

# **CITY OF HAM LAKE PRIVATE KENNEL LICENSE APPLICATION PROCEDURES**

The following shall be required with a Private Kennel License application:

- Application forms completed
- \$250.00 Deposit
- Complete legal description of property
- Detailed site plan of property – include kennel area or fencing
- Written narrative regarding the number and types of dogs

Following receipt of this information, a public hearing will be scheduled and a notice of the public hearing will be published as a legal notice in the Anoka Union not less than 10 days prior to the hearing date. The notice of public hearing will also be mailed to all property owners within 750 feet of the subject property.

The applicant will receive notice of the public hearing and their presence is required at the public hearing meeting. The Planning Commission will make a recommendation and the City Council will take final action at its next City Council meeting, or when otherwise noted. The applicant's presence shall also be required for the City Council meeting.

Updated 8/06, 4/08, 5/09, 11/10, 8/11

## ***CITY OF HAM LAKE - ARTICLE 5 - ANIMAL CONTROL***

### **5-100 Dogs**

The following provisions shall govern the keeping and maintaining of dogs:

### **5-110 License Required**

No person shall keep any dog within the City without securing a license for said dog except as exempted by other portions of this Code. The City Clerk, or other persons, as may be authorized by the City Council, shall keep a record of all licenses issued and issue a tag, metal or other sturdy material, for all individual dog licenses issued.

### **5-111 Fee**

A fee shall be charged for dog licenses as set by the City Council by resolution from time to time.

### **5-112 Term**

A license, once issued, shall be valid for a period from the date of the last anti-rabies vaccination of the dog to the vaccinations expiration, as evidenced by the veterinarian's stated required in Article 5-180 of this Code.

### **5-113 Current License**

The license provided herein shall be required regardless of whether a dog has been or is currently licensed in any other community.

### **5-114 Time Requirements**

The license required herein shall be obtained not more than 30 days following the acquisition of any dog six months of age or older, or in the case of dogs less than six months of age, said license shall be obtained within 30 days of the attainment of the age of six months by any such dog.

### **5-115 Attachment of License**

Each dog for which a license is issued shall have such license securely attached to such dog at all times except when penned, tied or housed on the owner's property.

### **5-120 Running at Large Prohibited**

No dog shall be permitted to run at large within the City. The police officers and Animal Control Officer of the City or anyone else designated by the City Council to do so shall take up and impound any dog so running at large in violation of this provision, and such dog shall thereafter be handled in the same manner as provided herein for other impounded dogs. The restriction imposed by this Article shall not prohibit the appearance of any dog upon the streets, roads, or public property, or on property owned, leased or where permission is granted for such presence by the owner of such dog and such dog is on a leash and accompanied by, and under the immediate control of a competent person or is, if not so leashed, under the immediate control of a competent person charged with its care.

### **5-130 Barking Dogs**

No Person shall own, harbor, keep, or have in their possession or on their premises any dog which barks, cries, howls excessively, continuously or in an untimely manner, The phrase "barks, cries, or howls excessively, continuously or in an untimely manner" includes, but is not limited to, the creation of any noise by any dog which can be heard by any person, including a law enforcement office or animal control officer, from a location outside of the building or premises where the dog is being kept, and which noise occurs repeatedly over at least a five minute period of time, with a thirty second

or less lapse of time between each animal noise during the five minute period.

**5-140 Reserved**

**5-150 Private Dog Kennel** A private dog kennel is defined as any kennel which does not meet the definition of a Public Dog Kennel as found in Article 5-161, but which is located at a residence at which three or more dogs are kept as pets, bred for show, hunting, field trials or pleasure.

**5-151 License Required** A license shall be required for any Private Kennel. All licenses shall be for a period of one year from the date of issuance.

**5-152 Procedure for Issuance** No Private Dog Kennel License shall be issued until after a public hearing is held before the Planning Commission. Written notices of the public hearing shall be mailed to all residences within 750 feet of the outside perimeter of any location where dogs will be kept outside. Published notice of the public hearing shall also occur. Publication and mailing of notices shall occur not less than 10 days prior to the public hearing.

**5-153 Conditions of License**

**A.** Licenses shall be issued only for property that is zoned R-1, RS-1, RS-2 and R-A (or PUD carrying a single-family residential usage), and, depending on lot size, licenses shall further be restricted as follows:

**1)** On R-A lands, no license shall be issued for any lot containing less than one acre. For lots containing between one acre and 2.5 acres, a maximum of four dogs will be allowed. For lots in excess of 2.5 acres, a maximum of six dogs will be allowed.

**2)** On lands zoned R-1, RS-1 and RS-2 (or carrying one of those uses if a residential PUD), no license shall be issued for any lot containing less than one acre. For lots containing more than one acre, a maximum of four dogs will be allowed.

**3)** Lot size shall be measured from the center line of abutting roadways.

**5-154 Renewal of License** If no written complaints, including memorandum complaints from City staff or law enforcement personnel are received, all Private Kennel Licenses shall be automatically renewed by City Staff each year, upon payment of the renewal fee. If one or more written complaints are received, the Planning Commission shall review the renewal, and at the discretion of the Planning Commission, a public hearing meeting the requirements for initial issuance may be required. The City Council, after receiving the recommendations of the Planning Commission, may alter or amend the conditions of a Private Kennel License as the City Council deems appropriate.

**5-155 Denial or Revocation of License** If a license is denied upon initial application, the license holder shall be given written notice of the denial stating the reasons for the action. If the Planning Commission recommends revocation of a license, the license holder shall be given written notice of the reasons for the

proposed revocation, and shall be given the opportunity to be heard by the City Council prior to their taking action on the revocation.

**5-156 Fees** An initial license fee, and an annual license fee shall be established from time to time by resolution of the City Council. In addition, a license applicant shall reimburse the City for all costs of processing, publishing and mailing notices regarding any license or renewal.

#### **5-160 Public Dog Kennels**

##### **5-161 Definition**

A "public dog kennel" means a kennel where dogs owned by others are boarded for a fee.

##### **5-162 Conditional Use Permit Required**

Public dog kennels shall be permitted only by Conditional Use Permit, issued in accord with Article 9, and shall be permitted only in the following zoning classifications:

R-A Residential-Agriculture

##### **5-163 Standard of Operation**

- a. Health and Safety Standards  
All public dog kennels must conform to the statutes and regulations of any State or County agency having jurisdiction over such matters as fire control, cleanliness, temperature control, waste disposal, diet and animal treatment. Waste shall not be permitted to accumulate so as to create any odor detectable by adjoining property owners.
- b. Noise Control  
All public dog kennels shall be housed in masonry buildings, constructed in such a manner that animal noise cannot be heard from adjoining properties.
- c. Lot Size and Setback  
No public dog kennel shall be permitted on any lot containing less than 10 acres. All buildings and runways comprising the public dog kennel shall be constructed at a distance of at least 300 feet from adjoining property owners' dwellings or occupied business structures.
- d. Outside Runways  
Outside runways must be completely screened by an attractive solid fence at least six feet in height. The kennel operator shall not permit noise to be emitted from outside runways which can be heard by adjoining property owners.

- e. Fee  
Annual fee shall be required for all public dog kennels, to be established by resolution of the City Council.

##### **5-170 Lost or Stolen License**

Upon due proof, to the satisfaction of the City Clerk or person authorized to issue licenses, that said dog has been licensed, a duplicate license may be issued. The duplicate will be stamped with the letter "D".

##### **5-180 Anti-Rabies Vaccination Required**

No person shall keep any dog over six months of age within the City for a period of time in excess of 15 days unless said dog has been vaccinated with a current anti-rabies vaccine. This requirement shall apply to all dogs, including those being kept or boarded

at a kennel. Before issuing a dog license as provided in this Article, the City Clerk shall require that the person applying for a license for a dog present a signed statement from a licensed veterinarian certifying the date on which said dog was vaccinated with anti-rabies vaccine. If said vaccination is not current, the City Clerk shall not issue a license for said dog.

#### **5-190 Impounding**

The police officer, or such person so authorized by the City Council may impound any dog found unleashed or so running at large. Also, in the event that any dog bites a human being on public or private property, the police officer will immediately have the dog impounded at the animal shelter for the quarantine period or shall at their discretion, follow the Alternative Discretionary Impoundment as written in Article 5-193. The City Council shall, from time to time appoint an animal control contractor, who shall maintain a shelter for impounded animals (the "pound") and perform such other duties as may be contracted for. Notwithstanding the foregoing, if the owner of any dog so impounded shall prefer that the dog be confined for the quarantine period with a licensed veterinarian, the dog, once in the pound, may be transferred to the designated veterinarian upon compliance with the following conditions:

##### **5-190.1 Payment to pound**

The owner shall provide evidence that all charges for the initial transport and kenneling at the pound have been paid in full.

##### **5-190.2 Transport**

The owner shall arrange for the transport of the dog from the pound to the veterinarian in a manner acceptable to City staff; the owner shall provide evidence that costs of such transport have been paid in full.

##### **5-190.3 Confirmation by Veterinarian**

Prior to transporting the dog from the pound to the veterinarian, the City Staff shall be provided with a written statement from the veterinarian stating that the veterinarian will:

- a) Confine the dog in the manner required by law for the entire quarantine period.
- b) Look only to the dog owner, and not to the City, for payment of any veterinary or boarding costs associated with the confinement.

#### **5-191 Notice of Impounding**

Notice of impounding shall be given to the owner of such dog if known. In case the owner is unknown, the animal control contractor shall post notice at the pound that if the dog is not claimed within 5 days of the posting of the notice it will be sold to private party as a pet, or humanely killed and its carcass disposed of or may be sold. The animal control contractor shall house and feed in a humane manner any dog held at a pound. An impounding fee and charge for feeding shall be charged for any dog held at the pound which latter sum shall be paid to the animal control contractor.

#### **5-192 Interference with Pound**

It shall be a violation of this Article for any unauthorized person to break open the pound or to attempt to break open the pound or to take or let out any dogs therefrom, or to take or attempt to take from a police officer, dog catcher, or any other person authorized by the City Council in the discharge of his duties pursuant to this Code.

#### **5-193 Alternative Discretionary Impoundment**

Notwithstanding the provisions of Articles 5-190 through 5-193, a peace officer required by this Code to impound a dog who has bitten a human being, may, in the officer's discretion, make arrangements with the dog owner for the dog owner to impound the dog on the owner's own premises, for a quarantine period of ten (10) days, under the following conditions:

- a)** The peace officer must reasonably believe that the dog owner is a responsible person likely to observe the conditions of the quarantine, and that the premises in which the quarantine will take place is suitable. The only suitable premises will consist of a single family home having a garage or a fenced kennel area.
- b)** The bite committed by the dog must have been a bite which did not require suturing to treat the wound of the bite victim;
- c)** The dog must be kept indoors or within an outdoor fenced kennel, surrounded on all four sides by adequate fencing materials which are not penetrable by the dog, at all times within the quarantine period;
- d)** On the next business day following the commencement of the quarantine period, the dog owner must make a deposit of \$150.00 with the City Administrator, in cash or by personal check payable to the City, to reimburse the City for kennel charges if the owner violates the terms of the self-quarantine; if the dog owner observes all of the conditions of the self-quarantine, the entire \$150.00 deposit shall be refunded to the dog owner;
- e)** The owner must furnish evidence that the dog is currently licensed and within the required time period has had a rabies vaccination; a dog which, by reason of being less than six months of age, is not required to have a rabies vaccination, shall not be eligible for discretionary impoundment, and must be quarantined under the provisions of Article 5-190 through 5-190.3;
- f)** If the dog owner fails to observe any of the above conditions, the dog shall be immediately removed by a peace officer and quarantined as provided in Article 5-190 through 5-190.3.