

- D. Effect of Failure to Appeal. Failure of any person to file an appeal in accordance with the provisions of this Section shall constitute a waiver of the right to an administrative hearing and administrative adjudication of the notice and order or to any portion thereof.

Subd. 12. Enforcement of the Order of the Building Official or the Council.

- A. Compliance. After any order of the Building Official or Council made pursuant to this Section shall have become final, no person to whom any such order is directed shall fail, neglect, or refuse to obey any such order. Any such person who fails to comply with any such order is guilty of a misdemeanor.
- B. Failure to Obey Order. If, after any order of the Building Official or Council made pursuant to this Section has become final, the person to whom such order is directed shall fail, neglect or refuse to obey such order, the Building Official may (1) cause such person to be prosecuted under subsection 1 of this Subdivision or (2) commence an appropriate action in District Court.

SECTION 406.01. ANIMAL REGULATIONS AND LICENSES.

Subd. 1. Definitions. As used in this Section, the following words and terms shall have the meanings stated:

- A. “Dog” means both the male and female of the canine species, commonly accepted as domesticated household pets, and other domesticated animals of a dog kind.
- B. “Owner” means any person owning, keeping or harboring a dog.
- C. “Tag” means a license tag required hereunder to be procured by every owner of each dog.
- D. “At large” means off the premises of the owner and not under the custody and control of the owner or other person, either by lease, cord, chain, or otherwise restrained or confined.

Subd. 2. License Required. All dogs over the age of 6 months kept, harbored, or maintained by their owners in the City, shall be licensed and registered with the City. Dog licenses shall be issued by the Clerk upon payment of the license fee. The owner shall state, at the time application is made for the license, the owner’s name and address and the name, breed, color, and sex of each dog owned or kept by the owner.

Subd. 3. Tag and Collar.

- A. Upon presentment of the required certification and payment of the license fee, the Clerk shall provide and furnish to the owner of each licensed dog a metallic tag. Every owner shall provide each dog with a collar to which the license tag must be affixed and shall see that the collar and tag are worn constantly. In case a dog tag is lost or destroyed, a

duplicate or new tag will be issued by the Clerk upon proof that such dog was licensed. Dog tags shall not be transferable from one dog to another and no refunds shall be made.

- B. It is unlawful for any person, except the owner or authorized agent, to remove a collar from a dog in the City, except under circumstances where it is necessary to free a dog from an entanglement which threatens its health and life or by a licensed veterinarian to whom the dog has been brought for care and treatment.

Subd. 4. Barking and Running at Large.

- A. Running at Large. It shall be unlawful for the dog of any person who owns, harbors, or keeps the dog, or the parents or the guardians of any such person under 18 years of age, to run at large.
- B. Habitual Barking. It shall be unlawful for any person to own, keep or harbor a dog which habitually barks or cries. Habitual barking shall be defined as barking for repeated intervals of at least 3 minutes with less than one minute of interruption. Such barking must also be audible off of the owner's or caretaker's premises.
- C. Damage to Property. It shall be unlawful for any person to own, keep or harbor a dog that damages any lawn, garden, or any other property, whether or not such person has knowledge of the damage.
- D. Cleaning Up Litter. The owner or person having the custody or control of any dog shall be responsible for cleaning up the feces of the dog and disposing of such feces in a sanitary manner whether on their own property, on the property of others, or on public property.
- E. Any animals kept contrary to this Subdivision are subject to impoundment as provided in this Section.

Subd. 5. Confinement in Motor Vehicle.

- A. It is unlawful for any person to cause or allow a dog to be placed or confined in a motor vehicle without adequate ventilation when the atmospheric temperature, humidity, and sun rays can be reasonably expected to cause suffering, disability or death to the dog. Evidence that the dog is suffering from heat is prima facie evidence of a violation of this Section.
- B. Authorized City personnel who find a dog in a motor vehicle in violation of this Section may break and enter into the vehicle if necessary to remove the dog. Neither the personnel nor the City will be liable for vehicle damage that results. Any dog removed may be taken immediately to the animal impounding facility to be evaluated by a licensed veterinarian. The personnel must leave with the vehicle a written notice giving their name and position and the address where the dog may be redeemed. The owner of the dog is responsible for all medical and boarding expenses incurred.

Subd. 6. Wild/Exotic Animals Prohibited. 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;
- B. Any non-domesticated animal or species including, but not limited to, the following:
 - 1. Any skunk, whether captured in the wild, domestically raised, de-scented, vaccinated against rabies or not vaccinated against rabies;
 - 2. Any large cat of the family Felidae, such as lions, tigers, jaguars, leopards, cougars and ocelots, except commonly accepted domesticated house cats;
 - 3. Any member of the family Canidae, such as wolves, foxes, coyotes, dingoes and jackals, except commonly accepted domesticated dogs;
 - 4. Any crossbreed, such as the crossbreeds between dogs and coyotes and coyotes or dogs and wolves, not including crossbred domesticated animals;
 - 5. Any poisonous pit viper, such as a rattlesnake, coral snake, water moccasin or cobra;
 - 6. Any raccoon;
 - 7. Any other animal not listed above, but which is not naturally tame or gentle, but is a wild nature or disposition and which, because of its size, vicious nature or other characteristics would constitute a danger to human life or property. Included herein are animals for which no rabies vaccination has been approved by the State Health Department. Provided, however, that this Section shall not apply to falconers or bird banders licensed by the Department of Natural Resources and the U.S. Fish and Wildlife permit.

Subd. 7. Dog Pound. The Council shall designate a selected facility as the City dog pound for keeping and maintaining any dogs which are seized pursuant to this Section. The selected facility shall comply with all applicable State statutes.

Subd. 8. Impounding. A peace officer, animal control officer, or any other duly appointed person, may take and deliver for impoundment to the selected facility designated by the City, any dog found in the City which is without a tag or running at large. The peace officer, sheriff or sheriff's deputy animal control officer or other duly appointed person may enter upon private premises in pursuit of a dog running at large. Regardless of whether the dog is claimed, the owner shall be responsible to the City for all costs relating to the seizure and impoundment of the dog.

Subd. 9. Destruction of Dogs in Certain Circumstances. Pursuant to the requirements under Minnesota Statute §347.56, a dog may be destroyed in a proper and humane manner by the City or its authorized agent if the dog:

1. inflicted substantial or great bodily harm on a human on public or private property without provocation;
2. inflicted multiple bites on a human on public or private property without provocation; or
3. bit a human on public or private property without provocation in an attack where more than 1 dog participated in the attack.

Subd. 10. Muzzling Proclamation. Whenever the prevalence of rabies renders such action necessary to protect the public health and safety, the mayor may issue a proclamation ordering every person owning or keeping a dog to confine it securely on the person's premises unless it is muzzled so that it cannot bite, or requiring a vaccination for rabies for all dogs in the City. No person shall violate such proclamation and any unmuzzled dog running at large during the time fixed in the proclamation shall be exterminated by the poundmaster or any peace officer without notice to the owner.

Subd. 11. Animal Bite. Whenever any person owning, possessing or harboring any dog within the corporate limits of the City learns that such dog has bitten any human being, such person shall immediately quarantine such dog for at least 10 days.

- A. If the dog owner does not show proof of current rabies vaccination, such dog shall be quarantined in a veterinary hospital or impounded by the peace officer, sheriff or sheriff's deputy, animal control officer, or other duly appointed person for a period of 10 days.
- B. If the owner cannot be advised of the dog bite within 2 hours following the bite, or if the owner fails to impound the dog as required by this Subdivision, a peace officer, sheriff, sheriff's deputy, animal control officer or other duly appointed person shall cause such dog to be impounded for the quarantine period. If the animal is found to be rabid, it shall be destroyed. If the animal is found not to be rabid, it shall be returned to the owner after payment of the impoundment and examination fee. If the owner does not pay such fee within 5 days after notification to claim or retrieve the animal, the animal may be destroyed pursuant to Minn. Stat. § 35.71, Subd. 3.

Subd. 12. Rabies Vaccination. No license shall be granted for a dog which has not been vaccinated against rabies during the 90-day period preceding the making of an application for such license, unless applicant furnishes a certificate of a veterinarian that the dog is effectively vaccinated, except that when a dog is first licensed for an entire year hereafter, the license may be issued if the dog has been vaccinated within a period of 6 months preceding the application for a license. Vaccination shall be performed and written certificates executed only by a doctor licensed to practice veterinary medicine in the state in which the dog is vaccinated.

Subd. 13. Seizure of Dogs. Any peace officer, sheriff or sheriff's deputy, animal control officer or any other duly appointed person may enter upon private property and seize any dog provided that the following exist:

- A. There is an identified complainant making a contemporaneous complaint about the animal;
- B. The peace officer, sheriff or sheriff's deputy, animal control officer, or other duly appointed person reasonably believes that the dog meets either the barking dog criteria set out in Subd. 4; the criteria for an at large dog set out in Subd. 1; or is not receiving the basic care or is being mistreated as provided in Subd. 18;
- C. The peace officer, sheriff or sheriff's deputy, animal control officer, or other duly appointed person has made a reasonable attempt to contact the owner of the dog and those attempts have been unsuccessful;
- D. The seizure will not involve the forced entry into a private residence. Use of a pass key obtained from a property manager, landlord, innkeeper, or other authorized person to have such key shall not be considered unauthorized entry; and
- E. Written notice of the seizure is left in a conspicuous place if personal contact with the owner of the dog is unsuccessful.

Subd. 14. Diseased Animals.

- A. Keeping of Diseased Animals. No person shall keep or allow to be kept on his or her premises, or on premises occupied by them, nor permit to run at large in the City, any animal which is diseased, rabid or exposed to rabies so as to be a danger to the health and safety of the City, even if the animal is properly licensed under this Section.
- B. Dogs Bitten By A Rabid Animal. The following rules shall apply in the case of dogs known to have been bitten by rabid animals. For the purposes of this Subdivision, any bat, skunk, civet cat, raccoon or fox that bites a dog shall be deemed a rabid animal, unless proven otherwise.
 - 1. If the bitten (exposed) dog has not been vaccinated in accordance with the provisions of this Section, said bitten exposed dog shall be destroyed immediately. If the owner is unwilling to destroy the bitten (exposed) dog, said dog shall be placed in strict isolation in a veterinary hospital under veterinary supervision for a minimum period of 6 months at the owner's expense. Before release of the dog, it shall be vaccinated against rabies 1 month prior to its release at the owner's expense.
 - 2. If the bitten (exposed) dog has been vaccinated in accordance with the provisions of this Section, said bitten dog shall be revaccinated immediately and shall be placed in strict isolation in a veterinary hospital under veterinary supervision for a minimum period of 40 days following revaccination at the owner's expense. If the bitten (exposed) dog is not revaccinated immediately, it shall be placed in strict isolation in a veterinary hospital under veterinary supervision for a minimum period of 6 months at the owner's expense.

- C. **Disposition of Certain Animals.** If any animal in the City is diseased, rabid or exposed to rabies, vicious, dangerous or believed to be mortally wounded, and if such animal cannot be impounded after reasonable effort, or cannot be impounded without serious risk to the person attempting to impound such animal, it may be immediately killed by an animal control officer, sheriff or sheriff's deputy, peace officer or other duly appointed person without notice to the owner..

Subd. 15. Dangerous and Potentially Dangerous Dogs.

- A. Attack by A Dog. It shall be unlawful for any person's dog to inflict or attempt to inflict bodily injury to any person or other animal whether or not the owner is present. This Section shall not apply to an attack by a dog under the control of an on-duty law enforcement officer or to an attack upon an uninvited intruder who has entered the owner's home with criminal intent.

B. Definitions.

1. A dangerous dog is a dog that has:
 - i) without provocation, inflicted substantial bodily harm on a human being on public or private property;
 - ii) killed a domestic animal without provocation while off the owner's property; or
 - (iii) 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.
2. A potentially dangerous dog means any dog that:
 - i) when unprovoked, inflicts bites on a human or domestic animal on public or private property;
 - (ii) when unprovoked, chases or approaches a person, including a person on a bicycle, upon the streets, sidewalks, or any public or private property, other than the dog owner's property, in an apparent attitude of attack; or
 - (iii) has a known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.

3. Provocation. Provocation means an act that an adult could reasonably expect may cause a dog to attack or bite.

- C. Designation as Potentially Dangerous Dog. The animal control officer, sheriff or sheriff's deputy, or other duly appointed person shall designate any dog as a potentially dangerous dog upon receiving evidence that such dog has met 1 or more of the conditions stated in Subpart B(2) of this Subdivision. When a dog is declared potentially dangerous, the Clerk or his/her designee shall cause the owner of the potentially dangerous dog to be notified in writing pursuant to Subpart E. Every owner of a potentially dangerous dog shall also be required to meet the criteria set forth in Subpart F(1)(a), (d), (g), (h) and (i) of this Subdivision. The owner of a dog declared potentially dangerous may appeal the declaration in accordance with and subject to the requirements of Subpart E. The owner must request the appeal hearing within 14 days of the date of the notice or the owner's right to appeal is waived.
- D. Designation as a Dangerous Dog. The animal control officer, sheriff or sheriff's deputy, or other duly appointed person shall designate any dog as a dangerous dog upon receiving evidence that the dog has met 1 or more of the conditions stated in Subpart B(1) if this Subdivision. When a dog is declared dangerous, the Clerk or his/her designee shall cause the owner of the dangerous dog to be notified in writing pursuant to Subpart E. The owner of a dog declared dangerous may appeal the declaration in accordance with and subject to the requirements of Subpart E. The owner must request the appeal hearing within 14 days of the date of the notice or the owner's right to appeal is waived.
- E. Notice and Appeal Procedures for Determination of Potentially Dangerous and Dangerous Dogs.
1. When the animal control officer, sheriff, sheriff's deputy or other duly appointed person has determined that a dog is a dangerous or potentially dangerous dog, the Clerk or his/her designee shall notify the owner in writing of that determination. The notice shall include:
 - (i) a description of the dog; the authority for and purpose of the potentially dangerous or dangerous dog declaration and seizure, if applicable; the time, place, and circumstances under which the dog was declared potentially dangerous or dangerous; and, if the dog has been seized, the telephone number and contact person where the dog is kept;
 - (ii) a statement that the owner of the dog may request a hearing concerning the potentially dangerous or dangerous dog declaration and, if applicable, prior potentially dangerous dog declarations unless a hearing was previously held on a prior potentially dangerous dog declaration or waived either by the owner or by operation of law, and that failure to do so within

14 days of the date of the notice will terminate the owner's right to a hearing;

- (iii) a statement that if a request for a hearing to appeal a dangerous dog declaration is made within 14 days of the notice, the owner must immediately comply with the requirements of Minnesota Statute § 347.52, paragraphs (a) and (c), and until such time as the hearing officer issues an opinion;
- (iv) a statement that if the hearing officer affirms the potentially dangerous or dangerous dog declaration, the owner will have 14 days from receipt of that decision to comply with all other applicable requirements under this Section and Minnesota Statutes §§ 347.51, 347.515, and 347.52;
- (v) a statement that in the event the potentially dangerous or dangerous dog declaration is upheld by the hearing officer, the actual expenses of the hearing, up to the maximum of \$1,000 will be the responsibility of the owner;
- (vi) a form to request a hearing under this Subpart; and
- (vii) a statement, when applicable, that all actual costs of the care, keeping, and disposition of the dog 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.

2. If the owner requests a hearing, the date for the hearing shall be set not more than 14 days after receipt of the request for hearing. The hearing shall be held by a hearing officer, who shall be appointed by the City Administrator. The hearing officer shall be an impartial employee of the City, or an impartial third party chosen by the City Administrator. Upon conclusion of the hearing, the hearing officer shall, within ten (10) days, make his/her decision which reverses or affirms the determination that the dog is potentially dangerous or dangerous. The City shall notify the owner in writing of the hearing officer's decision ("hearing officer's Notice of Decision") by either hand delivery or registered mail. If the hearing officer's decision is to affirm the determination, he/she shall include in the hearing officer's Notice of Decision his/her findings and conclusions supporting his/her decision. The decision of the hearing officer shall be final. In the event the potentially dangerous or dangerous animal declaration is upheld, actual expenses of the hearing up to \$1,000.00 will be the responsibility of the owner. The City shall within 30 days of delivery of the hearing officer's Notice of Decision mail an invoice to the owner outlining the actual expenses of the hearing.

3. No person shall harbor a dog after it has been found to be potentially dangerous or dangerous and ordered into custody until the requirements of this Section are met.
4. Beginning 6 months after a dog is declared potentially dangerous or dangerous hereunder, an owner may request annually that the Council review the designation by serving upon it a written request for review that includes the full name, address and telephone number of the requestor, a list of names and addresses of all owners of the dog, the requestor's ownership interest in the dog, and a summary of the basis for the claimed change in the dog's behavior. The request for review shall be accompanied by all documents in support of the contention that the dog's aggressive behavior has been modified. If the declaration is rescinded, the Council may impose other limitations or conditions on the dog or dog owner as it sees fit.

F. Dangerous Dog Requirements. Owners of dogs declared dangerous by the City shall comply with the following requirements:

- a. Requirements as set forth in Minnesota Statute § 347.52, et al.;
- b. Post the front and rear of the owner's premises with clearly visible warning signs, including a warning symbol to warn children, that there is a dangerous animal on the property as specified in Minnesota Statute § 347.51;
- c. Provide and show proof annually of a surety bond issued by a surety company authorized to conduct business in Minnesota in a form acceptable to the City in the sum of at least \$300,000.00, 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 Minnesota in the amount of at least \$300,000.00, insuring the owner of any personal injuries inflicted by the dangerous dog;
- d. If the animal is a dog and is outside the proper dog enclosure, the dog must be muzzled and restrained by a substantial chain or leash (not to exceed 6' in length) and the under the physical restraint of a person 16 years of age or older. The muzzle must be of such a design as to prevent the dog from biting any person or animal, but will not cause injury to the dog or interfere with its vision or respiration;
- e. If the animal is a dog, it must have an easily identifiable, standardized tag identifying the dog as dangerous affixed to its collar at all times as specified in Minnesota Statute § 347.51;
- f. All animals deemed dangerous by the City shall be registered and specifically licensed as a dangerous dog along with payment of an appropriate fee established by the City. The animal shall be registered and

licensed within 14 days after the date the animal is so deemed and provide statutory proof thereof to the Clerk. Animals declared dangerous by another jurisdiction must be registered and licensed with the City prior to the animal being brought into the City.

- g. If the animal is a dog, the dog must be licensed and up to date on rabies vaccination.
- h. The owner of a dangerous or potentially dangerous dog must have a microchip implanted in the dog for identification, and the name of the microchip manufacturer and the identification number. The microchip must be provided to the Clerk as required under Minnesota Statute § 347.515.
- i. The dog must be kept in a proper dog enclosure as defined in Subdivision 23 of this Section.

G. Seizure. The animal control officer, sheriff or sheriff's deputy or other duly appointed person shall immediately seize any dangerous animal if the owner does not appeal the City's dangerous dog declaration or meet each of the above requirements within 14 days after the date notice is sent to the owner that the animal is dangerous. Any dangerous animal being relocated to the City that has been declared in another jurisdiction may be seized immediately if the owner has not complied with the standard set forth in this Section prior to the animal being brought into the City. Seizure may be appealed pursuant to Subpart E.

H. Reclaiming Animals. A dangerous animal seized under Subpart G may be reclaimed by the owner of the animal upon payment of impounding and boarding fees and presenting proof that each of the requirements under Subpart F are fulfilled. An animal not reclaimed under this Subpart within 14 days may be disposed of as provided under Minnesota Statute § 35.71, Subd. 3, and the owner shall be liable to the City for costs incurred in confining the animal.

I. Subsequent Offenses.

- 1. If a person has been convicted of a misdemeanor for violating a provision of Minnesota Statute §§ 347.51, 347.515 or 347.52, and the person who is charged with the subsequent violation relating to the same dog, the City shall seize the dog and the provisions of Minnesota Statute § 347.54, Subd. 3 shall apply.
- 2. If an owner of an animal other than a dog has subsequently violated the provisions under Subpart B with the same animal, the animal must be seized by the City. The owner may request a hearing as defined in Subpart E. If the owner is found to have violated the provisions for which the animal was seized, the City shall order the animal destroyed in a proper and humane manner and the owner shall pay the cost of confining the animal. The persons found not to have violated the

provisions for which the animal was seized, the owner may reclaim the animal under the provisions of Subpart H. If the animal is not yet reclaimed by the owner within 14 days after the date the owner is notified that the animal may be reclaimed the animal may be disposed of pursuant to Minnesota Statute § 35.71, Subd. 3, and the owner shall be liable to the City for costs incurred in confining, impounding and disposing of the animal.

- J. Exemption. An animal may not be declared dangerous 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 animal;
 2. Who was provoking, tormenting, abusing or assaulting the animal or who can be shown to have repeatedly, in the past, provoked, tormented, abused or assaulted the animal; or
 3. Who is committing or attempting to commit a crime.

Subd. 17. Restrictions on Dog Ownership.

- A. Except as provided in Subpart C of this Subdivision no person may own a dog if the person has:
1. Been convicted of a third or subsequent violation of Minnesota Statute §§ 347.51, 347.515, or 347.52;
 2. Been convicted of a violation under Minnesota Statute § 609.205, clause (4);
 3. Been convicted of a gross misdemeanor under Minnesota Statute § 609.226, Subdivision 1;
 4. Been convicted of a violation under Section 609.226, Subdivision 2; or
 5. Had a dog ordered destroyed under Section 247.56 and been convicted of one or more violations of Minnesota Statute §§ 347.51, 346.515, 347.52, or 609.226, Subdivision 2.
- B. If any member of a household is prohibited from owning a dog in Subpart A above, unless specifically approved by the Council, no person in the household is permitted to own a dog.
- C. Beginning 3 years after a conviction under Subpart A, that prohibits a person from owning a dog, and annually thereafter, the person may request that the Council review the prohibition. The Council may consider such facts as the seriousness of the violation or violations that led to the prohibition, any criminal convictions, or other facts that the Council deems appropriate. The Council may rescind the prohibition entirely or rescind

it with limitations. The Council also may establish conditions a person must meet before the prohibition is rescinded, including, but not limited to, successfully completing dog training or dog handling courses. If the Council rescinds a person's prohibition and the person subsequently fails to comply with any limitations imposed by the Council or the person is convicted of any animal violation involving unprovoked bites or dog attacks, the Council may permanently prohibit the person from owning a dog in this state.

Subd. 18. Basic Care. All animals shall receive from their owners or keepers kind treatment, housing in the winter, and sufficient food and water for their comfort. No person shall permit feces, urine or food scraps to remain in an area for a period that is longer than reasonable and inconsistent with health and sanitation and the prevention of odors. No person shall beat, treat cruelly, torment or otherwise abuse any animal or permit any animal fights. No owner of an animal shall abandon such animal. Any person not treating animals in a humane manner will be subject to the penalties provided in this Section.

Subd. 19. Breeding Moratorium. Every female dog or female cat in heat shall be confined in a building or other enclosure in such manner that it cannot come in contact with another dog or cat except for planned breeding. Upon capture and failure to reclaim the animal, every dog or cat shall be neutered or spayed prior to being transferred to a new owner.

Subd. 20. Enforcing Officer. The Council is hereby authorized to appoint an animal control officer(s) to enforce the provisions of this Section. In the officer's duty of enforcing the provisions of this Section, he or she may from time to time, with the consent of the Council, designate assistants.

Subd. 21. Pound. Every year the Council shall designate an official pound to which animals found in violation of this Section shall be taken for safe treatment, and if necessary, for destruction.

Subd. 22. Interference with Officers. No person shall in any manner molest, hinder, or interfere with any person authorized by the Council to capture dogs, cats or other animals and convey them to the pound while engaged in such operation. Nor shall any unauthorized person break open the pound, or attempt to do so, or take or attempt to take from any agent any animal taken up by him or her in compliance with this Section, or in any other manner to interfere with or hinder such officer in the discharge of his or her duties under this Section.

Subd. 23. Dog Enclosures.

- A. As used in this Subdivision, the term "dog enclosure" means any enclosure constructed for shutting in or enclosing dogs and having an area less than 2,000 square feet.
- B. Dog enclosures must be screened from view of adjacent property. Screening must consist of a solid fence, or equivalent, as approved by the Building Official or his/her designee, not less than 5 feet in height. The screening must include in its design provision for air to circulate under and through the screening material. Such screening must be constructed in

a structurally sound and physically attractive manner, and the screening must be maintained so as not to create a blighting influence to the neighborhood.

- C. A dog enclosure shall not be placed closer than 10 feet to any lot line, except no dog enclosure shall be placed in a front yard, and in no event shall a dog enclosure be placed closer than 50 feet of any dwelling unit other than the owner's property.
- D. No person shall permit feces, urine, or food scraps to remain in an enclosure for a period that is longer than reasonable and consistent with health and sanitation and the prevention of odors.
- E. This Subdivision shall be applicable to all dog enclosures constructed after the effective date hereof. Any owner of an existing dog enclosure which is a nuisance or source of filth may be required to comply with this Section by notice of compliance given by the Clerk or his/her designee. Failure to comply with such a notice within 30 days of issuance shall be a violation of this Subdivision.

SECTION 407.01. KENNELS.

Subd. 1. Definitions. As used in this Section, the following words and terms shall have the meanings stated:

- A. "Private kennel" means a place where 3 or more dogs over 6 months of age are kept by their owner for no commercial purpose.
- B. "Commercial kennel" means a place where any number of dogs of any age are kept, confined, or congregated for the purpose of selling, boarding, breeding, training, treating or grooming.

Subd. 2. License Required. No person shall operate or maintain either a private or commercial kennel without a license therefor from the City.

Subd. 3. License Restriction. Kennel licenses shall be granted by the Council in only those instances where it finds the location and operation of the kennel will not adversely affect the public health, safety and general welfare. No commercial kennel shall be established or maintained on any residentially zoned property nor shall any private kennel be established or maintained in any area where the lot is less than one acre.

SECTION 408.01. PEDDLERS, TRANSIENT MERCHANTS AND SOLICITORS.

Subd. 1. Purpose. This ordinance is not intended to interfere with the legitimate business activities of peddlers as the same are defined herein, whether the same be local or interstate. These provisions are intended only to, as nearly as possible, pursue all illegitimate or confidence operators and to regulate and control all those who, in person, would use their unique presence on property within the City, or their unique proximity to its residents, for purposes of harassment, nuisance, theft, or other unlawful activities.