.

Subd. 3. Private Kennel License: A Private Kennel License is approval from the City for a person to own, harbor, keep, or allow more than: (1) three Adult Dogs on a parcel 8 acres or less in size; or (2) four Adult Dogs on a parcel greater than 8 acres in size. Such dogs shall be kept as pets or fostering, without remuneration; and not for selling, boarding, breeding, treating, grooming or commercial purposes.

Subd. 4. Commercial Kennel: Any building, lot, household or dwelling which is used for:

- (a) the breeding of three or more litters of dogs or cats in a calendar year;
- (b) the selling, adopting, or transferring of more than 12 dogs per calendar year to another person, pet dealer, pet shop, kennel, pound, or animal rescue organization;
- (c) generating more than \$500 in gross income from the sale of animals to a person, research facility, exhibitor, dealer, or pet store during a calendar year; or
- (d) the purpose of generating income from the selling, boarding, breeding, treating, grooming, or other commercial purposes of animals that were not raised on the premises.

Section 343.05. Limitations on Keeping of Animals as Pets. No person shall own, harbor, keep, have custody of, or allow the following animals on property which he or she owns or

occupies:

Subd. 1. More than three Adult Dogs on a parcel 8 acres or less in size, or more than four Adult Dogs on a parcel larger than 8 acres, unless a Private Kennel License is obtained.

Subd. 2. Regulated animals as defined by Minnesota Statutes, section 346.155.

Subd. 3. Any poisonous animal or dangerous animal or any carnivorous animal which is wild by nature.

Subd. 4. Any animal not commonly accepted as a domesticated pet.

Subd. 5. Any combination of animals of any age kept in such numbers and under such conditions which endanger the health, safety, or welfare of the public or of said animals.

Section 343.07. Commercial Kennel. It shall be unlawful for any person, firm or corporation to operate a Commercial Kennel within the City except as allowed in Chapter 8 of the Medina City Code.

Section 343.09. Private Kennel Licenses. A person who seeks to own, harbor, keep, or allow more than the number of dogs specified in Section 343.05 on a property shall apply for a private kennel license.

Subd. 1. Private Kennel License, Administrative Review.

- (a) Number of dogs. An administrative private kennel license application process shall be followed if an Owner requests a license for the following number of Adult Dogs:
 - (1) four dogs on a parcel 8 acres or less in area.
 - (2) five dogs on a parcel larger than 8 acres.
- (b) Application. Application for an Administrative Private Kennel License shall be made to the City Clerk. The application shall include the following information:
 - (1) The name of the Owner and the legal description of the property;
 - (2) The number of dogs proposed and the location they will be housed from inclement weather;
 - (3) Mailing labels from Hennepin County for owners partly or wholly within the City within 350 feet of the Owner's property;
 - (4) Measures by which the Owner proposes to reduce potential impacts on neighboring property;
 - (5) Application fee as described by the City's fee schedule; and
 - (6) Additional information as requested by the City Clerk.
- (c) Notice. The City shall notify neighbors within 350 feet of an Owner's property prior

to approval or denial of the private kennel license. Said neighbors will have 10 days from the time to provide comment to the City.

- (d) **Review.** The City Clerk shall review the proposed license along with any comments received. The City Clerk will notify the Owner of approval or denial upon the completion of the review.
 - (1) The City Clerk may approve the license, attaching thereto any conditions necessary to protect the immediate neighborhood from conditions which endanger the health, safety, or welfare of the public or of the animals. These conditions may include, but are not limited to improved fencing and screening, noise mitigation, animal waste management, and adequate animal shelter provisions.
 - (2) The City Clerk shall deny said license upon finding that the granting of the private kennel license would likely endanger the health, safety, or welfare of the public or of the animals; or that granting of the private kennel license would likely create nuisance conditions as defined in Section 330.
- (e) **Appeals Process.** The owner may appeal the denial of an administrative private kennel license or any of the conditions attached to an approved license to the city council. The city council shall review the appeal to determine if the denial of the license or the condition required was necessary to protect the health, safety, or welfare of the public or of the animals.
- (f) **Waiver.** The City Council may grant a waiver from the limitation on the number of dogs allowed on a parcel 8 acres or less in area upon a showing of good cause by the owner and if it determines that such limitation is not necessary to protect the health, safety or welfare of the public or of the animals. In granting a waiver, the City Council may impose such conditions or requirements as it deems reasonably necessary to protect the health, safety or welfare of the public and the animals, to prevent the creation of a public nuisance under section 330 of this code and to protect the residential character of the property. The City Council may consider requests for waivers following mailed notice to the owners of all properties within 350 feet of the owner's property.

Subd. 2. Private Kennel License, City Council Review. A person seeking to own, harbor, keep, or allow more than five dogs on a property shall apply to the City Council for a private kennel license.

- (a) **Minimum size of property.** A Private Kennel License for more than four dogs may only be granted on property greater than eight acres in size.
- (b) **Application.** Application for a Private Kennel License shall be made to the City Clerk. The application shall include the following information:
 - (1) The name of the applicant and the legal description of the property;
 - (2) The number of dogs proposed and the location they will be housed from inclement weather;

- (3) Mailing labels from Hennepin County for owners partly or wholly within the City within 1000 feet of the Owner's property;
 - (4) Measures by which the Owner proposes to reduce potential impacts on neighboring property;
 - (5) Application fee as described by the City's fee schedule; and
 - (6) Additional information as requested by the City Clerk.
- (c) Notice. The City shall notify neighbors within 1000 feet of an Owner's property prior to City Council review of the private kennel license.
- (d) City Council Review.
- (1) The City Council may approve the license, attaching thereto any conditions necessary to protect the immediate neighborhood from conditions which endanger the health, safety, or welfare of the public or of said animals; or from conditions that are likely to create a public nuisance as defined in Section 330; or from conditions that fundamentally alter the residential character of the property. These conditions may include, but are not limited to:
 - (i) improved fencing and screening
 - (ii) noise mitigation
 - (iii) animal waste management
 - (iv) adequate animal shelter provisions
 - (v) increased setbacks for animal fencing and facilities
 - (2) The City Council shall deny said license upon finding that the granting of the private kennel license would likely create conditions which endanger the health, safety, or welfare of the public or of said animals; or from conditions that are likely to create a public nuisance as defined in Section 330; or from conditions that fundamentally alter the residential character of the property. These conditions may include, but are not limited to:
 - (i) significant noise impacts
 - (ii) significant odors from animal waste
 - (iii) inadequate lot size for number of dogs requested
 - (iv) proximity of animal facilities to adjacent neighbors
 - (v) potential for significant property damage

(vi) increased traffic and visitation inconsistent with the residential character of the property

(vii) a history of complaints regarding the applicants' dogs, substantiated by the Chief of Police

(viii) any situation which would unreasonably annoy, injure or endanger the safety, health, comfort, or repose of a neighbor or neighbors.

Subd. 3. Fees. The Owner shall be responsible to pay fees as established by ordinance when applying for a Private Kennel License.

Subd. 4. Records. A copy of the Private Kennel License shall be forwarded to the Chief of Police who shall maintain a register of all Private Kennel Licenses issued.

Subd. 5. Inspection. By application for the issuance of a Private Kennel License, the Owner consents to an inspection of the licensed premise by a city inspector at any reasonable time.

Subd. 6. Renewal and Revocation. The Private Kennel License shall be valid only to the Owner(s) and only for the specific property requested. No license renewal is required, unless as conditioned by the City Council. The Private Kennel License may be revoked by the City Council upon a showing that its operation endangers the health, safety, or welfare of the public or of the animals; or upon a showing that the conditions of the license have been violated.

Amendment History of this Section

Adopted July 19, 2011 (Ord. 506). Deleted Limitation on Keeping of Animals in its entirety from Section 330 and created new Section 343.

Amended February 21, 2012 (Ord. 520). Deleted limitations on the keeping of cats and rodents from Section 343.05.