

**TOWN OF EUREKA, DAKOTA COUNTY, MINNESOTA**

**Ordinance No. 2011-02**

**AN ORDINANCE AMENDING ORDINANCE 3, CHAPTER 7 (DOMESTIC AND NON-DOMESTIC ANIMALS)**

**1. AMENDMENT.** Amend the existing text of Ordinance 3, Chapter 7 as follows:

**Chapter 7: Domestic and Non-Domestic Animals**

The purpose of this ordinance is to protect the health, safety and welfare of the residents and citizens of Eureka Township, to protect confined domestic and nondomestic animals, and to protect the property rights of owners and non-owners of domestic and non-domestic animals.

**Section 1 - KEEPING OF DOGS**

A. Running at Large Prohibited

At no time shall any dog be permitted to run at large off the dog owner's property within the limits of the Township of Eureka.

B. Impounding

The pound master and every police officer shall impound any dog found running at large and shall give notice of the impounding to the owner of such dog, if known.

C. Penalty

Any person allowing a dog under his control to run at large shall be responsible for any costs incurred in kennel fees, impounding, transporting, euthanizing, adoption, and/or cremation of said animal.

**Section 2 – PRIVATE DOG KENNELS**

A. Private Dog Kennel Operator's License Required

1. No person shall keep six (6) or more dogs on a lot within the Township unless a private kennel is provided for the dogs. From and after the date of enactment hereof, nNo private dog kennel as defined in Ordinance 1, Chapter 4, housing six or more dogs, shall be operated or maintained within the Township of Eureka, unless the operator thereof shall first have applied for and obtained a Private Dog kKennel eOperator's lLicense. Such license shall be issued for one year. The operator of a private kennel shall pay an annual license fee as set forth in Ordinance 7.

2. Application for a Private Dog Kennel Operator's License shall be on a form prescribed by the Township and shall include the name and address of the owner and the operator of the kennel; the address where the kennel is to be located; a site plan of the property on which the kennel is to be located that includes the dimensions and location of the kennel and distances to all existing structures on the property and dwelling units on nearby properties; a photograph, schematic drawing or description of the kennel; and the number of dogs proposed to be kept. The applicant shall appear before both the Planning Commission and the Town Board at their next regularly scheduled monthly meetings to represent the license application.

3. Licenses shall expire on December 31 of each year. Application for renewal of a license shall be made to the Town Clerk and shall be accompanied by the annual renewal fee specified in Ordinance 7. The Town Board may require a pre-renewal inspection. If such an inspection is ordered, the kennel shall be inspected by both a Town Board and Planning Commission member before the license renewal shall be considered by the Town Board. The fee for licenses granted after commencement of the permit year shall be prorated on a quarterly basis.

4. No private kennel, other than one in operation at the time of the passage of this ordinance, shall be established within five hundred (500) feet of any dwelling ~~house~~unit, other than the dwelling unit occupied by the operator of the kennel, unless both the owner and lessee of said adjoining dwelling ~~house~~ unit consent in advance in writing to the establishment of said kennel. Said written consent shall be provided at the time of application.

B. Maintenance Requirements. The following requirements apply to any private dog kennel licensed hereunder:

1. The kennel shall be constructed of material appropriate for the animal being confined and sufficient to ensure the secure confinement of said animal.

2. The kennel shall be maintained in good repair.

3. The kennel shall be built to conform with all setback requirements for accessory buildings established in this ordinance.

~~4. Any private kennel licensed hereunder shall be kept and maintained at all times in a clean and sanitary condition.~~The kennel shall be maintained and operated in a neat and sanitary manner. All refuse, garbage and animal waste shall be placed in a waste receptacle and removed by a licensed waste hauler as often as necessary to prevent contamination, reduce disease hazards, and keep the surrounding area free from obnoxious odors.

5. The kennel shall provide adequate space for the number of animals using the kennel. If, following the issue of a license, a person intends to add more animals to a kennel, a new application must be submitted showing that the facilities are adequate for the added animals.

~~6. and dogs kept therein shall be reasonably restrained from annoying the neighborhood or general public by loud, frequent or habitual barking, yelping or howling. Dogs must at all times be housed or restrained in a manner which shall assure that the animals will not create a public nuisance. A public nuisance shall include but not be limited to:~~

a. keeping or harboring a dog that habitually barks, howls, whines or makes other discernable animal noises. Habitual barking, howling, whining, or other discernible animal noises shall be defined as barking, howling, whining, or other discernible animal noises for repeated intervals of at least ten minutes with less than one minute of interruption. Such animal noises must also be audible off of the owner's premises.

b. emission of offensive odors that unduly impairs the enjoyment of residents of surrounding properties;

c. presenting a danger to human life or property;

d. presenting a health hazard to human beings.

7. Dogs confined in the kennel shall be provided with adequate food and water to maintain all animals in good health.

8. Dogs confined in a kennel shall be inoculated against rabies. Any animal that has been bitten by a rabid animal, a rabies suspect, or is believed to have been exposed to rabies shall be subject to Minnesota Board of Animal Health rules governing impounding, quarantine, vaccination, and euthanasia.

C. Violation

Any violation of this section shall be a misdemeanor.

D. Revocation of license. The Town Board may revoke any private kennel license if the person holding such license, or any person subject to the direction or control of the person holding such license, refuses or fails to comply with the provisions of this ordinance, or any other applicable federal, state or local laws regarding the keeping of dogs, provided the following procedure is followed:

1. The Planning Commission shall hold a public hearing concerning said kennel license revocation, at which time the license holder and other interested parties may appear and be heard. The Planning Commission shall make a finding of facts and recommendation to the Town Board.

2. Notice of said hearing shall be mailed to the license holder no later than ten (10) days before the date of said hearing and shall be sent by certified mail.

3. Upon receiving the report and recommendation of the Planning Commission, the Town Board may at its discretion revoke the Private Dog Kennel Operator's License. Revocation shall require passage by a minimum of three (3) members of the Town Board.

4. Any person whose Private Dog Kennel Operator's License is revoked shall, within thirty (30) days, physically remove or dismantle the kennel. No part of the kennel license fee shall be refunded in such case.

**2. SEVERABILITY.** Should any section, subdivision, clause or other provision of this Ordinance be held to be invalid by any court of competent jurisdiction, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part held to be invalid.

**3. EFFECTIVE DATE.** The Ordinance shall take effect and be in force from and after its passage and publication.

Dated: March 14, 2011

\_\_\_\_\_  
Brian Budenski, Chair of Town Board

\_\_\_\_\_  
Nanett Sandstrom, Town Clerk

Summary of Ordinance No. 2011-02 was approved by the Town Board on March 14, 2011 and published in Thisweek Farmington/Lakeville Newspaper on March 18, 2011.