



Le Sueur County, MN

Thursday, September 14, 2017

Regular session

Item 2

A. Skluzacek

Staff Contact: Kathy Brockway or Michelle Mettler

STAFF REPORT

GENERAL INFORMATION

APPLICANT/OWNER: Andrew Skluzacek

911 ADDRESS: 20542 440th St, Le Center MN 56057

PROJECT DESCRIPTION: Establish and operate a dog kennel for boarding and training of animals in an Agriculture "A" District.

ZONING ORDINANCE SECTIONS: 8 and 19

The Agriculture (A) District is established for areas where agriculture uses are seen as the best and highest long term use of the land. The land itself needs to be preserved for primarily agricultural activities. These areas should avoid existing cities, residential zones and subdivisions. They should be large contiguous land areas with mostly prime soils. Rezoning should only be considered on the zone's borders in order to maintain the Zoning integrity of the District. Dwellings that are allowed should be on the edges of the open farmland where possible or utilize existing abandoned farm sites. The total number of Dwellings shall not exceed sixteen (16) per section of land with the exception of Transfer of Development Right and lots of record. Transfer of development rights may be utilized to exceed the permitted housing density of one dwelling per quarter-quarter section (40 acres), provided that the density does not exceed four dwellings per quarter-quarter section in the receiving quarter-quarter section. Lots of Record, shall be exempt from density standards.

GOALS AND POLICIES:

The current Land Use Plan as adopted in 2007 does not make reference to the establishment and operation of Animal hospitals, veterinary clinics, animal crematoriums and related facilities for the care and breeding of animals including kennels. However, it is addressed as a Conditional Use Permit within the Agricultural District.

SITE INFORMATION

LOCATION: 5 Acres-SW 1/4 SE 1/4, Section 23, Cordova Township.

ZONING: Agricultural

GENERAL SITE

DESCRIPTION: Existing farm site

ACCESS: Existing driveway access approved by the County Hwy. Assistant Engineer

EXISTING LAND USE WITHIN ¼ MILE:

North:	Ag	South:	Ag
East:	Ag	West:	Ag

TOWNSHIP BOARD NOTIFICATION

The applicant notified Harry Mach, Cordova Township on July 22, 2017. No objections.

NATURAL RESOURCES INFORMATION

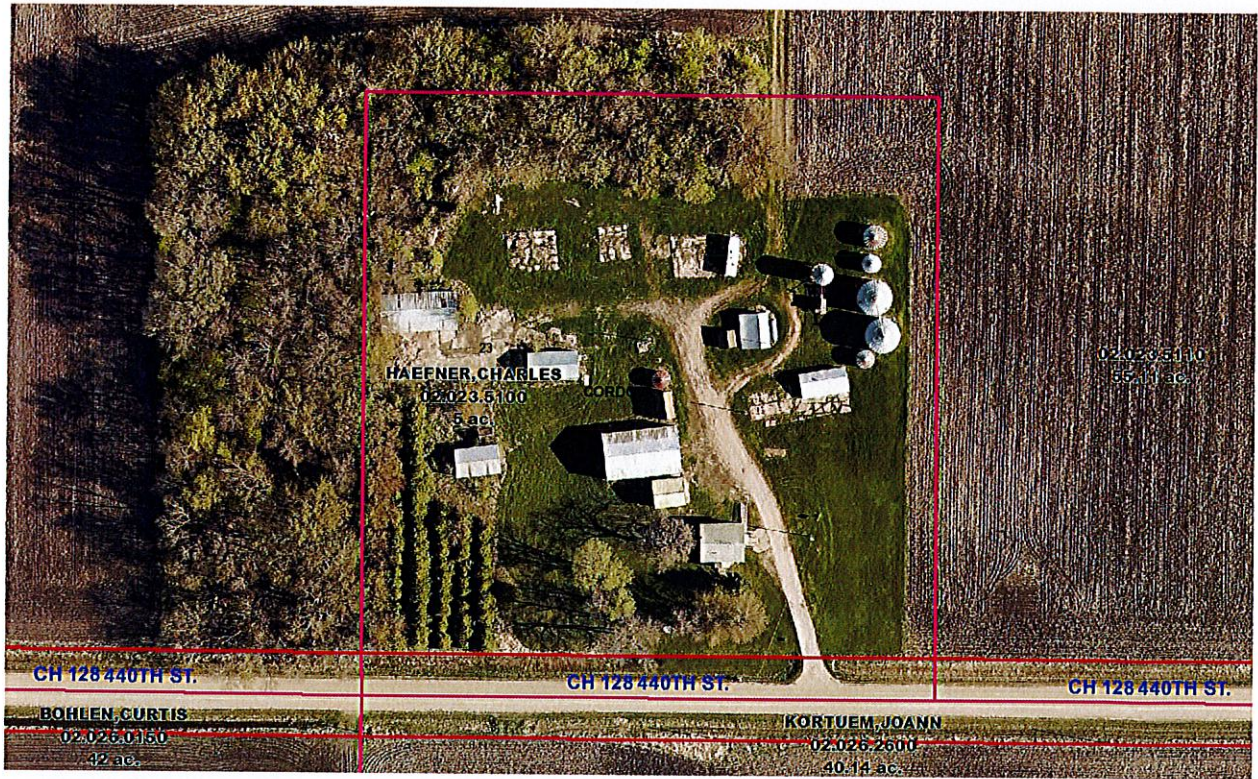
SHORELAND: The proposal is not located within the Shoreland District.

WETLANDS: According to the National Wetlands Inventory, No wetlands located in the quarter-quarter section where the project is proposed.

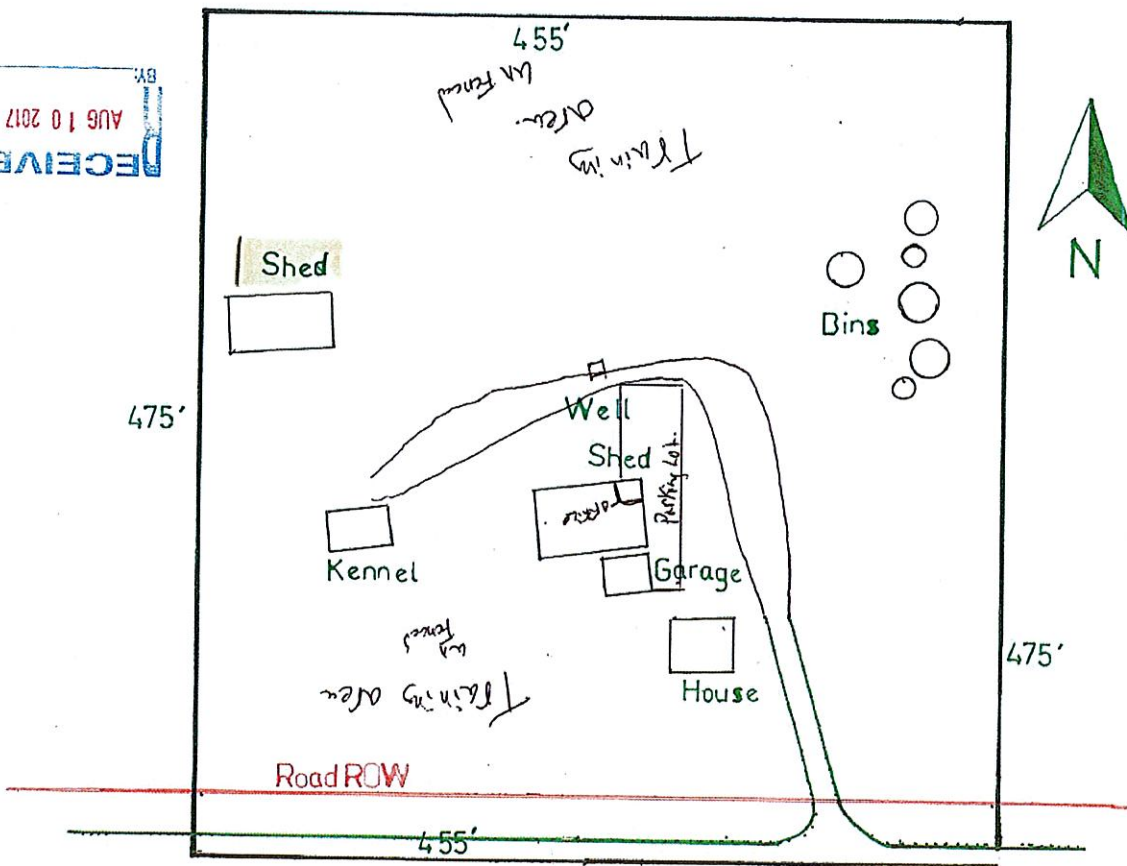
ATTACHMENTS

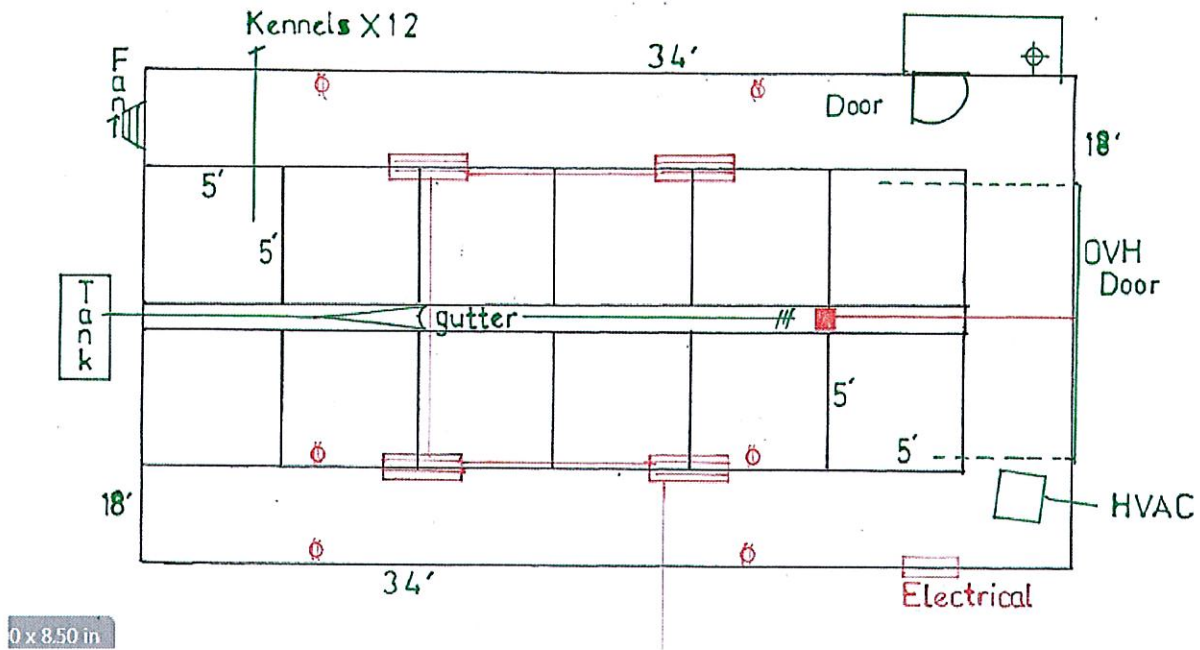
Application, Criteria Form, Narrative, Site Plans, Dept. of Animal Health Application, Insurance on file with the Dept., Letter from Amy Beatty, LSC Feedlot Officer.

SITE PLANS/AERIAL PHOTO

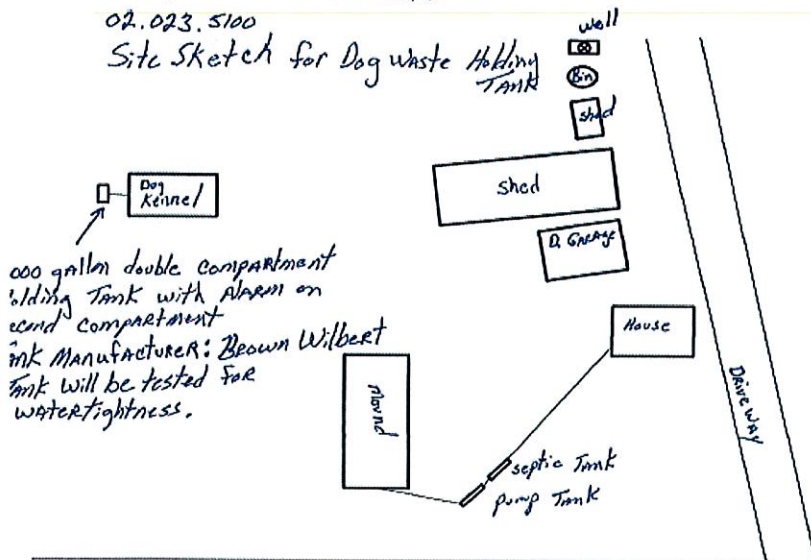


RECEIVED
AUG 10 2017





↑ North
 Andrew Skluzacek
 80542 440th St. Le Center Mn.
 02.023.5100
 Site Sketch for Dog Waste Holding Tank



- Dog Kennel to Tank = 10 ft.
- well to Holding Tank = 180 ft.
- Row to Holding Tank = 140 ft.
- NPL to Holding Tank = 280 ft.
- EPL to Holding Tank = 370 ft.
- WPL to Holding Tank = 50 ft.

RECEIVED
 AUG 16 2017
 BY:

: Mike Skluzacek
 8-15-17

PLANNING AND ZONING COMMISSION CONSIDERATIONS

The Planning Commission and staff shall consider possible adverse effects of the proposed conditional use and what additional requirements may be necessary to reduce such adverse effects. Its judgment shall be based upon the following factors to include, but not limited to:

1. Relationship to County plans.
2. The geographical area involved.
3. Whether such use will negatively affect surrounding properties in the area in which it is proposed.
4. The character of the surrounding area.
5. The demonstrated need for such use.
6. Whether the proposed use would cause odors, dust, flies, vermin, smoke, gas, noise, or vibration or would impose hazards to life or property in the neighborhood.
7. Whether such use would inherently lead to or encourage disturbing influences in the neighborhood.
8. Whether stored equipment or materials would be screened and whether there would be continuous operation within the visible range of surrounding residences.
9. Abatement of Environmental Hazards as regulated in this Ordinance
10. Other factors impacting the public health, safety and welfare.

PLANNING AND ZONING COMMISSION CONDITIONS

The Planning Commission shall recommend such conditions relating to the granting of said Conditional Use Permit, as they deem necessary to carry out the intent and purpose of this Ordinance or recommend that the request be denied. Such recommendation shall be in writing. The conditions may include, but are not limited to the following:

1. Increasing the required lot size or yard dimension.
2. Limiting the height, size, or location of the structures.
3. Controlling the location, size, and number of vehicle access points.
4. Increasing the street width.
5. Increasing the number of required off-street parking space.
6. Limiting the number, size, location, or lighting of signs.
7. Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
8. Designating sites for open space.

PLANNING AND ZONING COMMISSION FINDINGS

Based on the information submitted by the applicant, contained in this report, and as required by the Le Sueur County Zoning Ordinance, the following findings have been developed for this request:

(Please circle one for each item: Agree, Disagree, Not Applicable.)

1. *The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity.*
2. *The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.*
3. *Adequate utilities, access roads, drainage and other facilities are being provided.*
4. *Adequate measures will be taken to provide sufficient off-street parking and loading space to serve the proposed use.*
5. *Adequate measures will be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.*
6. *Is the Conditional Use Permit consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance?*
7. *Is the Conditional Use Permit consistent with the Comprehensive Land Use Plan?*

Recommend (circle one) approval / denial / table / of Conditional Use Permit.

Le Sueur County

Conditional Use Application

I. **Applicant:**
Name Andrew Skluzacek
Mailing Address 20542 440th St
City Le Center State MN Zip 56057
Phone # 507 210 8481 Phone # 651 356 5856

II. **Landowner:**
Name Andrew Skluzacek
Mailing Address 20542 440th St
City Le Center State MN Zip 56057
Property Address 20542 440th St
City Le Center State MN Zip 56057
Phone # 507 210 8481 Phone # 651 356 5856

III. **Parcel Information:**
Parcel Number 02, 023, 5100 Parcel Acreage 5
Attach Full Legal Description (NOT abbreviated description from tax statement)
Township Cardova, 110 North Section 23
Subdivision _____ Lot _____ Block _____

IV. **Township Notification:** Township must be notified of proposed use prior to application.

Cardova Township notified on 7-22-17 11:47 am
(Township Name) (Date)

Board Member Harry Mach 507-357-6615 regarding the proposed use.
(Name)

V. **Quantities and Submittal Formats:** -no assessments, he said we have his blessing

- One (1) reproducible 8.5" x 11" copy of the request and all other supporting documents.
- Twenty three (23) copies must be submitted, if any documents are in color, an aerial, or larger than 8.5" x 11" in size.
- Electronic version of any supporting documents *if available*.
- Additional copies may be requested as deemed necessary by the Department.
- Application must be made in person by the applicant and/or landowner no later than 12 P.M. on the date of application deadline.
- Appointment is necessary.
- Applications will not be accepted by mail.

VI. **Fees: Must be paid at the time of application.**

Conditional Use Permit \$ 750 After-The-Fact fee is doubled.
Filing Fee \$ 46

Additional Fees:

Special Meeting \$ 2,000
After-The-Fact Penalty \$ 1,500 OR 10% of improvement, whichever is greater

1



VII. Type of Request:

- | | |
|--|--|
| <input type="checkbox"/> Self Service Storage | <input type="checkbox"/> Value Added Agriculture |
| <input type="checkbox"/> School/Church/Cemetery | <input type="checkbox"/> Antique Sales/Service/Repair |
| <input type="checkbox"/> Retail Nursery/Greenhouse | <input type="checkbox"/> Substation/Transmission Lines etc. |
| <input type="checkbox"/> School/Church/Cemetery | <input checked="" type="checkbox"/> Other <u>Deq training/boarding</u> |

VIII. Description of Request:

- a. A full description of request with detailed information must be attached.
- b. Complete the following in relationship to the proposed Conditional Use Permit.
1. PROPOSED DAYS AND HOURS OF OPERATION: M-Saturday 8-5
 2. ESTIMATED NUMBER OF PERSONS TO ATTEND PLACE OF BUSINESS/LOCATION ON A DAILY OR WEEKLY BASIS: 8-10/day No more than 2 at a time likely, 1 at a time
 3. LIST OF PUBLIC HEALTH PLANS:
 - i. Water Supply: pre-existing well
 - ii. Toilet facilities: not needed
 - iii. Solid Waste Collection: addressed in attached document
 4. FIRE PREVENTION: smoke detectors, fire extinguishers
 5. SECURITY PLANS: Burglar alarm & surveillance cameras
 6. RETAIL SALES: minimal, training supplies
 7. FOOD OR ALCOHOL SERVED OR FOR SALE: NA
 8. DESCRIBE IF THE APPLICANT REQUESTS THE COUNTY TO PROVIDE ANY SERVICES OR COUNTY PERSONNEL: (For example, pedestrian and/or vehicular traffic control.) NA
 9. SOUND AMPLIFICATION, PUBLIC ADDRESS SYSTEM, PLAYING OF MUSIC: NA
 10. EXTERIOR LIGHTING: pre-existing flood/yard lights
 11. PARKING AND LOADING: to fall under regulations
 12. SIGNAGE: no plans for sign of permit needed size
 13. ROAD ACCESS: (Approved by the road authority) report from road authority
 14. CERTIFICATE OF INSURANCE: attached
 15. MEET ALL APPLICABLE COUNTY STATE & FEDERAL REGULATIONS: (For example additional licensing and/or permitting) attached

IX. Site Plan: Shall include but not limited to the following:

- | | | | |
|---------------------|-----------|-----------------------|----------------------------|
| • North point | • Lake | • Existing Structures | • Septic system |
| • Setbacks | • River | • Proposed Structures | • Well |
| • Property Lines | • Wetland | • Lot Dimensions | • Access (size & location) |
| • Road Right-Of-Way | • Stream | • Ponds | • Easements |
- Parking (Size & location-if applicable to application)
 - Landscape, screening and buffering (if applicable to application)
 - Location of significant trees to be removed (if applicable to application)



X. Attachments: shall include but not limited to:

- a. **Description of Request**-See Part VIII for full details and requirements.
- b. **Site Plan**-See Part IX for full details and requirements.
- c. **Full legal description**-Not abbreviated description from tax statement.
- d. **Access approval**-Attach approval in writing from proper road authority.
- e. **Township Notification**-See Part IV for details and requirements.
- f. **Septic System Compliance Inspection**
- g. **Erosion control plan**-Attach completed and signed plan including map.
- h. **Floor plans and/or blue prints**

XI. Procedure:

The Planning & Zoning Commission shall hold a public hearing on the proposed Conditional Use Permit at a scheduled Planning and Zoning Commission meeting.

The Planning and Zoning Commission is an advisory board to the County Board of Commissioners and will make a recommendation to the County Board.

The Department shall report the findings and the recommendations of the Planning Commission to the County Board for final decision.

Action by the County Board shall be a majority vote of its members.

The Department shall notify the applicant and/or landowner in writing of the County Board decision.

A certified copy of the Conditional Use Permit shall be filed with the Le Sueur County Recorder by the Department.

XII. Signatures:

I hereby certify with my signature that all data contained herein as well as all supporting data are true and correct to the best of my knowledge.

Andrew Skowacek 8/21/17
Applicant signature Date

I hereby certify with my signature that all data contained herein as well as all supporting data are true and correct to the best of my knowledge.

Andrew Skowacek 8/21/17
Property Owner signature Date

OFFICE USE ONLY.

Request: Kennel Boarding Training

Pre-App Date <u>8-10-17</u>	Lake Classification <u> </u>	Feedlot	500'	1000'	<u>N</u>
Meeting Date <u>9-14-17</u>	Lake <u> </u>	Wetland Type	1-2	3-8	<u>N</u>
60 Day <u>10-9-17</u>	FEMA Panel # 27079C0 <u>300</u>	Water courses			<u>N</u>
Zoning District <u>A</u>	Flood Zone <u>X-outside</u>	Bluff			<u>N</u>

<input checked="" type="checkbox"/> Request Description	<input checked="" type="checkbox"/> Access Approval	<input type="checkbox"/> Septic	Comp Insp / Design
<input checked="" type="checkbox"/> Site Plan	<input checked="" type="checkbox"/> Erosion Control Plan <u>MR</u>	<input checked="" type="checkbox"/> Meeting	
<input checked="" type="checkbox"/> Full Legal	<input type="checkbox"/> Blue Prints	<input checked="" type="checkbox"/> Fee	Reg / ATF / Spec
<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Other <u> </u>	<input type="checkbox"/> Penalty	\$ <u>796-</u>

Application Complete Michelle R. Metz 8-10-17 17280
Planning & Zoning Department Signature Date Permit #





ENVIRONMENTAL SERVICES

Mailing Address: 88 South Park Avenue, Le Center, MN 56057
Physical Address: 515 South Maple Avenue, Le Center, MN 56057
Direct Dial: 507-357-8538 Fax: 507-357-8541
Email: environmentalservices@co.le-sueur.mn.us
County Website: www.co.le-sueur.mn.us

DATE: Monday, August 28, 2017

TO: Le Sueur County Planning and Zoning Commission Members

FROM: Amy Beatty, Le Sueur County Environmental Programs Specialist

RE: Andrew Skluzacek Conditional Use Permit Application – Kennel for Boarding and Training of Dogs

Dear Planning and Zoning Commission Members:

From my review of Mr. Skluzacek's conditional use permit (CUP) application, all the dog waste will be containerized into a 2,000 gallon two-compartment sewage holding tank. The applicant stated in his narrative that the tank's contents will be pumped by B & B Septic.

If granted a CUP to operate a kennel for the boarding and training of dogs, I recommend the following:

- When the tank is installed, it be tested for water-tightness and not be installed at a depth greater than allowed by the manufacturer.
- A service agreement or contract between Mr. Skluzacek and B & B Septic on file with the Planning and Zoning Department.
- A written statement as to where the dog waste will be disposed.
 - If at a city's wastewater treatment plant, approval from the wastewater treatment plant's operator, or
 - If it is land applied, that the land application does not create or maintain a pollution hazard (maintain setbacks to sensitive features during land application and apply at agronomic rates).
 - If it applied on land outside of the County of Le Sueur, check with that County on its land application requirements.

This disposal plan should meet the requirements of state rules and the County Zoning Ordinance based on the information provided to me.

If you have any questions or comments regarding this letter, please contact me at 507-357-8203.

Sincerely,

A handwritten signature in blue ink that reads "Amy Beatty".

Amy Beatty
Le Sueur County Environmental Programs Specialist
507-357-8203

CC: Andrew Skluzacek

LE SUEUR COUNTY CONDITIONAL USE PERMIT CRITERIA

Conditional Use Permit #: 17280

Applicant: ANDREW SKLUZACEK

Land Owner: ANDREW SKLUZACEK

Conditional Use Permit Request: TO ALLOW THE APPLICANT TO ESTABLISH AND OPERATE A DOG KENNEL FOR BOARDING AND TRAINING.

1. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity.

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	TOTAL

Explain _____

2. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	TOTAL

Explain _____

3. Adequate utilities, access roads, drainage and other facilities have been or are being provided.

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	TOTAL

Explain _____

4. Adequate measures have been or will be taken to provide sufficient off-street parking and loading space to service the proposed use.

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	TOTAL

Explain _____

5. Adequate measures have been or will be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	TOTAL

Explain _____

6. The conditional use is consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance.

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	TOTAL

Explain _____

7. The conditional use is consistent with the Comprehensive Land Use Plan.

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	TOTAL

Explain _____

If all answers are "YES" by a majority of the Planning Commission, the criteria for granting of the Conditional Use Permit request have been met. The Conditional Use Permit will meet the goals of safety, health and the general welfare of the public.

Date: _____ APPROVED _____ DENIED _____ PZ Chairperson _____

COUNTY BOARD MEETING DATE _____

The kennel for the dogs will be in a pre-existing shed. The plan is to install Heating/AC and any additional ceiling lights needed. The interior of the shed will be lined with steel. There is an area close to the shed that will be used for training the dogs that provides shade from the sun, rain and snow if needed. I do not believe any kind of landscaping or screening is necessary as the property is not located by any other businesses or residential areas. The natural landscape will be maintained regularly. There will be no outdoor storage for the business on the property. We plan to control the noise by having the shed, from floor up into the ceiling insulated, in addition, the closest neighbor is about a mile away from the property. The kennel would not have any emission of odors. The property is not located near any body of water and would not create any water pollution. The kennel would not create any vibrations or earth shaking movements. The kennel would not create any smoke or particulate matter, dust, toxic matter or explosives. A drive will be created from the current drive, following all requirements laid out in the "Access Drives" section, following approval from the Road Authority on our Access Point. As well, parking and loading will be created following standards required in the same section. I would like to create this area in front of the garage/shed located near the house. The kennel would be set up to house 12 dogs. There are no plans for any trees to be removed from the property. The plan for dog waste is to install a holding tank at the end of the "gutter" in the middle of the kennel, all waste will be washed into the gutter and into the holding tank. We will have this waste pumped by B&B Septic, they confirmed that they do pump this kind of waste. Any of the proposed plan laid out can be changed/altered to meet the county standards/requirements.

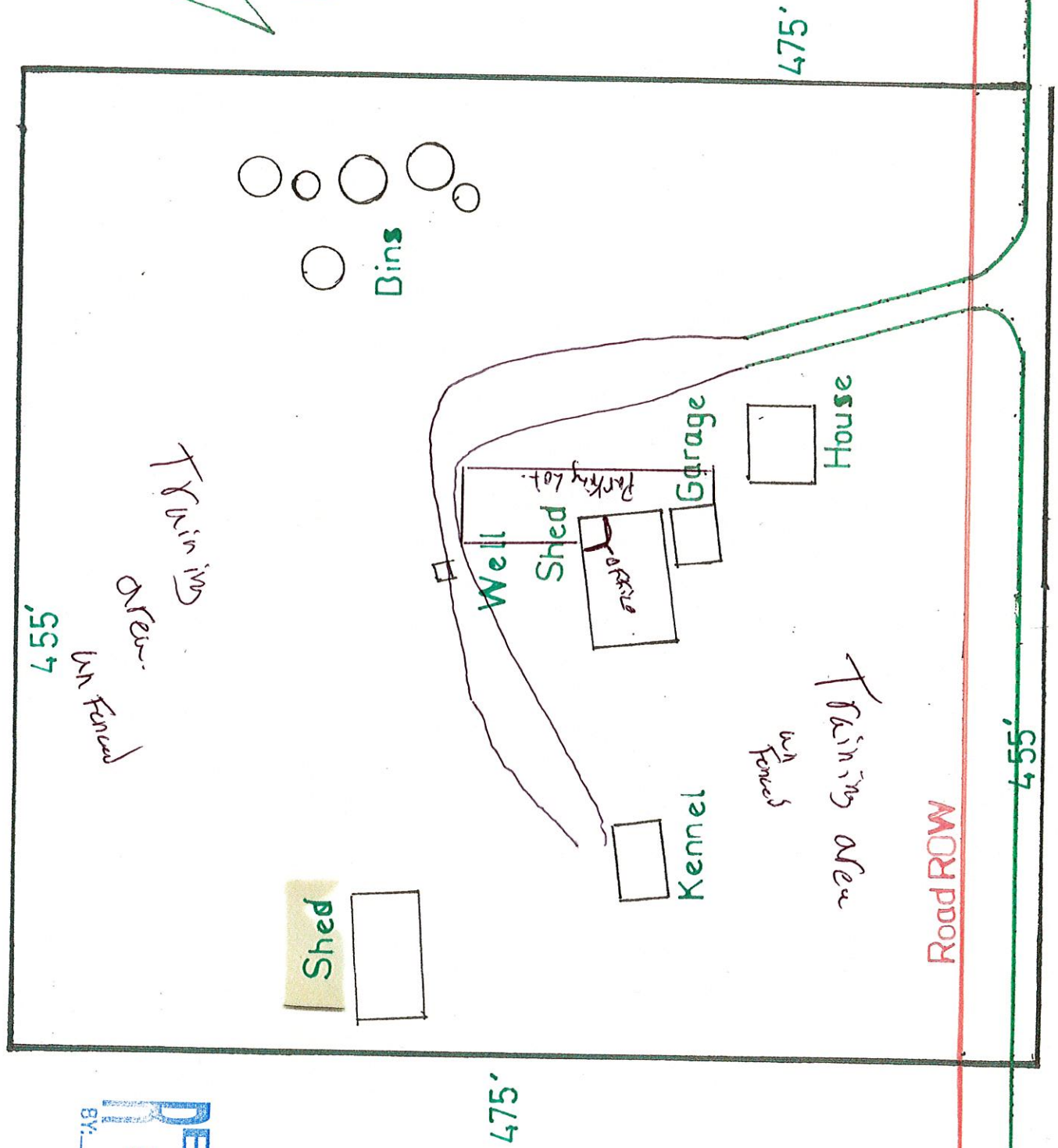
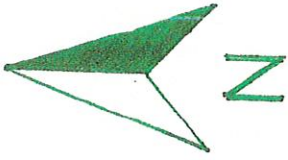
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AUG 10 2017
BY: NRN

Description of Request for Conditional Use Application for Property:
20542 440th St. Le Center, 56057

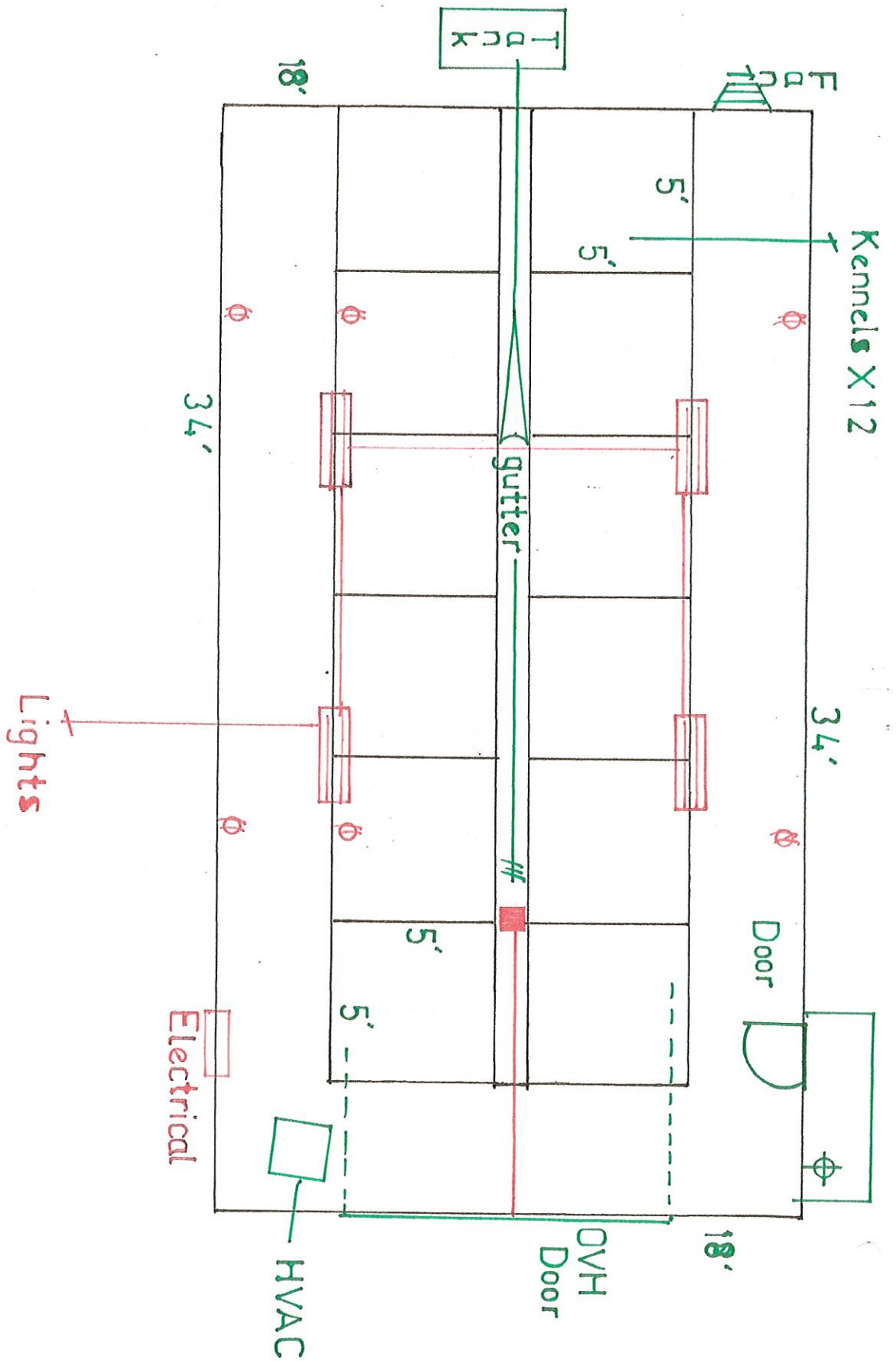
1. Proposed Days and Hours of Operation: Monday thru Saturday 8am-5pm
2. Estimated # of persons to attend business on a daily/weekly basis: Possibly 8-10 day, never at one time. Likely, no more than 2 people at a time, most often, 1 at a time.
3. Public Health Plans:
 - a. Water Supply: Access to water for the kennels from a pre-existing well.
 - b. Toilet Facilities: These won't be needed.
 - c. Solid Waste Collection: addressed on Page 2
4. Fire Prevention: The building interior has steel walls with ceiling mounted lights. Smoke detectors and fire extinguishers to be installed and service regularly by a licensed company.
5. Security Plans: Burglar Alarm and surveillance cameras to be installed with a monitoring system
6. Retail Sales: Minimal retail sales for training supplies

No food/alcohol sales. No request for county to provide any services. No sound amplification/playing of music.

7. Exterior Lighting: Flood lights/Yard lights/Lights on telephone poles that are pre-existing. No lighting will be needed to illuminate parking areas. No lighting will be added that would interfere with the road traffic. No lights would be added that would illuminate the neighbor's property. No use of lights would be used after 10pm for purposes of advertising. No clients are on the property at night.
8. Parking, Loading and road access: Report from Road authority attached. Parking and Loading addressed on Page 2.
9. Signage: No plans for any signage over 32 square feet in size and more than 10 feet high, it would conform with all other standards, or I would pull a permit at the time if one is needed.
10. Certificate of Insurance: Attached
11. Applicable County State and Federal Regulations (additional licensing/permitting): Copies of applications for permits from The MN Board of Animal Health and the DNR enclosed.



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 BY: _____

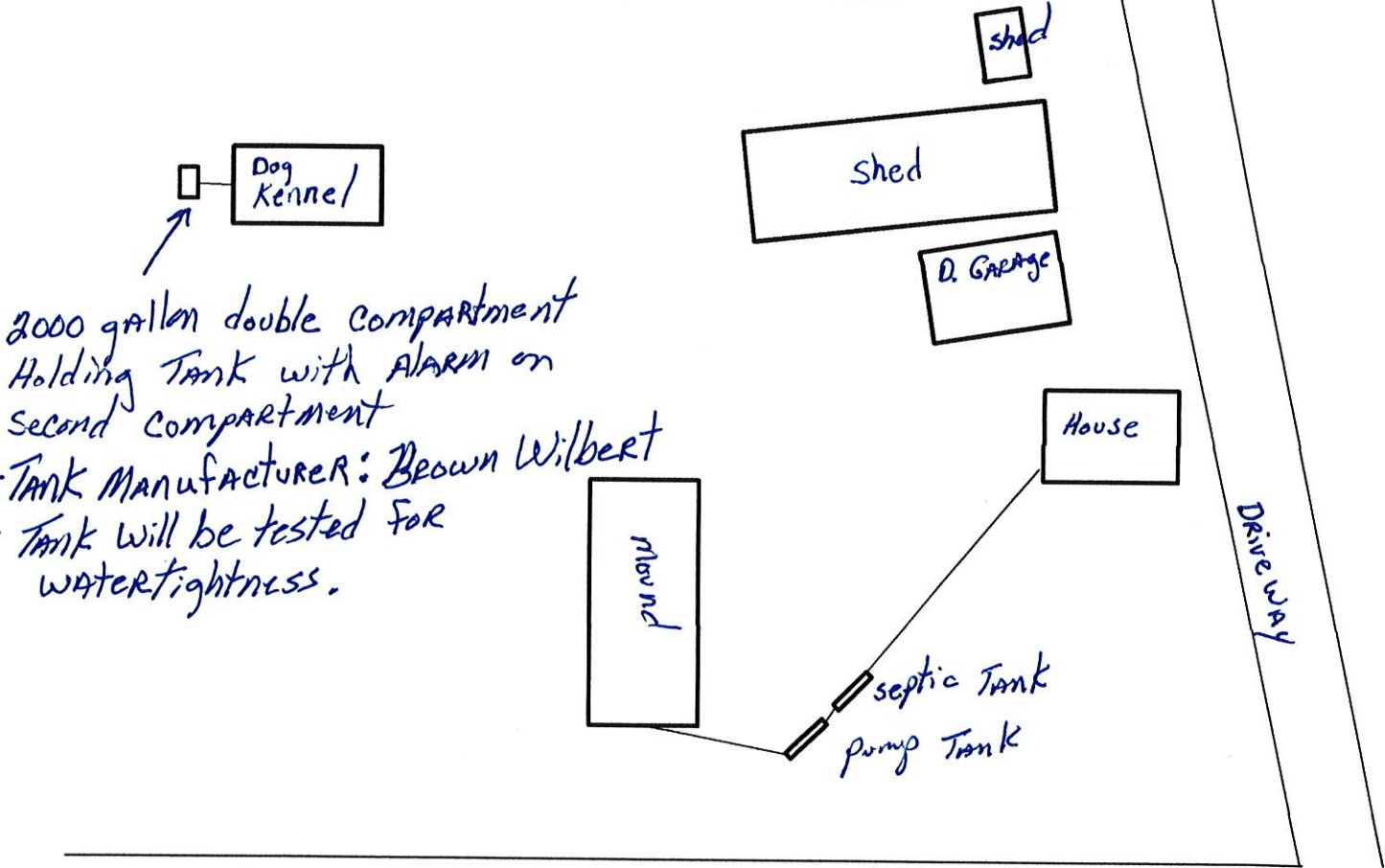


RECEIVED
 AUG 10 2017
 BY: mem



Andrew Skluzacek
 20542 440th St. Le Center Mn.
 02.023.5100

Site Sketch for Dog Waste Holding Tank



- 2000 gallon double compartment Holding Tank with ALARM on second compartment
- Tank Manufacturer: Brown Wilbert
- Tank will be tested for watertightness.

- Dog Kennel to Tank = 10 ft.
- well to Holding Tank = 180 ft.
- Row to Holding Tank = 140 ft.
- NPL to Holding Tank = 280 ft.
- EPL to Holding Tank = 390 ft.
- WPL to Holding Tank = 50 ft.



: Mike Skluzacek
 8-15-17

Marked with
money order
7/26/17

Application for License
Kennel

No person, firm, or corporation shall establish, maintain, conduct, or operate a kennel (as defined in Minnesota Statutes 347.31) within this state without first obtaining a license therefor from the board of animal health.

"Kennel" means any place, building, tract of land, abode, or vehicle wherein or whereupon dogs or cats are kept, congregated, or confined, if the dogs or cats were obtained from municipalities, pounds, auctions, or by advertising for unwanted dogs or cats, or dogs or cats strayed, abandoned, or stolen. "Kennel" does not include a pound owned and operated by any political subdivision of the state or a person's home where dogs or cats are kept as pets (347.31) and does not apply to any veterinarian licensed to practice in the state of Minnesota who keeps, congregates, or confines dogs or cats in the normal pursuit of the practice of veterinary medicine (347.40).

To obtain or renew a kennel license, complete this application and mail it to the Board of Animal Health along with a check for \$15.00 to cover the annual license fee. The kennel must then be inspected by the Board of Animal Health to verify compliance with the requirements specified in Minnesota Statutes 347.31 to 347.40 and Minnesota rules 1721.0520.

Facility Information		Owner/manager Information	
Name	Wild Acre Kennels, LLC	Contact name	Sheena Bechtholdt
Address	20542 440th St	Address	20542 440th Street
City, State, Zipcode	Le Center, MN 56057	City, State, Zipcode	Le Center, MN 56057
Phone	507-210-8481	Phone	651-356-5856
Email	andrew@wildacrekennels.com	Email	bechtholdt@me.com
County	Le Sueur	County	Le Sueur

Other names used for this facility:	None
Other kennel facilities owned by this person:	None
Other partners, directors, officers, or members authorized to represent this facility:	None

Current Inventory	Dogs:	Puppies:	Cats:	Kittens:

Certifications: (mark each box with an X to certify that the statement is true)

<input checked="" type="checkbox"/>	I certify that the information given in this application is complete and accurate.
<input checked="" type="checkbox"/>	I have read the requirements for kennels (MN statutes 347.31-347.40 and Minnesota rules 1721.0520).
<input checked="" type="checkbox"/>	I understand and agree to comply with all Board of Animal Health requirements for kennels.
<input checked="" type="checkbox"/>	I agree to allow the Board of Animal Health to inspect this kennel upon request.

Name (printed)	Signature	Date
Andrew Skluzacek		7/26/17

(version 03-16-15)

In accordance with the Americans with Disabilities Act, this information is available in alternative formats of communication upon request by calling 651-296-2942. TTY users can call the Minnesota Relay Service at 711 or 1-800-627-3529. The Board of Animal Health is an equal opportunity employer and provider.



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Minnesota Laws and Rules
Kennels

Minnesota Statutes

347.31 Definitions.

Subdivision 1. **Terms.** For the purpose of sections 347.31 to 347.40 the terms defined in this section have the meanings given to them.

Subd. 2. **kennel.** "Kennel" means any place, building, tract of land, abode, or vehicle wherein or whereupon dogs or cats are kept, congregated, or confined, if the dogs or cats were obtained from municipalities, pounds, auctions, or by advertising for unwanted dogs or cats, or dogs or cats strayed, abandoned, or stolen. "Kennel" does not include a pound owned and operated by any political subdivision of the state or a person's home where dogs or cats are kept as pets.

Subd. 3. **Premises.** "Premises" means any building, structure, shelter, or land wherein or whereon dogs or cats are kept or confined.

Subd. 4. **Dealer.** "Dealer" means a public or private agency, person, society, or corporation that is licensed or is required to be licensed as a "Class B dealer" under United States Code, title 7, sections 2131 to 2155, as amended through December 31, 1986, who sells or transfers dogs or cats to institutions or to other dealers who sell or transfer to institutions.

Subd. 5. **Institution.** "Institution" means a school or college of agriculture, veterinary medicine, medicine, pharmacy, dentistry, or other educational or scientific organization properly concerned with the investigation of living organisms, instruction concerning the structure or functions of living organisms, or the cause, prevention, control, or cure of diseases or abnormal conditions of human beings or animals.

347.32 License for kennel or dealer.

No person, firm, or corporation shall establish, maintain, conduct, or operate a kennel or operate as a dealer within this state without first obtaining a license therefor from the board of animal health. The license shall be issued for a term of one year.

347.33 Licensing procedures; inspections; administration.

Subdivision 1. **Application.** The application for a license to operate and maintain a kennel or operate as a dealer shall be made to the Board of Animal Health, in the manner prescribed by rules of the board.

Subd. 2. **Contents.** The application for a license shall be in writing and on a form as the board may by rule provide, and shall set forth: (1) The full name and address of the applicant or applicants, or names and addresses of the partners if the applicant is a partnership, or the names and addresses of the officers if the applicant is a corporation, and the address of the corporation. (2) The legal description or, in its place, the address and specific location of the site, lot, field, or tract of land upon which it is proposed to operate and maintain a kennel.

Subd. 3. **Fees; issuance of license.** The annual license fee is \$15 for each kennel and \$100 for each dealer licensed. All license fees collected by the board shall be deposited in the state treasury and credited to the general fund. When application is made to the board, complete in the manner set forth by rule to be issued by the board, and upon payment of the license fee, the license shall be issued by the board if, after inspection of the premises, the board determines that the kennel or dealer complies with sections 347.31 to 347.40 and the rules promulgated pursuant to those sections.

347.34 Licenses required.

It shall be unlawful for any person, firm, or corporation to establish, maintain, conduct, carry on, or operate a kennel or operate as a dealer without first having received a license to maintain, conduct, carry on, and operate a kennel, or operate as a dealer, duly signed and executed in the name of the state of Minnesota and signed by the Board of Animal Health. The license shall be conspicuously displayed upon the licensed premises. All licenses issued under sections 347.31 to 347.40 shall be personal to the licensee and be nontransferable.

347.35 Board of Animal Health authorized to promulgate rules.

The Board of Animal Health shall promulgate rules as it deems necessary for the operation of kennels and dealers and the enforcement of sections 347.31 to 347.40 which shall be in addition to rules established herein. The rules adopted by the board must provide for the cost recovery for the activities of the board with respect to licensing, inspection, and enforcement of civil penalties and must provide for



1 cooperation with the United States Department of Agriculture Animal Plant Health Inspection Service
2 program and for reference of complaints to local enforcement authorities. Rules must include, but are not
3 limited to, requirements governing the care of dogs and cats, minimum conditions, and maintenance of
4 quarters and kennels, the humane treatment of dogs and cats while in the kennels, maintenance of
5 detailed records showing the person from whom any dog or cat aged over three months has been
6 received, and in the case of a dealer, including address, driver's license number or social security
7 number, and to whom it has been transferred, and preservation of the records for a minimum period of
8 two years. The dealer is responsible for making a reasonable attempt to ensure the accuracy of the data
9 collected. A payment from a dealer to a person from whom the dealer buys dogs or cats must be by
10 check, payable only to that person. The check must contain the dealer's name and address.

11
12 **347.36 Advertising.**

13 All advertising by any person, firm, or corporation licensed hereunder shall include the number of the
14 current license issued to such licensee.

15
16 **347.37 Public access; notice; inspection; enforcement.**

17 The Board of Animal Health shall cause to be inspected from time to time all kennels and dealers
18 licensed hereunder and all records required by sections 347.31 to 347.40 to be kept by the licensees.
19 Any duly authorized agent of the board, any sheriff, or sheriff's deputy, or police officer, or humane agent
20 appointed pursuant to section 343.01 is granted the power and the authority to enter upon the premises
21 of any kennel or dealer at any time during the daylight hours for the purposes herein set forth, and for the
22 purposes of inspecting the compliance with the provisions of sections 346.55, 347.31 to 347.40 and the
23 rules issued pursuant thereto, and for the purposes of enforcing sections 346.55, or 347.31 to 347.40;
24 except that humane agents shall not enter upon the premises of a licensed veterinarian acting as a
25 kennel. Each dealer shall post a conspicuous notice in a format no less than 24 by 36 inches and easily
26 readable by the general public, that states: (1) that the person is a licensed dealer in dogs and cats; (2)
27 that dogs and cats left with the dealer may be used for research purposes; and (3) the hours the dealer is
28 open to the public. The notice must be placed in at least two locations on the premises, one of which
29 must be on or near the exterior mail delivery point and one of which must be at the regularly used point of
30 exchange of dogs and cats. A person may view dogs and cats in the custody of a dealer during the time
31 the premises is open to the public. Dealers are required to be open to the public on a regular basis at
32 least four hours between 7:00 a.m. and 10:00 p.m. on at least four of the seven days of each week
33 including at least one Saturday or Sunday. Any advertisement placed by a dealer seeking dogs or cats
34 must inform the public that dogs and cats brought to the dealer may be used for research purposes.

*exotic
animal
import
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35
36 **347.38 Revocation of license.**

37 The Board of Animal Health may as hereinafter set forth revoke or suspend the license of any person,
38 firm, or corporation, for violation of sections 346.55 and 347.31 to 347.40 or the rules issued pursuant to
39 sections 347.31 to 347.40. Upon written complaint made to the board by any person, firm, or corporation
40 alleging any violation of sections 347.31 to 347.40 or any rules pursuant thereto by any licensee, the
41 board may cause an investigation to be made upon matters related in said complaint. Thereupon the
42 board shall in its discretion either dismiss the complaint or require the kennel or dealer against whom the
43 complaint is made to correct the conditions or violations complained of within ten days after receipt of
44 written notice of the same. If upon termination of the ten day period the licensee has failed to correct or to
45 remedy the violation or violations of sections 346.55 or 347.31 to 347.40 or any rules pursuant thereto, or
46 if the board considers it appropriate under the circumstances the board shall, upon a minimum of 30 days'
47 notice to the licensee, conduct a hearing for the purpose of determining whether the license to operate a
48 kennel or as a dealer should be revoked or temporarily suspended. If after notice and hearing the board
49 finds that any provision of sections 346.55 or 347.31 to 347.40 has been violated by the licensee or any
50 rule issued by the board has been violated by the licensee, the board may revoke and suspend the
51 license. The possession or transfer of a dog or cat by a dealer to an institution, without the permission of
52 the owner, failure of a dealer or kennel to keep accurate data as required in section 347.35, or failure of a
53 dealer or kennel to permit access to its premises as required in section 347.37, is grounds for license
54 revocation. The licensee whose license is revoked or suspended may within 20 days after the board's
55 decision appeal to the district court. The district court shall upon 20 days' notice to the board hear the
56 appeal within 45 days after the filing of the appeal. On the hearing of the appeal the court shall review the
57 decision of the board in a manner as though reviewed by certiorari, except that new or additional
58 evidence may be taken, if in the opinion of the court additional evidence is necessary or proper to the
59 disposition of the case.

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347.39 Penalties.

Violation of any provision of sections 347.31 to 347.40 or of any rule of the Board of Animal Health issued pursuant to sections 347.31 to 347.40, or operation of a kennel or as a dealer without a license, or operation of a kennel or as a dealer after revocation of a license or during a period of suspension, shall constitute a misdemeanor.

347.40 Exceptions.

Sections 347.31 to 347.40 shall in no way apply to any veterinarian licensed to practice in the state of Minnesota who keeps, congregates, or confines dogs or cats in the normal pursuit of the practice of veterinary medicine.

Minnesota Rules

1721.0520 Kennels.

Subpart 1. **Kennels and kennel dealers; licenses.** A person licensed by the board to operate as a kennel or kennel dealer must comply with this part and must apply for a license in accordance with Minnesota Statutes, sections 347.31 to 347.40.

Subp. 2. **Inspections.** Periodic inspections must be made pursuant to Minnesota Statutes, section 347.37. Upon request, the board must be allowed to inspect any building or structure on a premises where a kennel is operated.

Subp. 3. **Veterinary care.** A kennel or kennel dealer must establish and maintain a program of disease control and prevention, euthanasia, and adequate veterinary care under the supervision of a licensed veterinarian. A written program of veterinarian care, signed and dated by the veterinarian and kennel manager, must be kept on file at the kennel and available for review by the board upon request. The program of veterinary care must be reviewed by the kennel manager and veterinarian annually and updated as needed. The veterinarian must visit the facility as often as necessary to supervise the program, with a minimum of an annual visit. Sick or injured animals must receive veterinary care promptly.

Subp. 4. **Control of pests.** The kennel or kennel dealer shall establish and maintain an effective program for the control of insects, ectoparasites, rodents, and other pests.

Subp. 5. **Kennel premises and facilities.** All licensed kennels must meet the following requirements.

A. All housing facilities must be structurally sound and maintained in good repair.

B. All animals must be housed in an indoor facility maintained at a temperature of not less than 50 degrees Fahrenheit. Animals may be provided temporary access to outdoor runs and exercise areas when appropriate for the species, breed, and weather conditions.

C. All housing facilities must have at least eight hours of illumination, either natural or artificial, sufficient to permit routine inspection and cleaning.

D. All housing facilities must be adequately ventilated. Drafts, odors, and moisture condensation must be minimized. Auxiliary ventilation, such as exhaust fans, vents, and air conditioning, must be used when the ambient temperature exceeds 85 degrees Fahrenheit at the floor level.

E. Carcass and garbage disposal facilities must be provided and managed to minimize vermin infestation, odors, and disease hazards.

F. Adequate storage and refrigeration must be provided and managed to protect food supplies against contamination and deterioration. Open bags of food must be stored in vermin-proof containers.

G. The premises, housing facilities, exercise areas, and confinement areas must be cleaned and disinfected as often as necessary to maintain a clean and sanitary condition. Animal confinement areas must be cleaned at least once daily. Measures must be taken to protect animals from being splattered with water or feces and from exposure to harmful chemicals during cleaning. Bedding, if used, must be kept clean and dry. Outdoor runs and exercise areas must be kept clean and soiled base material must be replaced as necessary.

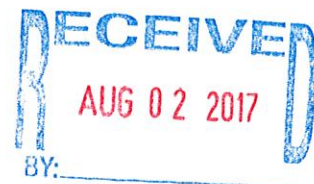
Subp. 6. **Animal housing and confinement areas.**

A. Confinement areas must be of sufficient size to allow each dog or cat to turn about fully and to stand, sit, and lie in a comfortable, normal position. The confinement area must be constructed so as to prevent injury to the dog or cat. Interior surfaces of indoor confinement areas must be constructed and maintained so that they are substantially impervious to moisture, provide for rapid drainage, and may be readily cleaned.

B. Dogs or cats must not be confined by chains or by tethering.



1 C. For animals housed in the same primary confinement area: (1) dogs or cats must be maintained in a
2 compatible group; (2) puppies or kittens must not be housed with adult dogs or cats other than their dam;
3 (3) any dog or cat exhibiting a vicious disposition must be housed separately; and (4) females in estrus
4 must not be confined in the same confinement area with males.
5 D. Dogs or cats with clinical signs of infectious, contagious, or communicable disease must be separated
6 from other dogs or cats.
7 **Subp. 7. Feeding of dogs and cats.**
8 A. Dogs and cats must be fed at least once a day with clean, wholesome food sufficient to meet the
9 normal daily nutritive requirements for the dog's or cat's age, size, and condition. Feed standards must be
10 those recommended by the National Research Council.
11 B. Clean potable water must be made available to all dogs and cats at least twice daily for periods of not
12 less than one hour.
13 C. All feeding and watering receptacles must be kept clean and sanitary. The receptacles must be
14 accessible to each animal and located so as to minimize contamination by excreta. Disposable food
15 receptacles must be discarded when soiled.
16 **Subp. 8. Identification.** Each dog and cat in a kennel must be identified with a numbered tag affixed to
17 the neck by the means of a collar, identification attached to the cage, microchip, or by other means
18 approved by the board.
19 **Subp. 9. Records.** Records required in this part must be maintained for a minimum of two years and
20 available to duly authorized agents upon demand at any reasonable time. A licensed kennel or kennel
21 dealer must maintain the following records for each animal handled:
22 A. the date of acquisition and disposition;
23 B. the name and address of the person from whom a dog or cat was received and, in the case of a kennel
24 dealer, the person's driver's license number or Social Security number;
25 C. the identification of each dog or cat confined to the premises;
26 D. description of the dog or cat by approximate age, breed, and sex, and other distinguishing traits;
27 E. the name and address of the person to whom a dog or cat was transferred;
28 F. the history of disease conditions diagnosed by a veterinarian or diagnostic laboratory on animals
29 housed on the premises; and
30 G. for impounded or stray animals, the location at which the animal was found or taken.
31 **Subp. 10. Holding period for impounded or stray animals.**
32 A. With the exception of items B and C, an impounded or stray animal must be held for redemption by the
33 owner for at least five regular business days or for a longer time specified by statute or municipal
34 ordinance.
35 B. Upon a proper determination by a licensed veterinarian, an impounded or stray animal may be
36 immediately euthanized if the animal is physically suffering and is beyond cure through reasonable care
37 and treatment.
38 C. An impounded or stray animal that has bitten a human may be euthanized and tested for rabies before
39 the required five-day holding period if requested by the Department of Health.
40 **Subp. 11. Transportation of dogs and cats.** A dog or cat must be transported in a vehicle equipped with
41 ample cargo space and confinement areas. The dog and cat cargo space must be constructed and
42 arranged to prevent injuries from fighting and allow for compatible grouping in terms of age, breed, size,
43 and disposition. Separate confinement areas must be provided for females in estrus. A dog or cat must
44 not be placed in a confinement area over other animals unless the upper confinement area is constructed
45 to prevent excreta from entering the lower confinement area. All confinement areas and cargo space
46 must be cleaned and disinfected between uses. The number of dogs or cats transported at one time must
47 not exceed the number that can ride comfortably. Vehicles must be adequately equipped to provide
48 sufficient ventilation and still protect the dogs or cats from the elements, injurious drafts, and exhaust
49 fumes.
50 **Subp. 12. Dogs or cats may not be used for breeding.** No person shall allow a dog or cat housed in a
51 kennel facility to be used for breeding. This part does not apply to a veterinary clinic licensed to operate a
52 kennel.
53 **Subp. 13. Complaints and cost recovery.**
54 A. The board may investigate a written complaint alleging a violation of Minnesota Statutes, sections
55 347.31 to 347.40, or these rules, in accordance with Minnesota Statutes, section 347.38
56 B. Money from license fees, fines, penalties, or deposits under Minnesota Statutes, section 346.55 or
57 347.31 to 347.40, must be deposited into the general fund.



MINNESOTA DEPARTMENT OF NATURAL RESOURCES
Division of Enforcement

Permit Number _____

APPLICATION AND SPECIAL PERMIT TO TRAIN DOGS AFIELD

Permission is hereby granted to: Andrew Skuzacek Wild Acre Kennels, LLC
(Name of Individual or Organization)

(Phone No. 507-210-8486) 20542 440th St. LeCenter, MN 56057
(Mailing Address: City/State/Zip Code)

Permits are as indicated below, subject to all included restrictions.

<input checked="" type="checkbox"/>	DOG TRAINING ON DNR ADMINISTERED LANDS (NOT involving the use of live ammunition or the taking of birds) 1. Valid during the period April 16 through July 14, only on land administered by the DNR. This does not include Wildlife Management Areas (WMA's) See note below. 2. May only carry firearm with blanks cartridges and shells on person during closed season for any game bird 3. Permittee must comply with all applicable ordinances and zoning laws. Local ordinances may restrict the discharge of firearms and allowing dogs to run off lead. NOTE: WMA's do NOT allow this activity due to ground nesting birds during this timeframe. This permit is not valid without a Special Use Permit from other Division Land Managers.
<input checked="" type="checkbox"/>	DOG TRAINING (using live ammunition and/or taking domestic or banded game farm birds) Individual Permit 1. Domesticated birds, other than pigeons, and game farm birds must be marked in a manner that makes them visually identifiable prior to being taken, by either marking with dye, or with a streamer attached to the leg. A band alone does not constitute sufficient visual identification of game farm birds. 2. Permittee must comply with all applicable ordinances and zoning laws. Local ordinances may restrict the discharge of firearms and allowing dogs to run off lead. 3. This permit does not allow the taking of wild birds.
<input type="checkbox"/>	DOG TRAINING FIELD TRIALS (using live ammunition or taking of birds) May only be issued to an Organization 1. Domesticated birds, other than pigeons, and game farm birds must be marked in a manner that makes them visually identifiable prior to being taken, by either marking with dye, or with a streamer attached to the leg. A band alone does not constitute sufficient visual identification of game farm birds 2. Permittee must comply with all applicable ordinances and zoning laws. Local ordinances may restrict the discharge of firearms and allowing dogs to run off lead. 3. This permit does not allow the taking of wild birds. 4. The Commissioner may limit the number of dates approved.

Organizational Field Trials must be listed below and are valid only for the property described:

	County	Township	Range	Section(s)	Dates
1.					
2.					
3.					

By: _____

Director's Signature (Regional Supervisor/Designee)

Date: _____

This permit is not transferable and expires on December 31, _____

cc: CO _____

FILE

Return to the DNR Regional Law Enforcement Offices marked below:

- Region 1-2115 Birchmont Beach Rd. NE, Bemidji, MN 56601 Tel. (218) 308-2673 Fax (218) 755-4066
- Region 2-1201 East U.S. Hwy 2, Grand Rapids, MN 55744 Tel: (218) 328-8802 Fax (218) 327-4507
- Region 3-1200 Warner Road, Saint Paul, MN 55106 Tel: (651) 259-5882 Fax (651) 772-7907
- Region 4-21371 State Hwy 15 South, New Ulm, MN 56073 Tel: (507) 359-6043 Fax (507) 359-6018

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