

WEST LAKELAND TOWNSHIP
Workshop on Ordinance Recodification
July 13, 2011
Oak-Land Jr. High Room 102B 7:00 p.m.

Present: Chairman Dan Kylo, Supervisor Dave Schultz, Supervisor Steve Ebner, Town Clerk Sue Agrimson and Betsy Vance, Attorney Scott McDonald

Chairman Kylo began by saying that Aggregate Industries, Inc. representative Bob Bieraugel asked for an extension of the hours on a special project that was approved at the May 17, 2011 ordinance workshop.

Due to the State shutdown, this project was put on hold. Due to this shutdown, Supervisor Ebner made a motion to accommodate Aggregate Industries request to extend the special hours until August 8th. Seconded by Supervisor Schultz. Motion carried.

17. Animal control

Dan Kylo indicated that he had talked to Washington County, Dennis O'Donnell, on amount of dogs for private vs. commercial(business) in County Definitions that we will incorporate in to our ordinances.

Commercial Kennel - means a place where four or more dogs over the age of six months are kept and where the business of selling, breeding or grooming dogs is conducted and where the keeping of these dogs may be incidental to the occupancy of the premises and may be the primary source of income.

Private Kennel – means a place where four but not more than eight dogs over the age of six months are kept and where the business of breeding, grooming or training dogs is conducted and where the keeping of such dogs is incidental to the occupancy of the premises for residential purposes and is not the primary source of income.

It was indicated to the Town Board by the Washington County Sheriff's Department that when dog owners are issued a "Potentially Dangerous Dog Citation", we do not have an appeal process within our ordinances. The addition is as follows:

17. Animal Control

17.1 Purpose.

17.1.1 The Town Board of the Town of West Lakeland.....

17.2 Definitions

17.2.1 Animal Control Officer means the Town Board and/or any persons or agencies designated by the Town Board. The Animal Control Officer's primary function involves enforcement of this Ordinance and other laws dealing with dogs. The Animal Control Officer shall also be construed to include any licensed law enforcement officer and shall have the police powers necessary for enforcement of this chapter, including authority to issue citations for violations.

17.2.2**At large** means off the premises of the owner and not under the physical control (by leash or by voice) of the owner, a member of the owner's immediate family, or a person designated by the owner.

17.2.3**Commercial kennel** means a place where four or more dogs over the age of six months of age are kept and where the business of selling, breeding, or grooming dogs is conducted, and where the keeping of these dogs may be incidental to the occupancy of the premises and may be the primary source of income.

17.2.4**Dangerous Dog and Potentially Dangerous Dog** have the meanings ascribed to those terms by M.S. Â§347.50, and specifically as follows:

17.2.4.1**"Dangerous Dog"** means any dog that has: without provocation, inflicted substantial bodily harm on a human being on public or private property; killed a domestic animal without provocation while off the owner's property; or, been found to be potentially dangerous, and after the owner has noticed that the dog is potentially dangerous, the dog aggressively bites, attacks, or endangers the safety of humans or domestic animals.

17.2.4.2**"Potentially Dangerous Dog"** means any dog that: when unprovoked, inflicts bites on a human or domestic animal on public or private property; when unprovoked, chases or approaches a person upon the streets, sidewalks, or any public property in an apparent attitude of attack; or, has a known propensity, tendency, or disposition to attack, unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.

17.2.4.3.The terms "dangerous dog" and "potentially dangerous dog" shall also be construed to include similar classifications from other statutes or ordinances, which are substantially in conformity with Minnesota Statutes Â§347.50, whether or not the same words are used.

17.2.5 **Private kennel** means a place where four but not more than eight dogs over the age of six months are kept and where the business of selling, breeding, grooming, or training dogs is conducted and where the keeping of such dogs is incidental to the occupancy of the premises for residential purposes, and is not the primary source of income.

17.3. **Poundkeeper/Designated Animal Control Officer.** The Town Board shall appoint such person, persons or firm as the Town Board deems appropriate and advisable as Poundkeeper/Designated Animal Control Officer for the Township. This person, persons, or firm shall be compensated in such a way as the Town Board may deem reasonable.

17.4 **Regulations Relating to the Keeping of Dogs.**

17.4.1 **Prohibition of Dogs Running at Large.** It shall be unlawful for any person who owns, harbors, or keeps a dog to allow such dog to run at large in the Town of West Lakeland. It shall be the duty of every owner of any dog, or anyone having any dog in their possession or custody to exercise reasonable care and to take all necessary steps and precautions to protect other people, property and animals from injuries or damage which might result from their dog's behavior, regardless of whether such behavior is motivated by mischievousness, playfulness, or ferocity.

17.4.2 Barking Dogs. It shall be unlawful for any person to own, harbor, keep, or have in their possession or on their premises any dog which by loud and habitual barking, howling, or yelping shall cause disturbance or annoyance to persons residing in the vicinity thereof. Any person in possession of any dog or more than one dog by where the dogs bark yelp or howl in a serial or consecutive manner for a total period of twenty minutes or more within any one hour period shall be considered to be barking habitually for purposes of this section.

17.4.3 Prohibition of Unsecured Female Dogs in Heat. It shall be unlawful for any person to own, harbor, keep or have in their possession or on their premises an unsecured female dog in heat. An unsecured female dog in heat shall be deemed to be any female dog in heat which is not confined in a building or secured enclosure in such a manner that the female dog cannot come into contact with a male dog except for a planned breeding.

17.4.4 Dogs Which Are Public Nuisances. Every unsecured female dog in heat, and every dog that runs at large or causes disturbance, property damage or any dog that, without provocation, chases, molests or approaches pedestrians or bicyclists in a threatening manner upon the streets, right of way, or any public property or roadway or noise in violation of the provisions of this Ordinance is hereby declared a public nuisance.

17.4.5 Dangerous Dog and Potentially Dangerous Dog. It shall be illegal for any person to own, keep, possess or harbor any dog that has been declared a dangerous dog or potentially dangerous dog. This prohibition shall apply whether said declaration has occurred in the Township or in some other jurisdiction. This prohibition shall also apply whether said declaration was made pursuant to M.S. Â§347.50 or pursuant to another statute or ordinance, which is substantially similar to M.S. Â§347.50. have the meanings ascribed to those terms by M.S. Â§347.50, and specifically as follows:

17.4.5.1 If a dangerous dog or potentially dangerous dog has bitten a person, then the dog shall first be quarantined according to the provisions of this Section of this Ordinance. Following said quarantine period, then the provisions of sections 17.2.5.2.1 and 17.2.5.2.2 shall apply.

17.4.5.2 The Animal Control Officer or law enforcement officer shall immediately seize and impound any dangerous dog or potentially dangerous dog that is found within the Township. The dog will be kept no fewer than ten (10) calendar days. The owner has until the end of this time period to provide written verification that the dog will be legally removed from the Township, or that the dog will be euthanized. The owner must pay all associated impounding and boarding costs prior to the release of the dog. Upon its release, the dog shall be immediately transported to a location outside of the Township, or to a proper facility to be euthanized.

17.4.5.3 Any such dog that is not properly claimed within ten (10) calendar days shall be humanely euthanized. The owner of the dog that is euthanized shall be responsible to pay the impounding, boarding and euthanization costs.

17.4.5.4 This section shall not apply to police dogs under the control of a licensed law enforcement officer during the performance of official police activities.

17.4.6 Potentially Dangerous Dog appeal process. You have received a Notice declaring your dog as Potentially Dangerous. If you desire to appeal the Notice of Declaration that your dog is Potentially Dangerous, you must file with the Town Clerk written notice of appeal which may be accomplished by completing and delivering to the Town Clerk the Request for Appeal form. During the appeal process, you must confine your dog in a Proper Enclosure as defined in the Notice of Declaration, or if the dog is outside the Proper Enclosure, the dog must be muzzled and restrained by a substantial chain or leash and under the physical restraint of a responsible person. The muzzle must be made in a manner that will prevent the dog from biting any person or animal but that will not cause injury to the dog or interfere with its vision or respiration.

17.4.6.1 The following information explains the appeal process:

17.4.6.1.1 An appeal hearing will be scheduled within fourteen (14) days of the date that your Request for Appeal is received by the Town Clerk. The appeal hearing will be conducted by the Town Board. The Town Clerk will provide the owner of the dog with notice of the place, date and time of the scheduled appeal hearing as soon as practical following the Town's receipt of the Request for Appeal.

17.4.6.1.2 The owner may bring any evidence relevant to the issue, or any person with you who has testimony relevant to the issue, but may not bring your dog to the hearing. All persons giving testimony will be sworn under oath and subject to the penalty of perjury.

17.4.6.1.3 The Town will be responsible for contacting the witnesses who are relevant to its case.

17.4.6.1.4 After all persons have given the relevant testimony, the Town Board will consider all evidence submitted and is required to make a decision of whether your dog is a Potentially Dangerous dog. The Town Board's decision shall be after the hearing. The Town Board's decision will be hand delivered or sent by registered mail to the owner of the dog as soon as practical and a copy shall be kept as record by the Township. In the event that the Potentially Dangerous dog declaration is upheld by the Town Board, actual expenses of the hearing up to a maximum of \$1,000 will be the responsibility of the dog's owner.

17.4.6.1.5 Your right to appeal or otherwise contest a Potentially Dangerous dog declaration shall be deemed waived if you fail to serve a written Request for Appeal within fourteen (14) days of the date of the Notice of Declaration of a Dog as Potentially Dangerous or if you fail to appear at the appeal hearing scheduled pursuant to your Request for Appeal.

17.4.7 Interference with Enforcement. It shall be unlawful for any unauthorized person to interfere with, hinder, or molest any animal control officer designated by the West Lakeland Town Board in the performance of the duties of his office under this Ordinance.

17.4.8 Investigation. Acting upon any complaint, the Animal Control Officer, any law enforcement officer or a member of the Town Board of West Lakeland may enter the premises where any animal is kept in a reportedly cruel or

inhumane manner consistent with the Minnesota State Anti-Cruelty laws and demand to examine such animal and its environment.

17.4.9 Quarantine. Whenever a person owning, possessing, or harboring any dog within the corporate limits of the Town of West Lakeland learns that this dog has bitten any human being, such person shall immediately impound said dog in a place of confinement where it cannot escape or have access to other human beings and animals and shall also immediately notify the Town Clerk. When the Town Clerk learns that a human being has been bitten by any dog within said Town, the Town Clerk shall attempt to ascertain the identity of such dog and the person owning, possessing, or harboring it and shall immediately direct such person to forthwith impound such dog as herein required. Any dog so impounded shall be kept continuously so confined for a period of ten (10) days from the day the dog bit a human being.

Upon learning that a dog has bitten a human being, the Town Clerk shall immediately notify the poundkeeper/designated animal control officer and inform him of the place where the dog is impounded. It shall be the duty of said poundkeeper/designated animal control officer to inspect said dog as necessary during its period of ten (10) days' confinement and to determine whether such dog is infected with and transmitting the rabies virus. For this purpose, the animal control officer shall have access to the premises where such dog is kept at all reasonable hours and may take possession of the dog and confine it in a suitable place at the expense of the owner. The owner or person in possession of or harboring such dog shall immediately notify said poundkeeper/designated animal control officer of any evidence of illness or disease in the dog during its period of confinement and shall promptly deliver its carcass to said poundkeeper/designated animal control officer in the event of its demise during its confinement.

17.4.10 Prohibition of Dog Fighting It shall be unlawful for any person to pit one animal against another as pursuant to Minnesota State Law on cruelty to animals, Chapter 346, Paragraph 346.29.

17.4.11 Identification of Owner. The owner of any dog within the Town shall cause the dog to wear an identification tag identifying the owner of the dog. The identification shall include the owner's name and either the telephone number or address of the owner. The tag shall be securely fastened to the collar of the dog and shall be worn by the dog at all times. It shall be unlawful for any owner to allow a dog off the owner's property without the required identification tag.

17.4.12 Protection for Dogs. It shall be unlawful for anyone to place upon the ground or in any other manner any poison, bait, ground glass or harmful substance intended to harm a dog.

17.5 Prohibition of Kennels. No private or commercial kennel may be established in the Town unless a conditional use permit therefore has been issued as provided by this Ordinance. .

17.6 Private or Commercial Kennels

17.6.1 Required permits. A Conditional Use Permit is required for private or commercial kennels. Business kennels are allowed in any commercial district. .

Private kennels are allowed with a conditional use permit in the SFE District. Private or Commercial kennels must comply with all rules and regulations of federal, state, county, and Township agencies.

17.6.2 Performance Standards. Private and commercial kennels must comply with all of the following standards.

The minimum lot area required for commercial and private kennels is five (5) acres.

17.6.2.1 Any outdoor structures used for the confinement, care, or breeding of animals shall be setback a minimum of one hundred (100) feet from any property line and fifty (50) feet from any water supply well.

17.6.3 An individual sewage treatment system shall be installed with the capacity to handle waste and hoses from the kennel and kennel runs.

17.6.4 Private kennels may have a maximum of eight (8) dogs.

17.7 Issuance of Permits.

17.7.1 Kennel Permit Application. Upon application for issuance of a kennel permit for a private kennel or commercial kennel, the Town Board will consider the following factors together with any additional information the Board feels is relevant:

17.7.1.1 The maximum number of dogs to be kept in the kennel.

17.7.1.2 The location of the kennel.

17.7.1.3 The proximity of surrounding homes of businesses.

17.7.1.4 The topography of the area.

17.7.1.5 The management of the kennel.

17.7.1.6 The impact of the kennel on the value and enjoyment of neighboring property.

17.7.1.7 Whether the kennel will have an impact on traffic in the area.

17.7.1.8 The amount of land owned by the applicant on which the kennel will be located.

17.7.2 Kennel permits shall not be approved unless the Board determines that issuance of the permit would be in the best interest of the Township after consideration of the factors set forth in 17.5.1

17.7.3 Conditional Use Permit Application. Upon application for a conditional use permit for a private kennel or commercial business kennel, the Town Board may consider all of the factors set forth above for private and/or commercial kennel and also the following factors:

17.7.3.1 Whether the kennel will have employees.

17.7.3.2 The hours of operation of the kennel.

17.7.3.3 Information received at a public hearing on the application.

17.7.4 Conditional use permits for, private kennel or commercial business kennels shall not be approved until the Town Board has held a public hearing on the application preceded by published notice at least ten (10) days prior to the hearing and by mailed notice to property owners within one quarter (¼) mile of the affected property or to the ten properties nearest to the affected property whichever would provide notice to the greater number of owners and until the Town Board has determined that the proposed kennel will be in the best interest of the Township and will not have a significant adverse effect on neighboring

properties. All kennel permits previous to the adoption of this ordinance as of August 8th, 2011 can continue under the previous requirements, all other applications August 8th, 2011 and after must comply with this adopted ordinance.

17.8 Exotic animals

17.8.1 The keeping of exotic animals within the Town of West Lakeland is prohibited unless the owner or person keeping the same shall first secure from the Town Board a permit therefore.

17.8.2 The Town Board shall grant a permit for the keeping of any exotic animals only if the Town Board finds, on application by the owner or such owner or keeping, that the animal is:

17.8.3 Unlikely to cause harm to any person or property; or

17.8.4 Is kept under such special conditions that it is unlikely the animal will cause harm to any person or property and the owner or keeper thereof has adequate liability insurance to compensate any person who may be injured or suffer property damage as a result of the presence of such animal in the Town of West Lakeland.

17.8.5 All other considerations of the conditional use permit to assure health, safety, and welfare of the residents and surrounding properties.

Continuation of review :

(This Illicit Discharge and Connection Stormwater Ordinance as submitted by Dan Kylo that need to be added as required by the Met Council for our Comprehensive Plan). The below items have items that needed to be filled in – total content can be view in the entire draft document.

9.11.15 Appeal of Notice of Violation

9.11.15.1 Any person receiving a Notice of Violation may appeal the determination of the West Lakeland Board or authorized..... The notice of appeal must be received within **60** days from the date of the Notice of Violation.

9.11.15 Enforcement Measures after Appeal

9.11.15.1 If the violationin the Notice of Violation; or, in the event of an appeal, within **30** days of the decision of the municipal....

19.11.16.1 **Cost of Abatement of the Violation** – **Within 60** days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment **within 30** days.

9.11.16.2....Any person violating any of the provisions of this article shall become liable to the township by reason of such violation. The liability shall be paid in not more than 12 equal payments. **Interest at the rate of 6% percent shall be assessed on the balance beginning 30 days after receipt of notice of assessment.**

9.11.20.1 - **Criminal Prosecution** - any person that has violated or continues to violate this ordinance shall be liable to criminal to criminal prosecution to the fullest extent of the law, and shall be subject to a criminal penalty as for a misdemeanor under state law.

Other corrections:

1.1.4 Abrogation and Greater Restriction - This ~~chapter~~ code is not... ordinances separate from the code, ~~rules, regulations,~~ or permits previously...the more restrictive provision shall apply. ~~However, wherever this chapter is more restrictive, the provisions of this chapter shall apply.~~

2.6.6 Length of Conditional Use - Renewal notices will be renewed ~~remain in effect~~...

2.6.8.2 Revocation ...written notice of the Town board ~~Township planning Commission~~ action has been served on the permittee.

4.7.2 add the word “ silviculture” to Definitions.

5.2.3 Conveyance of Land ~~prior to recording, a conveyance of land which is less..than the whole as charged on the tax lists and found to be in violation of this section will be returned to the applicant and notice by mail of the potential violation will be given to the parties to the conveyance pursuant to Mn. Statute 394.37.~~

6.1.1 All such operations existing upon the effective date of this code ~~April 21, 2003~~

7.7.2Town shall be paid an additional fee and mileage as approved from time to time by resolution of the town board ~~of \$25.00 plus mileage at the rate of 25 cents per mile.~~

8.10.15.2 Access of spacing Guidelines – add ~~e~~-to 1/8 mile in chart

8.15.3.1 Standards for Wind Conservation Systems - If the wind energy conversion system is 20 feet or less in height, it maybe located on a parcel 2.5 acres of greater in size, subject to the ~~following~~ performance standards in this section.

8.15.4.7 Tower climbing apparatus shall not be located within 12 feet of the ground, or a locked anti-climb device shall be installed on the tower or ~~and~~-a protective fence.....

9.2.5 Removed

10.3 Home Occupation ~~Conditional~~-Use Permit for Home Occupation

10.3.1 – 103.3 -- change all Conditional Permit to permit. In 10.3.3 ..granting of the ~~eup~~ home occupation.

10.4.2not more than 15 days per year and not more than 4 consecutive ~~elosely limited in time(15 days per year) or extent(on street parkings).~~

12.4 Apply County definition on **Lot Line Adjustment**

12.6.3 Zoning Administrator is the Town Board

13.1.3 ~~Additional setback requirements.~~

13.5.2 **Removal by Town with Consent** ~~Cost~~

14.1.1 0.5 ug/l ~~UGA~~ of TCE ~~EC~~

14.6.3.3...has not been reached, but because of predictive patterns ~~indicate an increase,~~

16.1.1.3 – 16.1.2.4 Delete

16.4.6.4.4 ~~To the extent feasible,~~ back flush water.....

16.4.6.5 **Pool piping** systems shall be constructed of materials prescribed in the ~~Town plumbing~~ Universal Building Code.

16.4.6.8 **Electrical requirements** – All electrical installations provided for, installed, and used in conjunction with residential swimming pools shall conform to ~~the~~ State Electrical Code and shall be inspected and approved by a State Electrical Inspector. ~~No current carrying electrical conductors shall cross residential swimming pools, except as necessary for pool lighting or pool accessories.~~

18.4 Certain Terms Defined:

- **CONDITIONAL USES.** ~~Uses of a special nature to make impractical their predetermination as a permitted use in a District.~~
- **GARAGE STORAGE.** Any premises, except those described as a private or public garage used exclusively for the storage of power drive vehicles.

~~GENERAL DEFINITIONS. For the purposes of this Chapter, certain words or phrases shall have their customary meanings that either vary somewhat from their customary dictionary meanings or are intended to be interpreted to have a specific meaning. Words used in the present tense include the future. The word “person” includes a firm, association, partnership, trust, company, or corporation as well as an individual. The word “he: includes the word “she”. The word “shall” is mandatory, “should” is advisory, and “may” is permissive. Any words not defined in this Section shall be presumed to have their customary dictionary definitions.~~

- ~~KENNEL, RESIDENTIAL HOBBY. A place where four to ten dogs over the age of six months are kept on a premises which is zoned and occupied for residential~~

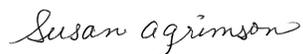
~~purposes, and where the keeping, breeding or selling of such dogs is incidental to the occupancy of the premises for residential purposes and is not the primary source of income.~~

- PLAT, PRELIMINARY. ~~Preliminary plat shall contain data required as outlined in section 7.~~
- ALL TERRAIN VEHICLE ~~RECREATIONAL VEHICLE.~~
- DANGEROUS DOG AND POTENTIALLY DANGEROUS DOG have the meanings ascribed to those terms.safety of humans or domestic animals. **“Potentially Dangerous Dog”**—means any dog that; when unprovoked, inflicts bites on a human or domestic animal on public or private property; when unprovoked, chases or approaches a person upon the streets, sidewalks, or any public property in an apparent attitude of attack; or, has a known propensity, tendency, or disposition to attack, unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals. The terms “dangerous dog” and “potentially dangerous dog” shall also be construed to include similar classifications from other statutes or ordinances, which are substantially in conformity with Minnesota Statutes A 347.50 whether or not the same words are used.

Conclusion of corrections/additions to code book for this meeting.

Dan said he will email the Board 16.3 **Parking Restrictions** and will have an electronic consensus and then Betsy will include in the draft Ordinances .

Respectfully submitted,



Susan Agrimson
Town Clerk

