

LYNDEN TOWNSHIP ORDINANCE NO. 2007-2

An Ordinance for Commercial Dog Kennel Performance Standards
within Lynden Township.

WHEREAS, the Lynden Township Board of Supervisors instituted proceedings to amend Lynden Township Ordinance 2.1 with Ordinance 2007-2; and,

WHEREAS, on August 31, 2007, Notice of Public Hearing and intent to adopt Lynden Township Ordinance 2007-2, Commercial Kennel Performance Standards was published in the official newspaper of the town; and,

WHEREAS, on, September 12, 2007, the Lynden Township Board of Supervisors held a public hearing to consider the proposed ordinance; and,

WHEREAS, on September 24, 2007, the Lynden Township Board of Supervisors approved the Ordinance 2007-2; and,

NOW PURSUANT TO THE AUTHORITY VESTED BY MINNESOTA STATUTES SECTION 462.16, THE LYNDEN TOWNSHIP BOARD OF SUPERVISORS ORDAINS:

That the intent of Lynden Township Ordinance 2007-2 is to set minimum standards for the operation of Commercial Kennels in excess of the County minimum standards. The following language amends Section 6.26 Kennels, Commercial adopted by reference in Lynden Township Land Use and Zoning Ordinance 2.1

6.26 Kennel, Commercial - Performance Standards

6.26.1 Definitions:

- A. Impervious Surface – A surface that does not permit the absorption of fluids. Such surfaces are those that can be thoroughly and repeatedly cleaned and disinfected, will not retain odors, and from which fluids bead up and run off or can be removed without being absorbed into the surface material.

- B. Inspection Hours - A reasonable number of hours (excluding legal Federal Holidays) between 7:00 AM and 7:00 PM, Monday through Friday, except in cases of emergency, each week of the year.
- C. Kennel, Commercial – Any place where four (4) or more dogs and /or domestic pets over six months of age are boarded, bred, trained or offered for sale. The maximum number of dogs allowed in a commercial kennel is forty-five (45).
- D. Kennel Facility – Any land, premises, shed, barn, building, or other structure or area housing intended to house dogs, meeting all other performance standards.
- E. Kennel, Private – Any place where four or more dogs over six months of age, not kept in a residential dwelling, are owned by any member of the household. Private kennels are accessory to the principal use of the property and subject to the performance standards herein.
- F. Kennel Run – Indoor or outdoor containment area.
- G. Primary Enclosure – Any structure or device used to restrict a dog to a limited amount of space, such as a room, pen, run, cage or kennel.
- H. Secondary Enclosure- Any enclosed area designated to contain a dog or dogs for limited amounts of time for exercise or training, not intended as the primary enclosure for housing of the animal.
- I. Sanitize – To make physically clean and to remove and destroy, to the maximum degree that is practical, agents injurious to health.

Veterinarian – A doctor of veterinary medicine in good standing and licensed by the State of Minnesota.

6.26.2 Kennel Requirements

A kennel may be allowed as a conditional use subject to the submittal of an application that addresses both the administrative requirements of this Ordinance and the following standards:

- A. The stated purpose of the kennel.
- B. The breed and the maximum number of dogs to be kept on the property over the age of six (6) months.
- C. Dogs must be confined or under the supervision of the kennel operator or staff at all times.
- D. The owner/operator of the kennel shall operate the kennel as to not unreasonably disturb the peace and quiet of neighboring residents.

- E. All dogs must be kept in an indoor primary enclosure at night from 10:00 PM to 6:00 AM.
- F. Structures used for confinement require a minimum setback of 100 feet from any property line and 500 feet from any residential dwelling that exists at the time of application, except the dwelling on the facility property.
- G. Any signs shall comply with all Township sign standards in Section 7.20 of Lynden Township Ordinance #2.1 or successor Ordinance.
- H. The use shall comply with all applicable Federal, State, County and Township rules and regulations.
- I. A Site Plan must be submitted showing the following:
 - 1. Property acreage.
 - 2. Location and size of all existing and proposed physical improvements to be used for the kennel with measurements and the number of dogs to be contained in each structure or enclosed area (primary and secondary).
 - 3. Identification and dimensions for any existing or proposed indoor and outdoor runs and exercise areas also describing intended surfaces.
 - 4. Location of all existing or proposed wells and sewage treatment areas on site.
 - 5. Location of any water features on-site (wetlands, streams, ditches, lakes). A wetland determination should be made by the County as a part of the application.
- J. Kennel standards:
 - 1. Housing facilities and confinement areas must be designed and constructed so that they are structurally sound. They must be kept in good repair, and they must protect the dogs from injury, contain the dogs securely, and restrict other animals from entering.
 - 2. Primary enclosures must provide sufficient space to allow each dog to turn about freely, to stand, sit, and lie in a comfortable, normal position, and to walk in a normal manner and enable the dogs to remain dry and clean.
 - 3. Permanent tethering of dogs is prohibited for use as a primary enclosure.
 - 4. The indoor surfaces of the kennel must be constructed to be impervious to water and odor and must be easily cleanable.
 - 5. Outdoor exercise areas of commercial kennels must be fenced. Fencing shall consist of durable materials, with a minimum height of no less than 4 feet for dogs less than 12 inches in height and 5 feet in height for all dogs over 12

inches, and must deter a dog from escaping over, under, or through the fence.

6. Exterior kennel areas, where animals are kept when not inside, must be maintained free of excreta, easily cleanable and provide for adequate site drainage.
7. Exterior surfaces must be maintained on a regular basis. Those surfaces which cannot be readily cleaned must be replaced when worn or soiled.
8. The floors of secondary areas such as outdoor shelters may be of absorbent bedding, sand, gravel, or grass, and must be replaced if there are any prevalent odors, diseases, insects, pests or vermin.
9. Kennel facilities shall be designed to accommodate seasonal extremes including adequate heating, ventilation and lighting;
 1. Confinement areas must be maintained at a temperature suitable for the specific dog breed.
 2. An indoor confinement area must be ventilated. Drafts, odors, and moisture condensation must be minimized.
 3. Indoor confinement areas must have at least eight hours of illumination (natural or artificial) sufficient to permit routine inspection and cleaning.

K. Health Standards:

1. Kennel facilities shall be adequately drained, so that no standing water remains after cleaning or rainfall and the facilities are maintained in a healthful manner so that the animals stay dry.
2. Facilities are subject to an initial inspection and may be inspected annually during regular business hours or with just cause at any time by a member of the Township Board, or designee. An annual inspection fee shall be paid by the owner/operator as per the fee schedule.
3. Excreta and food waste must be removed from the primary enclosures daily and from under any enclosures as often as necessary to prevent an excessive accumulation of feces and food waste, to prevent soiling of the dogs contained in the primary enclosures, and to reduce disease hazards, insects, pests and odors.
4. Secondary enclosures such as pens, runs and outdoor exercise areas using materials such as gravel, sand, grass or absorbent bedding must be cleaned by removing any contaminated material as necessary to prevent odors, diseases, pests, insects and vermin infestation.
5. All dogs on-site must have current vaccinations. The vaccination records are to be kept on site or at an identified veterinarian office and available upon request.

6. A waste disposal plan, as approved by the Township, is required for the facility. The plan shall provide for regular and frequent collection, removal, and disposal of dog and food wastes, soiled bedding, debris, garbage, water, other fluids and wastes, and dead animals, in a manner that minimizes environmental contamination and disease risks. Stock piling of waste is prohibited.
7. The facilities shall provide all the dogs with easy and convenient access to clean food and water.
8. Food receptacles must be readily accessible to all dogs, and must be located so as to minimize contamination by excreta and pests, and must be protected from rain and snow. If food receptacles are not disposable, they must be kept clean and must be sanitized. Measures must be taken to ensure that there is no molding, deterioration, and caking of feed.
9. Supplies of food and bedding must be stored in a manner that protects the supplies from spoilage, contamination, and vermin infestation. The supplies must be stored off the floor and away from the walls, to allow cleaning underneath and around the supplies.
10. Trash containers in housing facilities and in food storage and food preparation areas must be leak proof and must have tightly fitted lids on them at all times.

This ordinance is effective on the date publication.

Approved and adopted by the Lynden Township Board of Supervisors this 24th day of September in the year of 2007.

Anne Ackerman, Chair
Lynden Township Board of Supervisors

ATTEST:

Del Moeller
Lynden Township Clerk

Drafted By :
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