



City of Burnsville

KENNEL LICENSE APPLICATION

Applications for Commercial license must secure a conditional use permit. The license shall be posted conspicuously on the premises where the kennel is located and the kennel shall be kept at all times in a clean and sanitary condition and the dogs shall be reasonably restrained from annoying the neighborhood or general public. Commercial kennels are not permitted in residentially zoned areas.

Definition for a Commercial Kennel:

A place where six (6) or more dogs over four (4) months of age are kept, or more than ten (10) cats over four (4) months of age are kept, or more than ten (10) ferrets over four (4) months of age are kept.

Definition for a Residential Hobby Kennel (issued by Animal Control):

A place where three (3) to five (5) dogs over four (4) months of age are kept, or six (6) to ten (10) cats over four (4) months of age are kept, or six (6) to ten (10) ferrets over four (4) months of age are kept.

For a Commercial Kennel, please complete the attached application and return to:

Licensing Coordinator
City of Burnsville
100 Civic Center Parkway
Burnsville, MN 55337
952-895-4460



CITY OF BURNSVILLE
 100 Civic Center Parkway
 Burnsville, Minnesota 55337
 Phone (952) 895-4460
 Fax (952-895-4512)

**APPLICATION FOR
 COMMERCIAL KENNEL LICENSE**

*Applicant Note:
 Complete application by computer or typewriter for record retention purposes. Incomplete applications will not be accepted. The information contained in this application becomes part of City of Burnsville's records upon receipt and is therefore accessible to the public. All licenses issued shall be valid only on the premises for which the license is issued. No transfer of any license to another location or person shall be valid without the prior approval of the Licensing Office. All licenses will be issued for a one year period. (January 1 to December 31). \$200 Commercial Kennel Fees are payable upon application.*

1. Name of Applicant: _____ Phone: _____
2. Address: _____
3. Address and legal description of property to be used for kennel/cattery: _____

4. Number and type of animals to be kept on the premises: _____

5. Application is a NEW _____ or RENEWAL _____ application (check one).
6. If this is a NEW application, attach a scaled drawing and provide a description of the primary enclosure in which the animals are proposed to be kept. _____

7. If this is a NEW application, describe the methods which will be used to maintain the premises in a clean and healthful condition. _____

8. If this is a RENEWAL application, have you changed the primary enclosure for the animals from what was shown on your original application? YES ____ NO _____. If yes, explain the changes and attach a revised drawing. _____

In submitting this application, I hereby agree to comply with the regulations imposed by the Burnsville City Code, including nuisance prohibitions, and Minnesota Statutes 346.35 to 346.44, cited as the "Pet and Companion Animal Welfare Act". I further agree to allow inspection of the premises by any health officer, animal control officer or other person charged with enforcement of the City Code. The information requested on this form will be used by the City of Burnsville in the issuance of your license or processing of your renewal application. The information that you supply on this form will become public information when received by the City of Burnsville. I have no intention or agreement to transfer the license to another person, or to allow any other entity to operate under the authority of the license.

I hereby solemnly swear that the foregoing statements are true and correct to the best of my knowledge and that I agree to comply with all the provisions of the ordinance under which this license is granted.

Date: _____

Signature of Applicant

Printed Name: _____

CHAPTER 2

ANIMALS

SECTION:

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6-2-1: **DEFINITIONS:** As used in this chapter, the following terms have the following meanings:

ANIMAL CONTROL
OFFICIAL

Person(s) contracted by the City to perform the duties of enforcing all applicable federal, state, and local laws, codes, ordinances, and regulations pertaining to animals

AT LARGE:

Not under "restraint" as defined herein.

BITE:	To seize with teeth or jaws so that the skin of the person or animal seized has been nipped or gripped, or has been wounded or pierced, including scratches, and includes probable contact of saliva with an existing break or abrasion of the skin.
DANGEROUS DOG:	Any dog that: a) without provocation, inflicted substantial bodily harm on a human being on public or private property; b) killed a domestic animal without provocation while off the owner's property; or c) been found to be potentially dangerous, and after the owner has notice that the dog is potentially dangerous, the dog aggressively bites, attacks, or endangers the safety of humans or domestic animals.
FERRET:	Any domesticated male or female descendant of the European polecat, whole or neutered.
GUARD DOG:	A dog trained both to guard property and to attack persons or animals coming upon premises containing such guard dog.
HOUSEHOLD PET:	A dog, cat or ferret, regardless of weight, or an animal not exceeding forty (40) pounds in weight that is usually and customarily considered a pet.
IMPOUND:	The actual physical restraint of a dog or other animal within an enclosed structure which will keep said animal apart from any people or other animals, excluding its owner or persons acting under authority of the owner.
KENNELS:	
RESIDENTIAL HOBBY KENNEL:	A place where three (3) to five (5) dogs over four (4) months of age are kept, or six (6) to ten (10) cats over four (4) months of age are kept, or six (6) to ten (10) ferrets over four (4) months of age are kept.
COMMERCIAL KENNEL:	A place where six (6) or more dogs over four (4) months of age are kept, or more than ten (10) cats over four (4) months of age are kept, or more than ten (10) ferrets over four (4) months of age are kept.
OWNER:	A person, group or corporation owning, keeping or harboring a dog or other animal
POTENTIALLY	Any dog that: a) when unprovoked, inflicts bites

DANGEROUS DOGS: on a human or domestic animal on public or private property; b) when unprovoked, chases or approaches a person upon the streets, sidewalks, or any public property in an apparent attitude of attack; or c) has a known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.

RESTRAINT: Shall have the following meanings in this Chapter:

(A) The controlling of an animal by a leash or other physical control.

(B) An animal while he is on the owner's property or while on another's property with that person's permission.

(C) The control of an animal by means of suitable fence, fixed pen or structure sufficient in strength and size to allow the animal to move about, but also able to prevent the escape of the animal by climbing, digging, chewing, manipulation of locks, gates or any other means.

(D) The controlling of an animal within a vehicle being driven or parked. (Ord. 249, 1-17-1983; amd. Ord. 265, 5-7-1984; Ord. 595, 11-20-1995; Ord. 729, 9-21-1998; Ord. 793, 6-5-2000)

6-2-2: **EXEMPTION FOR POLICE DOGS:** This Chapter shall not apply to police dogs while in the line of duty. (Ord. 249, 1-17-1983; amd. Ord. 265, 5-7-1984)

6-2-3: **LICENSE REQUIRED:** No person shall own, harbor or keep within the City a dog, cat or ferret over four (4) months of age unless a current license for such dog, cat or ferret has been obtained as herein provided. Licenses shall be issued on an annual basis and shall be for the whole of or unexpired portion of the year ending on December 31 next following the first effective day of the license. (Ord. 793, 6-5-2000)

6-2-4: **LICENSE APPLICATION:** The application for a license shall be made to the animal control official. It shall include such descriptive information as is necessary to provide a reasonable identification of the dog, cat or ferret and its owner. The license fee for such license shall be in an amount established by the Council annually. At the time of the license application, the owner of the dog, cat or ferret shall furnish proof that the dog, cat or ferret being licensed has been vaccinated for rabies and such vaccination is current. A license may be issued for dogs, cats or ferrets less than four (4) months of age without proof of rabies vaccination provided that the City Clerk or animal control official shall issue a ticket requiring proof of

vaccination be furnished to the City within a reasonable time after the dog, cat or ferret reaches four (4) months of age. (Ord. 793, 6-5-2000)

- 6-2-5: **LICENSE TAGS:** Upon issuance of a license by the animal control official, the licensee shall be provided with a tag bearing the license number, the words "City of Burnsville" and the year when the license begins or has begun. The issued tag shall be affixed securely to a collar or harness and must be worn by the animal at all times. The City may also choose to approve at an owner's request other forms of physical tagging or identification in lieu of metal tags. A license tag is not transferable to any other animal. If there is a change in ownership of a dog, cat or ferret during the license year, the new owner may have the current license changed to his name upon the payment of a transfer fee, or may secure a new license. If an official tag is lost, the owner may obtain a new tag by surrendering the receipt for the previous tag and by paying a sum to be determined by the City Council annually. (Ord. 793, 6-5-2000)
- 6-2-6: **RESTRAINT OF ALL DOGS AT ALL TIMES:** (Rep. by Ord. 595, 11-20-1995) .
- 6-2-7: **TREATMENT OF DOGS:** Every dog shall be provided with necessary food, water and shelter. Any dog which is kept outdoors or in an unheated enclosure shall be provided with shelter and bedding as prescribed in Minnesota Statutes, section 347.23. (Ord. 249, 1-17-1983; amd. Ord. 265, 5-7-1984)
- 6-2-8: **CONFINEMENT OF CERTAIN DOGS:** The owner shall confine within a building or secure enclosure any dog known to be dangerous or vicious, except when the dog is securely muzzled and in the control of a competent person. (Ord. 249, 1-17-1983; amd. Ord. 265, 5-7-1984)
- 6-2-9: **OBLIGATION TO PREVENT NUISANCES:** It shall be the responsibility of the owner or custodian of any animal in the City, whether permanently or temporarily therein, to prevent such animal from committing any act which constitutes a nuisance. It shall be considered a nuisance for any animal, including dogs, cats and ferrets, to habitually or frequently make animal noises including barking, crying, howling, meowing, or whimpering; to frequent school grounds, parks or other public areas while unrestrained; to chase vehicles; to fight with other animals; to chase and kill birds or other wildlife; to annoy any person if such person is not on the property of the animal owner or custodian of the animal; to molest, defile, destroy any public or private property; or to leave excrement on any property, public or private. (Ord. 793, 6-5-2000)
- 6-2-10: **ANIMAL POUND:** The Council may designate as an animal pound a suitable kennel either within or outside the limits of the City. (Ord. 249, 1-17-1983; amd. Ord. 265, 5-7-1984)
- 6-2-11: **ANIMAL CONTROL OFFICIAL (S) :** The Council shall designate qualified animal control official (s) as may be deemed necessary. (Ord. 249, 1-17-1983; amd. Ord. 265,5-7-1984)
- 6-2-12: **IMPOUNDING:**

(A) Impoundment; Time Of Keeping: Such officers as the Council shall designate to enforce this Chapter may take up and impound in the designated City animal pound any animal found in violation of this Chapter or that commits any act constituting a nuisance under this Chapter.

(B) Notice Of Impoundment: Immediately upon the impounding of an animal wearing a current license, the animal warden shall make a reasonable effort to notify the owner of such animal of such impoundment and the conditions whereby the owner may regain custody of the animal. Any oral notices shall immediately be confirmed in writing.

(C) Proof Of License: Any animal owner shall produce for the officer's inspection the owner's license or receipt if requested to do so by such officer.

(D) Impoundment Of Inhumanely Treated Animals: All animals seized on behalf of the City under Minnesota Statutes, section 343.22 or 343.29 for cruel treatment to an animal must be held for redemption by the owner for at least ten (10) days unless a veterinarian authorizes immediate destruction of the animal. In the case of an animal raised for food or fiber products, the animal may not be seized or disposed of without prior examination by a licensed veterinarian pursuant to a warrant issued by a judge.

1. Security: A person claiming an interest in an animal seized under Minnesota Statutes, section 343.22 or 343.29 may prevent disposition of the animal by posting security in an amount sufficient to provide for the animal's actual costs of care and keeping. The security must be posted within ten (10) days of the seizure inclusive of the date of the seizure.

2. Notice: The City must give notice of this subsection by delivering or mailing it to a person claiming an interest in the animal or by posting a copy of it at the place where the animal is taken into custody or by delivering it to a person residing on the property, and telephoning, if possible. The notice must include:

a. A description of the animal seized; the authority and purpose for the seizure; the time, place, and circumstances under which the animal was seized; and the location, address, telephone number, and contact person where the animal is kept;

b. A statement that a person claiming an interest in the animal may post security to prevent disposition of the animal and may request a hearing concerning the seizure or impoundment and that failure to do so within ten (10) days of the date of the notice will result in disposition of the animal;

c. A statement that all actual costs of the care, keeping, and disposal of the animal are the responsibility of the person claiming an interest in the animal, except to the extent that a court or hearing officer finds that the seizure or impoundment was not Substantially justified by law; and

d. A form that can be used by a person claiming an interest in the animal for requesting a hearing under this subsection.

Upon request of a person claiming an interest in the animal, if made within ten (10) days of the date of seizure, a hearing must be held within five (5) business days of the request, to determine the validity of the seizure and impoundment. In the case of a seizure pursuant to a warrant issued under Minnesota Statutes, section 343.22, the hearing must be held by the judge who issued the warrant. In the case of a seizure under Minnesota Statutes, section 343.29, the City may either: 1) authorize a licensed veterinarian with no financial interest in the matter or professional association with either party; or 2) use the services of a hearing officer to conduct the hearing. A person claiming an interest in the animal who is aggrieved by a decision of the hearing officer may seek a court order governing the seizure or impoundment within five (5) days of notice of an order. (Ord. 595, 11-20-1995)

6-2-13: **BITING; IMPOUNDMENT:**

(A) It shall be the duty of every person having knowledge of a dog, cat or ferret bite, excluding bites where the victim is a member of the animal owner's immediate family, or a bite by any animal suspected of having rabies which occurred within the City, to report the same to the police as soon as practicable after the bite occurs. This report shall include the name and address of the owner of the animal if known, the description of the animal, and the name, address and age if known of any person injured. (Ord. 793, 6-5-2000)

(B) Any animal which may have exposed a person to rabies by bite or other manner may be immediately seized whether on or off the owner's premises and quarantined for a period of at least ten (10) days. Such impounding may be by the owner except as otherwise provided. The owner shall notify the animal control official and shall furnish written certification that the animal is being impounded.

In the case of an animal with no known owner, the animal shall be quarantined in the City pound. Where no current rabies vaccination of the animal can be proven or upon written demand by the bite victim to the City animal control official or police officer, the animal shall be impounded at the City pound. The owner may, however, provide impoundment at an approved animal kennel or veterinarian, provided that until such provision is made the animal shall be impounded in the City pound. In either case, the owner shall be responsible for the impoundment costs and shall make arrangements in advance for the payment of these costs.

In the case of election to use an approved kennel, the owner shall furnish written proof that such animal is being so impounded. For the purposes of this Section, an "approved animal kennel" shall mean a kennel within or outside the City limits that is approved by the City or the animal control official and that has entered into an agreement with the City to keep animals in a manner consistent with this and all other ordinances of the City. The owner shall be responsible for the impoundment costs and shall make arrangements in advance for the payment of these costs

including posting a bond or cash escrow of (at least four hundred dollars (\$400.00) to assure proper care and maintenance of the animal.

(C) If the attending physician, health officer, police officer or animal control official deems it necessary, the animal shall be euthanized and examined for rabies to determine if it was diseased.

(D) The City may have an autopsy performed on any dead animal which had been impounded or on an animal dying while impounded to determine if it was diseased and the cause of death.

(E) Upon expiration of the required ten (10) days, if the animal does not have rabies, it may be released and the animal control official notified just prior to the release. If the animal is impounded in the City pound, such animal may be reclaimed as hereinafter provided.

(F) Any animal that has been bitten by a rabid animal or believed to have been exposed to rabies shall be confined and maintained in accordance with the rules and regulations promulgated by the State Board of Animal Health. It shall be the responsibility of the owner of the animal to notify the animal control official of such bites and exposure to rabies. If the owner fails to provide as set forth above for the care and maintenance of the animal, then the City may at its discretion humanely destroy the animal. (Ord. 595, 11-20-1995)

6-2-14: **EXCEPTIONS TO IMPOUNDMENT:** Animals may be immediately destroyed if: a) an animal is diseased, vicious, rabid, or exposed to rabies and cannot be impounded after a reasonable effort or without serious risk to the person attempting to impound or others; or b) upon a proper determination by a licensed doctor of veterinary medicine that the animal is suffering and is beyond cure through reasonable care and treatment. (Ord. 595, 11-20-1995)

6-2-15: **LENGTH OF IMPOUNDMENT:** Except as otherwise provided in this Chapter, all animals seized by or on behalf of the City must be held for redemption by the owner for at least five (5) regular business days of the impounding agency. If such animal has bitten a person, or is suspected of being rabid or believed to have been exposed to rabies, it shall be kept as specified in Section 6-2-13 of this Chapter. For the purpose of this Chapter, "regular business day" means a day during which the establishment having custody of an animal is open to the public not less than four (4) consecutive hours between the hours of eight o'clock (8:00) A.M. and seven o'clock (7:00) P.M. (Ord. 595, 11-20-1995)

6-2-16: **RECLAIMING OR DISPOSING OF IMPOUNDED ANIMALS:**

(A) Reclaiming Impounded Animals: Before reclaiming a dog, cat, ferret, or other animal, the owner shall pay an impounding fee as determined by Council resolution, plus the cost to the City of keeping the animal in the pound. If at the end of the impounding period the animal is not reclaimed by the owner, such animal shall be deemed to have been abandoned and may be sold to any person. (Ord. 793, 6-5-2000)

(B) Unclaimed And Unredeemed Animals: At the end of the five (5) day period, all animals which remain unredeemed must be made available to any licensed institution, as defined in Minnesota Statutes section 35.71, subdivision 1, which has requested that number of animals, under the terms provided under Minnesota Statutes section 35.71. If such animal is not required by a licensed institution, the animal may be sold to any person. If the purchaser of the animal keeps or harbors the animal in the City, any required license shall be obtained before possession of the animal is given to the purchaser.

If any animal is not reclaimed, released to an institution, or sold, then it may be destroyed in a humane manner. (Ord. 595, 11-20-1995)

(C) Reclaimed Or Released Dogs, Cats Or Ferrets: If an impounded dog, cat or ferret requires a City license, such license shall also be obtained and an unlicensed penalty fee, as established by the Council annually, shall be paid before the animal is released. No dog, cat or ferret shall be released until sufficient proof of vaccination has been shown. If no proof of vaccination can be shown the dog, cat or ferret may be released, but the animal control official shall issue a notice requiring the owner to produce proof of vaccination within ten (10) days of release. If proof of vaccination is not produced within ten (10) days, the City may issue a citation. (Ord. 793, 6-5-2000)

(D) Treatment: Any animal which is impounded in the City pound shall be kept with kind treatment and sufficient food, water, and shelter for the animal's comfort in accordance with the laws of the State. (Ord. 595, 11-20-1995)

6-2-17: **DANGEROUS DOGS:**

(A) Guard Or Attack Dogs: No owner shall keep or harbor any guard dog unless such person shall first register with the City Clerk, on forms provided by the Clerk, a description of such dog, giving the address of the premises where the dog will be kept within the City and the names, addresses and telephone numbers of the owner and handler. There shall be posted in a conspicuous place on the premises containing such dog a sign not less than twelve inches by twelve inches (12" x 12") bearing the legend, "Beware Dangerous Dog on Premises". Also included on the sign shall be a telephone number indicating where the handler of the dog can be reached.

(B) Potentially Dangerous Dogs:

1. Ownership of potentially dangerous dogs, including guard or attack dogs that meet the definition of "potentially dangerous dogs", within the City, with the exception of ownership by a public law enforcement agency, is subject to the following regulations:

a. Leash And Muzzle: No person shall permit a potentially dangerous dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than four feet (4') in length, with an adult in physical control

of the leash. However, a potentially dangerous dog may be kept unattended on a chain, rope or other type of leash outside its kennel or pen only if it is muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.

b. Confinement: All potentially dangerous dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed, or chained and muzzled as above provided. All structures used to confine potentially dangerous dogs must be locked with a key or combination lock when such animals are within the structure. All structures erected to house potentially dangerous dogs must comply with all zoning and building regulations of the City. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.

c. Signs: All owners of potentially dangerous dogs within the City shall within thirty (30) days of the effective date of this Section display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Potentially Dangerous Dog", including a warning symbol to inform children. In addition, a similar sign is required to be posted on the kennel or pen of such animal.

2. It shall be unlawful for the owner of a potentially dangerous dog to fail to comply with the requirements and conditions set forth in this Section. Any dog found to be the subject of a violation of this Section shall be subject to immediate seizure and impoundment in accordance with Sections 6-2-15 and 6-2-16 of this Chapter. In addition, failure to comply will result in the revocation of the license of such animal requiring immediate removal of the animal from the City. (Ord. 595, 11-20-1995)

(C) Dangerous Dogs:

1. Exemptions:

a. A dog shall not be declared a "dangerous dog" if the threat, injury, or damage was sustained by a person: 1) who was committing, at the time, a willful trespass or other tort upon the premises occupied by the owner of the dog; 2) who was provoking, tormenting, abusing, or assaulting the dog or who can be shown to have repeatedly, in the past, provoked, tormented, abused, or assaulted the dog; or 3) who was committing or attempting to commit a crime.

b. This subsection (C) shall not apply to dangerous dogs used by law enforcement officials for police work.

2. Registration:

a. All dangerous dogs must be registered with the City. The City shall issue a certificate of registration to the owner of a dangerous dog if the owner presents sufficient evidence that:

(1) A proper enclosure. exists for the dangerous dog as required under this Section and a posting on the premises with a clearly visible warning sign as required under this Section, including a warning symbol to inform children, that there is a dangerous dog on the property; and

(2) A surety bond issued by a surety company authorized to conduct business in this State in a form acceptable to the County in the sum of at least fifty thousand dollars (\$50,000.00), payable to any person injured by the dangerous dog, or a policy of liability insurance issued by an insurance company authorized to conduct business in this State in the amount of at least fifty thousand dollars (\$50,000.00), insuring the owner for any personal injuries inflicted by the dangerous dog. Such insurance policy shall provide that no cancellation of the policy will be made unless ten (10) days' written notice is first given to the City Clerk.

b. At the time of registration, the City shall provide to the owner of the dangerous dog for posting on the owner's property a copy of a warning symbol to inform children that there is a dangerous dog on the property.

3. Fees:

a. Registration: The City shall charge an annual registration fee, in addition to any regular dog licensing fees, which amount shall be set by resolution of the City Council from time to time.

b. Warning Symbols: The City shall charge a fee for warning symbols provided to owners of dangerous dogs for posting on their property, which amount shall be set by resolution of the City Council from time to time.

4. Requirements: Owners of dangerous dogs within the City shall comply with the following:

a. Tag: A dangerous dog must have a standardized, easily identifiable tag identifying the dog as dangerous and containing the uniform dangerous dog symbol required by the City affixed to the dog's collar at all times.

b. Confinement; Leash And Muzzle: All dangerous dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, or confined by leash and muzzle in accordance with the provisions of subsection (8)1 of this Section.

5. Confiscation:

a. Seizure: The City shall immediately seize any dangerous dog if:

- (1) After fourteen (14) days after the owner has notice that the dog is dangerous, the dog is not validly registered under this Section;
- (2) After fourteen (14) days after the owner has notice that the dog is dangerous, the owner does not secure the proper liability insurance or surety coverage as required under this Section;
- (3) The dog is not maintained in the proper enclosure; or
- (4) The dog is outside the proper enclosure and not under physical restraint of a responsible person as required under this Section.

b. Reclaimed: An owner may reclaim a dangerous dog seized under this Section, by paying impounding and boarding fees and presenting proof to the City that the requirements of this Section have been met. The City may dispose of a dog that is not reclaimed within seven (7) days and the owner is liable to the City for costs incurred in confining and disposing of the dog.

c. Subsequent Offenses: The City shall seize any dog where a person has been convicted of a misdemeanor for violating Minnesota Statutes section 347.51 or 347.52, and the person is charged with a subsequent violation relating to the same dog. If the person is convicted of the crime for which the dog was seized, the City will destroy the dog in accordance with the order of the court and the owner shall pay cost of confining and destroying the animal. If the person is not convicted of the crime for which the dog was seized, the dog may be reclaimed pursuant to subsection (C)5b of this Section or disposed of within seven (7) days if unclaimed. (Ord. 729, 9-21-1998)

6-2-18: KENNEL LICENSES:

(A) Requirements: No person shall operate a commercial or residential hobby kennel without a license to do so from the City Clerk or animal control official. The license application shall state the name and address of the kennel owner, the type of kennel, the location of the kennel, and the number of animals proposed to be kept. The license to operate a commercial kennel shall be for one year and shall expire on December 31 of each year. The license to operate a residential license shall be for two years to run concurrent with tag licensing. Each application for a license shall include payment of a fee as established by the City Council from time to time.

In addition to the license required herein, the applicant for a commercial kennel license must also secure a conditional use permit. Each kennel license shall be posted conspicuously on the premises where said kennel is located.

Every kennel shall be kept at all times in a clean and sanitary condition and the animals shall be reasonably restrained from annoying the neighborhood or the general public. (Ord. 283, 12-16-1985)

(B) Revocation: Any kennel license may be revoked by the Council by reason of any violation of this Code, or by reason of the violation of any health or nuisance ordinance, order, law, or regulation. (Ord. 595, 11-20-1995)

6-2-19: ANIMAL CONTROL OFFICIAL REPORTS AND RECORDS:

(A) Reports: The City animal control official shall:

1. Report, account for, and pay monthly to the City all monies received on behalf of the City such as license or other fees; and
2. Give a written report monthly to the City stating the number of licenses issued, name and address of residential kennel licenses issued, the number and type of animals licensed at the residential kennels, the number of animals impounded, the duration of the impoundments, and a reporting of all animals sold or destroyed.

(B) Records: The City pound must maintain the following records of the animal in custody, and preserve the records for at least six (6) months:

1. The description of the animal by species, breed, sex, approximate age, and other distinguishing traits;
2. The location at which the animal was seized;
3. The date of seizure;
4. The name and address of the person from whom any animal three (3) months of age or over was received; and
5. The name and address of the person to whom any animal three (3) months of age or over was transferred.

The records must be in a form permitting easy perusal by the public and open to the public during regular business hours. (Ord. 595, 11-20-1995)

6-2-20: **ANIMALS WITHIN CITY LIMITS:** Except as otherwise provided, no person shall keep any animal other than a household pet within the City. No more than two (2) dogs over the age of four (4) months shall be maintained at anyone residence or premises. No more than five (5) cats over the age of four (4) months shall be maintained at anyone residence or premises. No more than five (5) ferrets over the age of four (4) months shall be maintained at anyone residence or premises. (Ord. 793, 6-5-2000)

(A) Keeping Of Nondomesticated Animals Prohibited:

1. Definition: As used in this Section, "nondomesticated animal" means any wild animal, reptile or fowl, which is not naturally tame or gentle but is of a wild

nature or disposition or which, because of its size, vicious nature, or other characteristics would constitute a danger to human life or property.

2. Prohibited Animals: No person shall keep, maintain or harbor within the City any of the following animals:

a. Any animal or species prohibited by Minnesota or Federal law. (Ord. 317, 3-2-1988)

b. Any domesticated animal or species, including, but not limited to, the following:

(1) All skunks, whether captured in the wild, domestically raised, descended or not descended, vaccinated against rabies or not vaccinated against rabies.

(2) All large cats of the family Felidae, such as lions, tigers, jaguars, leopards, cougars and ocelots, except commonly accepted domesticated house cats.

(3) All members of the family Canidae, such as wolves, foxes, coyotes, dingoes and jackals, except domesticated dogs.

(4) All crossbreeds, such as crossbreeds between dogs and coyotes or dogs and wolves, but does not include crossbreeds between domesticated animals.

(5) All poisonous snakes, such as rattlesnakes, coral snakes, water moccasins, cobras or copperheads.

(6) All raccoons.

(7) All apes and monkeys.

(8) All other animals which are not listed explicitly above, but which can be reasonably defined by the terms in subsection (A)1 of this Section including bears, wolverines and badgers. (Ord. 793, 6-5-2000)

3. Selling Prohibited: No person shall offer for sale, within the City limits, any animal prohibited in subsections (A)1 and (A)2 of this Section.

4. Exceptions; Permit Required:

a. Any persons desiring to keep animals prohibited under subsections (A)1 and (A)2 of this Section shall obtain a temporary permit from the City Council. Such a permit shall be issued for a period not to exceed thirty (30) days and shall specify further conditions under which such animals shall be kept; provided, however, that no such permit shall be issued unless

such prohibited animal is brought into the City for entertainment, exhibition, show or promotional purposes only. A public zoo or other institution engaged in a permanent display of animals may be issued a permanent permit, provided applicable zoning requirements are met.

b. Nonpoisonous snakes, birds kept indoors, hamsters, mice, rabbits, gerbils, white rats, guinea pigs, chinchillas, turtles or lizards, and similar small animals capable of being maintained continuously in cages are also exempt and do not require a permit.

c. Persons keeping animals for a public zoo as volunteers, docents or otherwise, any bona fide research institution or veterinary hospital are exempt from the permit requirement, provided protective devices adequate to prevent such animals from escaping or injuring the public are provided.

d. Handicapped persons keeping monkeys trained as household helpers are exempt.

5. Impounding Of Nondomesticated Animals: Any nondomesticated animal kept in violation of this Section may be impounded by the City, and after being so impounded for five (5) days or more without being reclaimed by the owner may be destroyed or sold. Any person reclaiming such impounded animal shall pay the costs of impounding and keeping the same.

6. Existing Nondomesticated Animals: Anyone keeping or maintaining any nondomesticated animal at the time that this section is adopted has ninety (90) days in which to comply with the provisions of this section. Extensions beyond ninety (90) days may be granted for just cause by the city council.

7. Penalty: Violation of any provision of this subsection (A) shall be a misdemeanor. (Ord. 317, 3-2-1988)

6-2-21: **EXCEPTIONS:**

(A) Persons may keep any type of animal in an area zoned R-1A (one family rural residential district) or upon property which on the effective date of this chapter harbors animals other than or in addition to household pets, provided that persons keeping the animals must fully comply with the provisions of sections 6-2-22 through 6-2-27 of this chapter and provided further that on property other than R-1A the type and number of animals may not be increased over those kept on the date of this chapter and should said property cease to harbor animals other than household pets for any consecutive twelve (12) month period, then the right to keep such animals on said property shall cease. (Ord. 249, 1-17-1983; amd. Ord. 265, 5-7-1984)

6-2-22: **CONDITIONS OF KEEPING:** No person shall allow any animal under his ownership or control to disturb the peace and quiet of the city or to otherwise become a public or private nuisance so as to annoy, injure, or endanger the health, safety, comfort, or repose of the public. Nor shall the owner of any animal

maintain it in a manner so as to create a nuisance to owners of property adjacent to or in close proximity with the property on which said animal is located. (Ord. 249, 1-17-1983; amd. Ord. 265, 5-7-1984)

6-2-23:

FACTORS TO BE CONSIDERED: Factors to be considered in deciding whether the keeping of an animal creates a public or private nuisance include, but are not limited to, the following:

- (A) The condition of any structure or building wherein any animal is kept.
- (B) The proximity of pens, fences and other structures to adjacent property lines.
- (C) The general nature and characteristics of neighborhood.
- (D) The number of animals kept on anyone parcel.
- (E) The relative size of the parcel on which the animals are kept.
- (F) The type of animal being kept.
- (G) The extent to which neighboring property is protected from the effects of said animals, e.g., solid fences, landscape screening, buffer areas, etc.
- (H) The presence of objectionable odors and/or noise.
- (I) The relative danger the animal would pose if exposed to the general public. (Ord. 249, 1-17-1983; amd. Ord. 265, 5-7-1984)

6-2-24:

STABLES AND OTHER STRUCTURES:

- (A) Every stable or other building wherein any animal is kept shall be constructed of such material and in such manner that it can be kept clean and sanitary at all times.
- (B) The city may, if it deems such measures necessary in order to avoid a nuisance, require that any such building be screened tightly against flies, and/or that it be provided with running water, drain sewer connection, floor impervious to water, facilities for the accumulation of manure and such other measures as may be necessary to prevent a nuisance. (Ord. 249, 1-17-1983; amd. Ord. 265, 5-7-1984)

6-2-25:

PENS; YARDS: All structures, pens, coops or yards wherein animals are kept or permitted to be shall be maintained in a clean and sanitary condition, devoid of all rodents and vermin, and free from objectionable odors. Such structures shall be maintained in good condition and shall be sufficient in strength and size to allow the particular animal being kept to move about, but also able to prevent the escape of the animal by climbing, digging, chewing, manipulation of locks, gates or any other means if such restraint is necessary to prevent the creation of a nuisance. The city, upon complaint of any individual, shall inspect any such

structure or premises and issue any such order as may be necessary to carry out the provisions hereof. (Ord. 249, 1-17-1983; amd. Ord. 265, 5-7-1984)

6-2-26: **ANIMALS AT LARGE:** No person shall suffer, allow, or permit an animal owned by them or in their care to be at large within the city. (Ord. 595, 11-20-1995)

6-2-27: **BEACH AREAS:** No animal shall be ridden, led or otherwise enter any beach area or any body of water from a beach area or any developed recreational facility on any public land area unless specifically authorized by a sign posted by the city. (Ord. 249, 1-17-1983; amd. Ord. 265, 5-7-1984)

6-2-28: **PROHIBITION OF DEER FEEDING:**

(A) Prohibition: No person may place or permit to be placed on the ground, or within five feet (5') of the ground surface any grain, fodder, salt licks, fruit, vegetables, nuts, hay or other edible materials (including feed for birds), which may reasonably be expected to intentionally result in deer feeding, unless such items are screened or protected in a manner that prevents deer from feeding on them. Living fruit trees and other live vegetation shall not be considered as deer feeding.

(B) Exceptions: This prohibition shall not apply to:

1. Veterinarians, city animal control officials or county, state or federal game officials who are in the course of their duties, have deer in custody or under their management;
2. Persons authorized by the city of Burnsville to implement the deer management program approved by the City Council; or
3. Any food placed upon the property for purposes of trapping or otherwise taking deer where such trapping or taking is pursuant to a permit issued by the Minnesota department of natural resources.

(C) Penalty: First violation of this section shall result in a written warning from city staff. Subsequent violations shall be a petty misdemeanor.

(D) Effective Date: This section shall be effective upon adoption. (Ord. 828,9-17-2001)

6-2-29: **VALIDITY:** A declaration by a court of competent jurisdiction which invalidates any part of this chapter shall not affect the remaining parts thereof. (Ord. 828, 9-17-2001)

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6-2-30: **PROHIBITION OF WATERFOWL FEEDING:**

(A) Prohibition: No person may feed waterfowl on private or public property in the city of Burnsville, or place or permit to be placed on the ground, shoreline, water body, or any structure food, food byproducts, garbage or animal food,

which may reasonably be expected to intentionally result in goose feeding, unless such items are screened or protected in a manner that prevents geese from feeding on them.

(B) Exceptions: This prohibition shall not apply to:

1. Veterinarians, city animal control officials or county, state or federal game officials who are in the course of their duties, have waterfowl in custody or under their management;
2. Persons authorized by the city of Burnsville to implement the Canada goose management program and any future waterfowl management programs approved by the city council; or
3. Any food placed upon the property for purposes of trapping or otherwise taking geese and other waterfowl where such trapping or taking is pursuant to a permit issued by the Minnesota Department of Natural Resources.

(C) Penalty: First violation of this section shall result in a written warning from city staff. Subsequent violations shall be a petty misdemeanor.(Ord. 881, 6c2-2003) March 2006