

ORDINANCE NO. 1030

AN ORDINANCE OF THE CITY OF LANSING, KANSAS AMENDING UNDER CHAPTER 2, ARTICLE 5 OF THE CODE OF THE CITY OF LANSING, KANSAS, AND AMENDMENTS THERETO.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LANSING, KANSAS:

SECTION 1. Chapter 2, Article 5 of the code of the City of Lansing is hereby amended to read as follows:

ARTICLE V. – PERMITS AND LICENSING

Sec. 2-501 Permit for More Than Four Animals

Any person or organization wishing to own, keep or harbor more than four (4) dogs, cats or other non-prohibited animals or combination of non-prohibited animals at the same address or on the same premises shall be required to obtain a City permit for said ownership.

- A. An application for any permit required pursuant to this section shall be made to the Chief of Police in writing and upon a form furnished by the Chief of Police. Said application shall be verified by the person who desires to have, keep, maintain or have in his/her possession or under his/her control, in the City, the animals for which a permit is required, and shall set forth the following:
 1. Name, address and telephone number of the applicant.
 2. The applicant's interest in such animals and justification why such number of animals should be allowed in the City.
 3. The proposed location, and the name, address, and telephone number of the owner of such location, and of the lessee, if any.
 4. The number and general description of all animals for which the permit is sought.
 5. Any information known to the applicant concerning vicious or dangerous propensities of all such animals.
 6. The housing arrangements for all such animals with particular details as to safety or structure, locks, fencing, etc.
 7. Safety precautions proposed to be taken.
 8. Noises or odors anticipated in the keeping of such animals.
 9. Prior history of incidents involving the public health or safety involving any of

said animals.

10. Proof of insurance to cover those who may be injured or killed by said animal.
11. A statement, signed by the applicant, indemnifying the City and its agents and employees for any and all injuries that may result from said animal.
12. Any additional information required by the Chief of Police or his/her designated representative at the time of filing such application or thereafter.

In addition, the applicant shall allow the Chief of Police or his/her designated representative the ability to inspect the animals and/or property where the animals are to be kept.

- B. The fee for a permit application shall be \$25.00 per permit. The fee is nonrefundable. Said fee shall be payable to the Chief of Police at the time of filing the permit application.
- C. Upon the submission of a fully and properly completed application for permit fees, but not later than forty-five (45) days after submission, the Chief of Police or his/her designated representative shall begin an investigation to determine whether or not the permit should be issued.
- D. No permit shall be granted except upon the explicit finding by the Chief of Police that the issuance of a permit will not be contrary to the public health, safety and general welfare. The Chief of Police may consider, but is not limited to the following factors in making its determination: the possible impact on neighbors and the surrounding area; the possibility of harm to the general public; detriment to the health of the animal(s) or neighboring animals; public nuisance, sanitary or offensive conditions; the noises from the animals and possible odors; the number of animals; planning and zoning requirements; etc. The Chief of Police may attach requirements and conditions to the issuance of the permit which the applicant will be required to comply with.

Sec. 2-502 Permits; Other

Any permit which is required under the provision of this chapter, except for the permits specified in Section 2-501 and Section 2-601, shall be subject to the following provisions:

- A. An application for such permit shall be made to the Chief of Police in writing and upon a form furnished by the Chief of Police. Said application shall be verified by the person who desired to have, keep, maintain or have in his/her possession or under his/her control, in the City, the animal for which a permit is required, and shall set forth the following:
 1. Name, address and telephone number of the applicant.
 2. The applicant's interest in such animals and justification why such prohibited

animal should be allowed in the City.

3. The proposed location, and the name, address, and telephone number of the owner of such location, and of the lessee, if any.
4. The number and general description of all animals for which the permit is sought.
5. Any information known to the applicant concerning vicious or dangerous propensities of such animals.
6. The housing arrangements for all such animals with particular details as to safety or structure, locks, fencing, etc.
7. Safety precautions proposed to be taken.
8. Noised or odors anticipated in the keeping of such animals.
9. Prior history of incidents involving the public health or safety involving any of said animals.
10. Proof of insurance to cover those who may be injured or killed by said animal.
11. A statement, signed by the applicant, indemnifying the City and its agents and employees for any and all injuries that may result from said animal.
12. Any additional information required by the Chief of Police or his/her designated representative at the time of filing such application or thereafter.

In addition, the applicant shall allow the Chief of Police or his/her designated representative the ability to inspect the animal and/or property where the animal are to be kept.

- B. The fee for a permit application shall be \$25.00 per permit. The fee is nonrefundable. Said fee shall be payable to the Chief of Police at the time of filing the permit application.
- C. Upon the submission of a fully and properly completed application for permit fees, but not later than forty-five (45) days after submission, the Chief of Police or his/her designated representative shall begin an investigation to determine whether or not the permit should be issued.
- D. No permit shall be granted except upon the explicit finding by the Chief of Police that the issuance of a permit will not be contrary to the public health, safety and general welfare. The Chief of Police may consider, but is not limited to the following factors in making its determination: the possible impact on neighbors and the surrounding area; the possibility of harm to the general public; detriment to the health of the animal(s) or neighboring animals; public nuisance, sanitary or

offensive conditions; the noises from the animals and possible odors; the number of animals; planning and zoning requirements; etc. The Chief of Police may attach requirements and conditions to the issuance of the permit which the applicant will be required to comply with.

Sec. 2-503 Permit, Term and Renewal

No permit required by this chapter shall be granted for a period in excess of one year. An application for renewal of any permit shall be made not less than forty-five (45) days prior to the expiration thereof and shall be accompanied by a \$25.00 renewal fee.

Sec. 2-504 Permit; Inspections, Investigations, and Issuance of Renewal

Prior to the annual renewal of any permit issued hereunder and at least once, not more than six (6) months after the issuance of any such permit or after its renewal, the Chief of Police, animal control officer or a designated representative shall inspect the premises subject to such permit to determine whether the person to whom it has been issued is complying or continuing to comply with all of the conditions specified in this article. In addition, the officer or representative shall investigate the past history of the permit holder to determine whether during the past permit period the permit holder was in compliance with all of the conditions specified in the article. The investigation may include a review of department records and interviews with the permit holder and neighbors. If the officer or representative determines during any such inspection and investigation that any of the conditions therein specified are being violated or have been noted during the past permit period, he/she shall recommend denial of a renewal of any such permit, and/or he/she shall recommend revocation of such permit in the event that such violation is not corrected within such period of time as he/she shall direct. Upon completion of the investigation and review process provided herein, the Chief of Police or his/her designated representative shall either renew or deny the permit.

Sec. 2-505 Permit; Revocation and Suspension

The Chief of Police may, for good cause, revoke any permit or modify any terms or provisions thereof and may, in the event it is reasonably necessary to protect against an immediate threat or danger to the public health or safety, suspend any permit or portion thereof without hearing. Failure to comply with any of the provisions of this chapter shall be considered good cause for revocation or suspension of a permit.

Sec. 2-506 Appeals; Fee

- A. Any person aggrieved by or dissatisfied with any of the decisions, rulings, actions or finding by the Chief of Police or his/her designated representative in regards to a denial, revocation or suspension of a permit may, within ten (10) days thereafter, file a written notice or statement of appeal from said decision, ruling, action or finding to the Lansing Governing Body.
- B. An administrative fee of \$10.00 shall be paid to the City Clerk and is required for each appeal to the Lansing Governing Body, and no appeal shall be set for hearing until such fee has been paid. No appeal shall be set for hearing if it is filed more than ten (10) days after said action, decision, ruling or findings of the Chief of Police or his/her designated representative from which the party is appealing.

- C. An appeal shall be scheduled for hearing within forty-five (45) days after the request and fees are received by the City Clerk.
- D. The filing of an appeal under this subsection shall not say any action taken pursuant to this chapter.
- E. The decision of the Governing Body to either affirm or reverse the determination previously made by the Chief of Police regarding the issuance of a permit shall be final.

Sec. 2-507 Licensing; Vaccination

No person shall own or have custody of any dog or cat over four months of age unless such dog or cat is licensed as herein provided.

- A. Before a license will be issued, the animal owner must produce satisfactory evidence that the dog or cat has been vaccinated against rabies with either of the following:
 - 1. Killed tissue vaccine (also known as “one-year” vaccine) within the twelve (12) months previous to the date of the issuance of the license.
 - 2. Modified live virus vaccine (also known as “three-year” vaccine) within the thirty-six (36) months previous to the date of the issuance of the license.
- B. The one-year license fee shall be \$15.00 for each dog or cat; however, if spayed or neutered the one-year license fee shall be \$7.50 for each dog or cat. The three-year license fee shall be \$45.00 for each dog or cat; however, if spayed or neutered the three-year license fee shall be \$20.00 for each dog or cat.
- C. All licenses shall be valid from the date of issuance through the last day of the month containing either the one-year or three-year anniversary of the date of issuance, depending upon the type of vaccination administered to the animal. The office of the Chief of Police is authorized to issue dog and cat licenses.
- D. Each person shall, upon purchase of the required license, cause such animal to wear a durable tag furnished by the police department for the particular animal for which the license is issued, and bearing the animal’s assigned number. In case of the loss of any tag, the police department shall, upon presentation of the original receipt, issue a duplicate tag at no charge. No person shall place upon any animal a City-issued tag other than the one given for the particular animal for which it is issued.
- E. Failure of an owner or keeper of an animal required to be registered pursuant to this chapter to either:
 - 1. Procure and maintain current rabies vaccination(s) on said animal; and/or
 - 2. Purchase the annual City license for said animal, shall be a municipal offense

and, upon conviction, shall be punishable by a fine of \$90.00, plus applicable court costs.

Sec. 2-508 Violations and Penalties

Unless otherwise stated herein, the failure to obtain any permit required pursuant to this article shall be a municipal violation for which a mandatory court appearance shall be required. Upon conviction in the Municipal Court, a defendant shall be fined not less than \$200.00 nor more than \$1,00.00, plus applicable court costs, per offense. In addition to the fine imposed, the Court may sentence the defendant to imprisonment in the county jail for a period not to exceed thirty (30) days. In addition, the Court shall order the registration (if any) of the subject animal revoked and the animal removed from the City. Should the defendant refuse to remove the animal from the City, the Municipal Court Judge shall find the defendant owner in contempt and order the immediate confiscation and impoundment of the animal.

SECTION 2. AMEND. This ordinance shall amend Chapter 2, Article 5 of the Lansing City Code.

SECTION 3. SEVERABILITY. If any section, clause, sentence, or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by a court of competent jurisdiction, it shall not affect the validity of any remaining parts of this ordinance.

SECTION 4. This ordinance shall take effect from and after its passage, approval and publication in the official City newspaper.

PASSED AND APPROVED by the Governing Body of the City of Lansing, County of Leavenworth, State of Kansas, this 5th day of September 2019.

{SEAL}

Michael W. Smith, Mayor

Attest:

Sarah Bodensteiner, City Clerk

APPROVED AS TO FORM:

Gregory Robinson, City Attorney

Published: *Leavenworth Times*

Date Published:

CITY OF LANSING

FORM OF SUMMARY FOR PUBLICATION OF ORDINANCE

Ordinance No. 1030: An Ordinance of the City of Lansing Kansas Amending Under Chapter 2 Article 5, of the Code of the City of Lansing, Kansas and Amendments Thereto.

Pursuant to the general laws of the State, a general summary of the subject matter contained in this ordinance shall be published in the official City newspaper in substantially the following form:

Ordinance No. 1030 Summary:

On September 5, 2019, the City of Lansing, Kansas, adopted Ordinance No. 1030, amending Chapter 2 Article 5 of the Code of the City of Lansing, Kansas and amendments thereto. A complete copy of this ordinance is available at www.lansing.ks.us or at City Hall, 800 First Terrace, Lansing, KS 66043. This summary certified by Gregory C. Robinson, City Attorney.

This Summary is hereby certified to be legally accurate and sufficient pursuant to the laws of the State of Kansas.

DATED: September 5, 2019

Gregory C. Robinson, City Attorney