



City Council Memorandum

To: Mayor Fasbender & City Councilmembers
From: Emily King, Deputy City Clerk
Date: January 16, 2024
Item: 1st Reading: Ordinance Amendment – Chapters 91.06, 91.31, 110.16, and 155.21 - Kennels

Council Action Requested:

Consider First Reading of the amendments to Hastings City Code Chapters 91.06, 91.31, 110.16, and 155.21, regarding Kennels.

Background Information:

City staff is proposing a number of modifications to the chapters in City Code related to Kennels. City Ordinance uses the term “kennels” to describe a structure *and* a Commercial Business. Updating the language would provide a better understanding of the requirements for a Commercial Kennel license. The proposed ordinance amendment defers to state agency licensing for those interested in Commercial Kennels. The City identified our current code limits the locations of where commercial kennels may operate. Below is a brief summary of the proposed changes for each section.

Chapter 91.06: Cat Regulation **REPEAL SECTION**

Remove the language in this section as it does not properly reflect current practices. Animal violations are covered by Chapter 10.25 Administrative Citations.

Chapter 91.31: Kennel **CHANGE TITLE to Number of Animals**

Staff is proposing to change the title of the section and to modify language in relation to the number of animals allowable from a current combination of 3 cats and/or dogs to proposed limit of 4 cats and 3 dogs.

Chapter 110.16: Kennel; Animal Shelter **REPEAL SECTION**

Removing this section defers to State agency licensing.

Chapter 155.21: Agriculture Zoning District **AMEND**

Add “Commercial” to subdivision C (9) to clarify the use of the word kennel as it refers to Commercial Kennels in the Agricultural District.

Financial Impact:

N/A

Advisory Commission Discussion:

The Planning Commission held a public hearing and reviewed the proposed amendment to Chapter 155.21. No public comments were received. The Planning Commission voted to approve the proposed amendments 5 Ayes – 0 Nays on January 8, 2024

Council Committee Discussion:

Administration Committee of Council held a meeting on November 13, 2023 to discuss the specific changes to the proposed ordinance amendments. The Administration Committee supported the proposed changes and also proposed increasing the number of animals allowed.

Attachments:

- First Reading Ordinance Amendment

ORDINANCE NO. _____

**AN ORDINANCE FOR THE CITY OF HASTINGS, MINNESOTA, AMENDING
HASTINGS CITY CODE CHAPTERS 91.06, 91.31, 110.16, 155.21 REGARDING
KENNELS**

The City Council of the City of Hastings, Dakota County, Minnesota, does hereby ordain as follows:

SECTION 1. REPEAL. The Code of the City of Hastings, County of Dakota, State of Minnesota, Chapter 91.06, regarding cat regulation shall be repealed as follows:

91.06 Cat Regulation

- A. It shall be unlawful for an owner or possessor of any cat to fail to obtain a rabies vaccination certificate and tag from a licensed veterinarian. The owner or possessor shall provide to the Hastings City Clerk a certificate by a veterinarian, duly licensed to practice veterinary medicine, which certificate shall state that the cat is immunized against rabies. The owner or possessor of the cat shall also retain a copy of the certificate and shall furnish same for inspection by any police officer so requesting. All cats shall wear a collar and have rabies tag firmly affixed thereto evidencing the rabies vaccine for the period set forth in division (C) below.
- B. It shall be the obligation and responsibility of the owner or possessor of any animal of this class to prevent the animal from molesting, defiling, or destroying any property, or to howl, screech, or make other noise so as to constitute a public nuisance.
- C. It shall be unlawful for any person to own, possess, or harbor a cat or animal of related genera which has not been vaccinated for rabies within the time required under standard veterinarian practices; once a year shall be deemed to be the longest period of time during which the animal may go between rabies vaccinations, while standard veterinarian practices may require more frequent vaccinations.
- D. If a cat or other animal is reasonably believed to be rabid or otherwise diseased, hurt, vicious, or dangerous and cannot be impounded after a reasonable effort, or without serious risk to the impounder or other person, the animal will immediately be killed.

SECTION 2. AMENDMENT. The Code of the City of Hastings, County of Dakota, State of Minnesota, Chapter 91.31, regarding kennels shall be amended as follows:

91.31 ~~Kennel~~ Number of Animals

No ~~household person, or combination of persons,~~ shall keep or harbor more than ~~3~~ 4 cats ~~or and 3~~ dogs ~~or combination thereof~~ in excess of the age of 3 months on any parcel within the City of Hastings, ~~without first obtaining an annual kennel license from the City Clerk in accordance with this code. Provided, however, that this section shall not in any way limit or apply to small animal clinics holding a special use permit.~~

SECTION 3. REPEAL. The Code of the City of Hastings, County of Dakota, State of Minnesota, Chapter 110.16, regarding kennels shall be repealed as follows:

110.16 Kennel; Animal Shelter

A. *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

KENNEL. Any premises wherein any person is engaged in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling animals.

B. *Licenses for Kennel/Animal Shelters*

1. No person, partnership, or corporation shall operate a kennel/animal shelter without first obtaining a license from the City.
2. The annual license fee for a kennel will be established by ordinance.

C. *Kennel/Animal Shelter License Issuance And Revocation.* The City may revoke any kennel/animal shelter license if the licensee refuses or fails to comply with applicable provisions of city code, state laws and rules, or federal laws and regulations governing the protection and keeping of animals.

D. *Regulations Governing Kennels/Animal Shelters.*

1. Kennels/animal shelters must comply with all applicable laws and rules, including, but not limited to, all applicable rules of the Minnesota Department of Health, Minnesota Board of Animal Health, and Minnesota Pollution Control Agency.
2. Animal carcasses must be properly disposed of in a manner not utilizing on site garbage facilities, on site burying or incineration, and carcasses must be properly refrigerated during periods prior to disposal.
3. No kennel or animal shelter shall be constructed or operated within 500 feet of any residential dwelling.
4. No kennel or animal shelter shall permit any animal to create any incessant noise by barking, howling, or screeching, nor create any disturbance or nuisance of any kind whatsoever which disrupts the quiet and peaceable enjoyment of the surrounding area by other residents or property owners.
5. Any building or room within a building in which animals are housed shall be adequately soundproofed to minimize problems of noise on adjoining properties.
6. No kennel/animal shelter shall allow any animal to run unrestrained on any street or public property or any private property not owned by the licensee.
7. The city shall be permitted to inspect all animals, and the premises where animals are kept, at any time.
8. All animals with, or are suspected of having infectious diseases, must be individually caged to prevent the spread of disease to healthy animals.

E. *Kennel/Animal Shelter Design.*

1. All kennel and animal shelter floors and walls shall be constructed out of impervious and easily cleanable materials and all structures, areas, and appurtenances shall be designed to facilitate frequency and easy cleaning. All areas shall be adequately and properly ventilated. Every kennel shall be suitably enclosed or fenced in such a manner as to prevent the running at large or escape of animals confined therein. The premises shall be provided with adequate and safe sewer and water connections, plumbing, and plumbing fixtures.
2. The premises shall be fenced on the perimeter of the site with fencing that is at least 8 feet high and must be of such a quality as to contain dogs and/or cats.

F. *Kennel/Animal Shelter Operation.*

1. Every kennel and animal shelter shall be maintained in a clean, healthful, sanitary, and safe condition and so as not to create a health hazard or public nuisance. The places shall be operated in a humane manner, and the owner and personnel shall not deprive the animals of necessary food, water, or shelter, or perform any act of cruelty to the animals, or in any way further any acts of cruelty toward them, or any act tending to produce the cruelty.
2. All cages, pens, benches, boxes, or receptacles in which the animals are confined shall be kept clean, sanitary, and in good repair and shall be properly sized for the humane confinement of the animals. All show or display cases, windows, counters, and shelves used in handling the animals shall be kept clean, sanitary, free from dust and dirt, and in good repair. All plumbing fixtures and other appurtenances shall be kept in a clean and sanitary condition and in good repair.
3. All refuse and animal wastes shall be removed frequently and stored in rodent free and fly-tight containers that do not emit foul and disagreeable odors.
4. There shall be no dumping of any effluent garbage, rubbish, wastewater, excrement, or other noxious substance upon any public or private property.

SECTION 4. AMENDMENT. The Code of the City of Hastings, County of Dakota, State of Minnesota, Chapter 155.21, subd. C (9), regarding the Agriculture Zoning District shall be amended as follows:

9. Commercial Kennels and veterinary establishments subject to site plan review;

SECTION 5. SUMMARY PUBLICATION. Pursuant to Minnesota Statutes Section 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance.

The text amendment adopted by the Hastings City Council on _____, 2023 amends the City Ordinance to clarify residential animal regulation and remove City licensing requirements for kennels.

SECTION 6. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed this _____ day of _____, 2023.

Mary D. Fasbender, Mayor

Attest:

Kelly Murtaugh, City Clerk

Published in the Hastings Journal on _____, 2023.