

2R. Consideration of adopting Ordinance 805 amending the Monticello City Code Title IX, Chapter 90, Animals, section related to commercial kennels/boarding and approving Summary Ordinance 805A for publication

Prepared by: City Clerk	Meeting Date: 8/14/2023	<input checked="" type="checkbox"/> Consent Agenda Item <input type="checkbox"/> Regular Agenda Item
Reviewed by: Community Development Director	Approved by: City Administrator	

ACTION REQUESTED

Motion to adopt Ordinance 805 amending the City Code Title IX, Chapter 90, Animals, section related to commercial kennels/boarding and approving Summary Ordinance 805A for publication.

REFERENCE AND BACKGROUND

The City Council is asked to adopt the proposed ordinance updating the City’s animal (dog) ordinance to allow for animal grooming/daycare/boarding services in the City. Boarding and caring of household pets is a growing trend and there is interest in offering service in Monticello.

Currently, the City ordinance allows kennels in an agricultural zoning district. This amendment will allow animal kennels, including boarding, grooming, and daycare facilities in some of the City’s commercial and industrial districts. The business will be required to obtain both a conditional use permit and a license. This allows the City the ability to revoke a business license, while leaving the underlying property right via Conditional Use Permit in place, and vice versa depending on the standards maintained or violated.

The license will be administered by the City Clerk. The Animal Control Officer will conduct an inspection and the approved license will be forwarded to the Community Development Department for final approval in accordance with the conditional use permit.

The ordinance was drafted with input from the Animal Control Officer and the Community Development Director. The Community Development Director is bringing a companion ordinance which amends the City’s Zoning Ordinance.

- I. **Budget Impact:** None.
- II. **Staff Workload Impact:** Staff time was necessary to review and update the ordinance and prepare the report.
- III. **Comprehensive Plan Impact:** N/A

STAFF RECOMMENDED ACTION

City staff recommends adoption Ordinance 805.

SUPPORTING DATA

- A. Draft Ordinance 805
- B. Draft Summary Ordinance 805A

ORDINANCE NO. 805

AN ORDINANCE AMENDING THE MONTICELLO CITY CODE IX, CHAPTER 90, ANIMALS,
SECTIONS

§ 90.001 DEFINITIONS

§ 90.025 PERMITS FOR COMMERCIAL DOG KENNELS; PERMITS FOR KEEPING MORE THAN
THREE DOGS OVER THE AGE OF SIX MONTHS

THE CITY COUNCIL OF THE CITY OF MONTICELLO ORDAINS:

SECTION 1. § 90.001 DEFINITIONS is hereby amended to read as follows:

COMMERCIAL KENNEL/BOARDING. ~~A place where more than three dogs of over six months age are kept for purposes of breeding, sale, or boarding.~~ A facility or service where dogs, cats and/or other small household pets as permitted by City Code are kept or maintained (day or overnight), for the care, training, exercising and/or socializing by a person other than the owner of the animals for a fee. Animal boarding may include incidental grooming, dog walkers or training services. Animal boarding does not include facilities that provide breeding of animals, selling of animals, or facilities whose primary source of revenue is licensed veterinarian services.

SECTION 2. § 90.025 PERMITS FOR COMMERCIAL DOG KENNELS; PERMITS FOR
KEEPING MORE THAN THREE DOGS OVER THE AGE OF SIX MONTHS is
hereby amended as follows:

PERMITS FOR COMMERCIAL DOG KENNELS/**BOARDING**; PERMITS FOR KEEPING MORE THAN
THREE DOGS OVER THE AGE OF SIX MONTHS.

(A) *Definition.* For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

COMMERCIAL KENNEL/BOARDING. ~~A place where more than three dogs thereof are kept for the business of selling, boarding for a fee, breeding for sale, or some other enterprise intended primarily for profit-making purposes. The term **COMMERCIAL KENNEL** shall not include pet stores, pet grooming shops, or animal hospitals.~~ A facility or service where dogs, cats and/or other small household pets as permitted by City Code are kept or maintained (day or overnight), for the care, training, exercising and/or socializing by a person other than the owner of the animals for a fee. Animal boarding may include incidental grooming, dog walkers or training

services. Animal boarding does not include facilities that provide breeding of animals, selling of animals, or facilities whose primary source of revenue is licensed veterinarian services.

(B) *License required.*

(1) ~~No person shall own, harbor, or keep upon a premises more than three dogs over the age of six months unless in a commercial kennel duly licensed under this section.~~ No person shall operate a kennel in the city without first obtaining a. Application for such license shall be made to the office of the city clerk and shall be accompanied by the license fee. Such a license shall be issued by the office of the city clerk upon a showing of compliance with all laws and ordinances.

(2) ~~No person shall keep or maintain a commercial kennel in the city except upon obtaining a permit from the City Council. Commercial kennel licenses shall only be granted in an agricultural zoning district as a conditional use.~~

Term and renewal; fee. Kennel/Boarding licenses shall expire on December 31 of the Year issued. Licenses must be renewed annually. The kennel/boarding license fees shall be as established by ordinance and paid at the time of application.

(3) Maintenance of premises; inspections; revocation of permit. Commercial kennel shall be kept in a clean and healthful condition at all times and shall be open for inspection by the animal control officer at any reasonable time. A commercial kennel license may be revoked by the council by reason of violation of this chapter or any health or nuisance order, law, or regulation.

(C) *Applications.* The application shall be made to the ~~City Zoning Administrator~~ City Clerk and shall contain the following:

(1) The location of the premises of the kennel along with the home and work telephone numbers of the licensee and one other person who could be contacted in the absence of the licensee;

(2) The maximum number and species of adult dogs to be kept on the premises. The term **ADULT** as used herein shall include any animal over six months of age;

(3) A site plan showing the location, size, and type of all structures for housing, fencing, and runs for dogs. ~~Separate housing and runs for dogs shall be a minimum of 50 feet from any neighboring habitable dwelling and a minimum of ten feet from any property line. If dogs are kept primarily within a building, the applicant shall so state;~~

~~(4) Whether the applicant anticipates breeding the animals and, if so, how often and the expected size of the litters;~~

(5) The method to be used to keep the premises in a sanitary condition;

(6) The method used to keep the animals quiet; and

(7) An agreement by the applicant that the premises may be inspected by the Animal Control Officer at all reasonable times. An inspection of the premises prior to licensing and during the

licensing period shall be required.

(D) *Issuance and conditions.* The ~~City Zoning Administrator~~ City Clerk shall refer the application to the Animal Control Officer for review and recommendation. ~~to the Planning Commission and City Council prior to Council and Planning Commission action. The Planning Commission shall conduct a public hearing.~~ The issuance of a license shall take into consideration the following: adequacy of housing and runs for the animals; the methods to be used for sanitation and to maintain quiet; the quality and height of the fencing; and, with particularity, any violations during the previous license period, if applicable. The Council ~~and Planning Commission~~ may impose such conditions as it shall deem necessary and appropriate to carry out the intent of this subchapter.

(E) ~~Design.~~ Regulations

(1) ~~Kennels or shelter floors and walls shall be constructed of impervious and easily cleanable materials and all structures, areas, and appurtenances so designed as to facilitate frequent and easy cleaning. With regard to private kennels where dogs are kept indoors, this shall apply to the portions of the principal structure to which the dogs are confined, fed, and cleaned.~~ Owner shall adhere to all regulations for Commercial Kennel/Boarding as noted in City of Monticello Zoning Ordinance §153.091, in addition to those below.

(2) All areas shall be adequately and properly ventilated and have ample light and heat, either natural or artificial.

(3) Every kennel or shelter shall be suitably enclosed or fenced in such a manner as to prevent the running at large or escape of the animals confined therein. No dogs may be tethered.

(4) Doors, windows, and other openings shall be screened.

(5) The premises shall be provided with adequate, safe, and approved sewer, water, and plumbing facilities.

~~(6) Enclosure shall be of sufficient size to allow each dog to turn around fully and stand, sit, and lie in a comfortable, normal position. The floors of the enclosure shall be constructed so as to prevent injury to the dog's legs and feet.~~

~~(7) Disposal facilities shall be provided to minimize vermin, infestation, odors, and disease hazards.~~

(8) Adequate storage and refrigeration shall be provided to protect food supplies against contamination and deterioration.

(9) No animal registered as dangerous with the animal control officer may be kept on premises at any time.

(F) *Operation and conditions.* All kennels and shelters shall be maintained in a clean, healthful, sanitary, and safe condition so as not to create a health hazard or public nuisance. Kennels shall be operated in a humane manner.

(G) *Revocation.* If a license fails to comply with the statements made in the application or with any reasonable conditions imposed by the City Council, or violates any other provision of this subchapter, the licensee shall be notified by mail and given ten days to remedy any defects or defaults. If the condition be not remedied in the ten days, the Council may revoke the license.

(H) *Tags.* Licensees shall affix an identification tag to all dogs owned by or under the control of the licensee. The identification tags shall at a minimum contain the name, address, and telephone number of the licensee.

(I) *Rabies vaccination.* A licensee shall cause every dog in the kennel to be vaccinated by a licensed veterinarian with anti-rabies vaccine. Puppies shall be so vaccinated at or before the age of 16 weeks and again at the age of one year. Adult animals shall be so vaccinated at least once in every 24-month period or as often as needed under the type of vaccine used to ensure immunity.

(J) *License fees.* The license is non-transferable. The fee for kennel license shall be at a rate as set by the City Council.

SECTION 3.

The City Clerk is hereby directed to make the changes required by this Ordinance as part of the Official Monticello City Code, Title IX, Chapter 90, Animal Ordinance.

SECTION 7.

This Ordinance shall take effect and be in full force from and after its passage and publication. The ordinance in its entirety and map shall be posted on the City website after publication. Copies of the complete Ordinance and map are available online and at Monticello City Hall

ADOPTED BY the Monticello City Council this 14th day of August, 2023.

Lloyd Hilgart, Mayor

ATTEST:

Jennifer Schreiber, City Clerk

AYES:
NAYS:

Passed by the City Council of the City of ____, __ County, Minnesota, this ____
day of _____, 2__.

____, Mayor

ATTEST:

____, City Clerk

SUMMARY ORDINANCE NO. 805A

**CITY OF MONTICELLO
WRIGHT COUNTY, MINNESOTA**

**A SUMMARY ORDINANCE AMENDING CITY CODE IX, CHAPTER 90, ANIMALS, SECTIONS
§90.001 DEFINITIONS, §90.025 PERMITS FOR COMMERCIAL DOG KENNELS; PERMITS FOR
KEEPING MORE THAN THREE DOGS OVER THE AGE OF SIX MONTHS**

NOTICE IS HEREBY GIVEN that, on August 14, 2023, Ordinance No. 805 was adopted by the City Council of the City of Monticello, Minnesota. Due to the lengthy nature of Ordinance No. 805, the following Summary Ordinance No. 805A has been prepared for publication as authorized by state law.

The ordinance adopted by the Council amends the Monticello Zoning Ordinance found in Title IX Chapter 90, Animals, of the Monticello City Code. The general purpose of the ordinance is to amend the code to address animal kennels and boarding. The following sections were amended:

§90.001	Definitions
§90.025	Permits for Commercial Dog Kennels; Permits for Keeping More than Three Dogs Over the Age of Six Months

A printed copy of the whole ordinance is available for inspection by any person during the City's regular office hours. The complete ordinance will be posted on the City's website following publication.

APPROVED FOR PUBLICATION by the City Council of the City of Monticello, Minnesota, this 14th day of August, 2023.

CITY OF MONTICELLO

ATTEST:

Lloyd Hilgart, Mayor

Jennifer Schreiber, City Clerk

VOTING IN FAVOR:

VOTING IN OPPOSITION:

ABSENT: