

ORDINANCE NO. 2025-01

AN ORDINANCE AMENDING THE CODE OF THE CITY OF LEON PERTAINING TO ANIMAL LICENSES AND PERMITS

NOW THEREFORE, BE IT ORDAINED by the Governing Body of the City of Leon:

SECTION 1: Sections of Chapter 2 of the Animal Control and Regulations of the City Code are amended to read as follows.

2-201. Impounding animals at large.

(a) It shall be the duty of the police officer or the animal control officer or any person(s) currently appointed, elected, or hired by the City of Leon that the mayor has designated to capture or take into custody and impound all animals at large within the corporate limits of the city. If the animal so running at large cannot be captured by the officer or designated agent and represents a threat to persons or other animals, it shall be lawful for the officer to tranquilize or kill any such animal by any available means.

(b) The animal control officer any person(s) currently appointed, elected, or hired by the City of Leon that has been designated by the mayor for the city, may impound any animal observed to be at large, whether the animal is on public or private property, subject to the applicable provision of the law. If the animal control officer observes an animal on the property owned by a person other than the animal owner and observes the animal return to the property of its owner, the animal control officer may impound the animal or issue a citation for the animal running at large. In the event the animal is on private property or property of the animal's owner, the animal control officer, his/her agent, or police officer may enter the property, other than a private dwelling for impoundment or issuance of a citation, or both, subject to the applicable provisions of this title and law.

(c) Proof that an animal was found at large in violation of this section, together with proof that the defendant was the owner of such animal at the time, shall constitute prima facie evidence that the defendant allowed or permitted the animal to be at large.

(d) Any animal shall be deemed to be running at large when found off the real property of the owner and not under restraint. It shall be lawful for the animal control officer to pursue and capture such animals running at large and to enter a private property.

(e) Any police officer or animal control officer, any person(s) currently appointed, elected, or hired by the City of Leon that has been designated by the mayor, may take charge of any animal found running at large, injured, abandoned or showing evidence of cruel neglect upon either private or public property and inspect, care for, treat or transport such animal to the animal shelter for disposition.

(f) Any law enforcement officer, including the animal control officer or designated agent any person(s) currently appointed, elected, or hired by the City of Leon that has been designated by the mayor, shall be authorized to use a tranquilizer gun, and further shall be authorized to kill any animal which it is impractical or impossible to capture or tranquilize and that is endangering persons, other animal or property.

2-202. Keeping and feeding stray animals-requirements, failure to surrender.

(a) It is unlawful for any person to knowingly and intentionally to harbor, feed, keep in possession by confinement, or otherwise allow to remain on their property any animal which does not belong to him or her, it shall be the duty of the owner of the property to notify the animal control officer any person(s) currently appointed, elected, or hired by the City of Leon that has been designated by the mayor of the animal. Upon receiving such notice, the animal control officer or person duly authorized by the city manager shall take such animal and place it in the animal shelter.

(b) It is unlawful for any person to refuse to surrender any such stray animal to the animal control officer or person duly authorized by the city council upon demand.

2-203. Violation; penalty.

Any person, firm or corporation violating any of the provisions of this article shall, upon conviction thereof, be fined in a sum not less than one hundred dollars (\$100.00) nor more than four hundred dollars (\$400.00) for the first offense and a sum not less than two hundred dollars (\$200.00) nor more than six hundred dollars (\$600.00) for the second offense or any subsequent offenses.

2-204. Impounding animals without licenses.

It shall be the duty of the police officers, or the animal control officer or designated agent any person(s) currently appointed, elected, or hired by the City of Leon that has been designated by the mayor, to take into custody and impound all dogs or cats found in the city which are not provided with or wearing a license tag for the current year, as required by Chapter 5 of this title. A license tag for the year immediately preceding the current year will remain in effect until March 1st of the current year.

2-205. Impoundment procedure and disposition.

If an animal impounded under this chapter has no current animal license, as provided for by Chapter 5, it shall be kept for three business days, and if within that time the owner does not appear to claim such animal, it may be adopted, euthanized or otherwise disposed of. If, within three days of the impoundment date, the owner of an impounded animal shall appear and claim such animal, the animal shall be turned over to the person claiming it upon payment of an impounding fee of fifty dollars (\$50.00) if picked up within twenty-four (24) hours, and standard boarding fee of twenty dollars (\$20.00) for each additional day or portion thereof such animal remains impounded, and upon compliance with the requirements of this article, provided that all stray animals or animals found running at large and picked up by the police officers, animal control officer or designated agent, shall be held and disposed of in accordance with the laws of the state pertaining to stray animals.

2-206. Identification of owners-notice to appear.

When any animal is found to be in violation of this article and the owner can be identified, the animal control officer or police officer or any person(s) currently appointed, elected, or hired by the City of Leon that has been designated by the mayor may in addition to or in lieu of the impoundment provided for under of this chapter, issue to the known owner a notice to appear for violation of this chapter, in the same manner as notices to appear are given in traffic violation cases as set out in other sections of this code.

2-207. Redemption of impounded animals.

(a) Any person who desires to redeem an animal which has been impounded shall provide reasonable proof of ownership and shall pay to the city clerk or designated agent the standard claim fee of fifty dollars (\$50.00) for such animal plus a standard daily boarding fee of twenty dollars (\$20.00) for each day or fraction thereof that the animal has been impounded, to cover the expense of feeding and caring for such animal. Such animal shall be delivered to the person upon the payment of the above cost and proof of ownership of a current license, in the case of dogs and cats. The City Council shall from time to time establish the amount of the claim fee and daily board fee for all animals as required in this section.

(b) Except as may be provided elsewhere in this chapter, the owner of any animal impounded in accordance with this chapter may reclaim, on any workday, such animal upon showing satisfactory proof of ownership and paying all impoundment and boarding fees and any other expenses incurred by the city or its agent in keeping the animal or

attempting to locate the owner of the animal. If the owner does not pay such fees, or some alternate fee satisfaction. The animal may be sold or otherwise disposed of by the city or its agent.

(c) If a dog or cat has been impounded on two prior occasions, the dog or cat must be spayed or neutered before being released to the owner of the impounded animal on a third occasion. The owner of the dog or cat will be responsible for arranging for the spay or neuter surgery. The dog or cat will be transported to the veterinarian by an animal control officer or an employee or agent of the animal shelter. The cost to spay or neuter the dog or cat shall be paid by the owner, along with impoundment and boarding fees, either to the animal shelter or to the veterinarian in advance of transporting the animal for the surgery. After the surgery is performed, the veterinarian may release the dog or cat to the owner.

2-208. Adoption of animals.

(a) All animals which are adopted from the animal shelter shall be surgically altered to prevent reproduction by that animal. Any animal adopted from the animal shelter or other agent of the city, will be altered before it leaves the animal shelter. If the animal being adopted is not able for reasons of age or medical reasons to be sterilized a general adoption agreement setting a date that the animal being adopted must be surgically altered by (generally dogs and cats could be altered after reaching twelve (12) weeks of age).

(b) Failure to comply with this section or failure to comply with the terms of this adoption contract shall give the animal control officer the right to recover the adopted animal in question and revoke the owner's adoption contract. Such failure shall also constitute a violation of this chapter.

(c) The adoption fee shall be increased or decreased as needed by policy, to include and cover the cost of surgically altering, sheltering, medicating, vaccinating and preparing the animal for adoption.

(d) This section's requirements of altering and adoption fee shall not apply where cooperative agreements between the animal control division and any welfare group are made for the placement with such groups of animal subject to adoption. Likewise, this section's requirements shall not apply to animal transfers made under cooperative agreements between the animal control division and other governmental entities.

(e) Any person who desires to adopt an animal remaining unclaimed after the holding period described in this chapter shall pay any standard adoption fee of \$150, or as otherwise established from time to time by the City Council, and in addition, shall comply with this title, concerning obtaining a current license for the adopted animal, and with state law concerning spaying or neutering.

2-209. Breaking pound.

It is unlawful for any person to break open or attempt to break open the animal shelter or any enclosure used for impounding dogs and cats, or to take or let out any dog or cat placed in such pound or facility by an officer of the city or designated agent, or take or attempt to take from any such officer any dog or cat taken up by him or her under the provisions of this title; or in any manner interfere with or hinder any such officer in the performance of his or her duties hereunder.

A violation of this provision is a Class A Misdemeanor

2-501. License.

Any person owning, keeping, or harboring any dog(s), cat(s), livestock, and/or fowl within the city older than minimum age of six (6) months must obtain a license or permit as provided in this chapter. Application shall be made to the city clerk or designated agent which shall include the name and address of the applicant owner, description of the animal, and the appropriate fee. License/permit fees shall not be required for seeing eye dogs or governmental police dogs. This requirement shall not apply to a nonresident keeping a dog or cat within the city for no longer than sixty (60) days.

Enforcement: For the purposes of discharging the duties imposed by this section and to enforce its provisions, any police officer or animal control officer is empowered to enter upon any premises upon which an animal is kept or harbored and to demand the exhibition by the owner of such animal or the license for such animal in accordance with the provision of this section, to include random city-wide canvassing and checks for compliance with this section. The owner of any animal is required to produce the license and vaccination information for each animal in his or her ownership upon demand by the animal control officer or police officer.

2-502. Number of animals allowed.

No person in charge of a residence may own or harbor six (6) or more dogs or six (6) or more cats or any combination thereof without first obtaining a kennel license.

2-503. Vaccination required.

(a) Any person making application for a license/permit shall be required to present or exhibit to the city clerk or designated agent a statement or certificate issued by a licensed veterinarian showing that such animal has been vaccinated or inoculated with recognized anti-rabies vaccine and that the vaccination or inoculation of such animal will provide adequate protection for the entire licensing period for which the tag is issued. The city clerk shall maintain a record of the identifying numbers of all tags issued and shall make this record available to the public.

(b) All dog(s) or cat(s) or horse(s), six (6) months of age or older within the city shall be vaccinated against rabies. Such vaccinations shall provide adequate protection for the entire licensing period for which the tag is issued.

(c) A veterinarian who vaccinates a dog(s) or cat(s) or horse(s) against rabies shall issue to the owner of such dog(s) or cat (s) or horse(s) a vaccination certificate on a form approved by the Kansas Department of Health. The veterinarian shall also issue a metal tag with the veterinarian's address and the year of the vaccination stamped thereon. Upon vaccination, the veterinarian shall execute and finish to the owner of the dog(s) or cat(s) or horse(s) as evidence thereof, a certificate of vaccination. The veterinarian shall retain a duplicate copy of the certificate and one copy shall be filed with the owner. Such certificate shall contain the following information:

- (1) The name, address and telephone number of the owner of the vaccinated dog(s) or cat(s) or horse(s);
- (2) The date of vaccination;
- (3) The type of rabies vaccine used;
- (4) The year and number of the rabies tag; and
- (5) And the breed, age, color and sex of the vaccinated dog(s) or cat(s) or horse(s).
- (6) All animals are required to have a picture provided when providing rabies certification.
- (7) All livestock must have a picture provided at the time license/permit is requested before one will be issued.

(d) Concurrent with the issuance and delivery of the certificate of vaccination, the owner of the dog or cat shall cause to be attached to the collar or harness of the vaccinated animal a metal tag, serially numbered to correspond with the vaccination certificate number and bearing the year of issuance.

(e) It is unlawful for any person within the city to own, keep, possess, harbor or allow to remain upon premises under his or her control any dog(s) or cat(s) or horse(s) which have not been vaccinated as required herein. Any person establishing residence within the city shall comply with this title within ten (10) days of establishing such residency.

Proof of Vaccination-Dismissal-Fine. The failure of a dog or cat to wear a vaccination tag on a collar shall be prima facie evidence of the failure to vaccinate the animal as required by this section. To prove that a dog(s) or cat(s) or horse(s) was vaccinated at the time of the offense, the owner of the dog(s) or cat(s) or horse(s) must present a copy of the vaccination certificate issued by the veterinarian that shows the date the vaccination was administered. The offense shall be dismissed upon verification that the animal alleged in the offense was vaccinated on the date of the offense with the payment of a fifty-dollar (\$50.00) administrative fee.

2-504. Licensing period and procurement.

All licenses shall be acquired at the office of the city clerk or designated agent. The licensing period shall begin January first and shall run for one year. Application for license may be made thirty (30) days prior to and not more than sixty (60) days after the beginning of the licensing period; provided, that if the license tag required for any such animal shall not be obtained prior to March first of any year, the owner or harborer shall pay a penalty of ten dollars (\$10.00) per month for each month delay in obtaining the license required by this chapter. Persons making application for animals brought into the community or reaching minimum age on or after March first of the licensing year shall be required to get his/her animal to be licensed within ten (10) days of occupancy. The penalty hereinabove provided shall be in addition to that provided under this chapter.

2-506. Licensing fees.

Upon receipt of an application meeting the requirements of this chapter, the city clerk or designated agent shall issue a yearly permit as follows:

- (a) Each un-neutered dog or cat- no cost per year;
- (b) Each neutered dog or cat – no cost per year. Provided, that any animal which is incapable of reproduction as verified by a licensed veterinarian, shall be considered neutered for the purpose of licensing.
- (c) Each horse-fifty dollars (\$50) per year to renew.

2-510. Permit period and issuance.

- (a) Permit period shall begin January 1st and run for one year. Applications for permits may be made thirty (30) days prior to and up to sixty (60) days after the beginning of the permit period. Upon receipt of the permit application, city personnel shall inspect the premises, enclosures, and/or equipment of the applicant for compliance with the provisions of this chapter and other applicable laws. Following approval of the inspection and payment of the applicable fee hereinafter set out, a permit shall be issued.
- (b) Annual Permit Fees:
 - (1) All permits are issued for a calendar year and must be renewed yearly.
 - (2) Kennel permit(s)-authorized to house 6 or more dogs or cats or combination of either) - fifty dollars (\$50.00);
 - (3) Livestock permit(s)-fifty dollars (\$50.00) for horses, twenty-five (\$25) dollars for goats, and ten (\$10) dollars for hens (female chickens)

2-514. Violation; penalty.

Any person, firm or corporation violating any of the provisions of this article shall, upon conviction thereof, be fined in a sum not less than one hundred dollars (\$100.00) nor more than four hundred dollars (\$400.00) for the first offense and a sum not less than two hundred dollars (\$200.00) nor more than six hundred dollars (\$600.00) for the second offense or any subsequent offenses.

2-801. Keeping livestock.

It is unlawful to possess or maintain any livestock within any residential zone in the city.

2-802. Farm animals and livestock range and other restrictions.

(a) The following limitations by type and acreage are listed below. No livestock, including but not limited to, cows, horses, mules, and donkeys shall be kept on any lot for the cleanliness, health, and safety of the animals and those living nearby.

(b) No sheep, goats, llamas, ostriches, emus, alpaca, or other similar animals/birds shall be kept on any lot for the cleanliness, health, and safety of the animals and those living nearby.

(c) The following limitations by type listed above pertain to livestock such as cows, horses, mules, donkeys, sheep, and/or goats shall come before the governing body to have any animals previously approved to continue to be considered to be maintained and kept on the premises.

(d) Poultry and other fowl kept on any lot in the city limits shall have limitations as set forth below:

(1) Poultry and other fowl: There shall not be more than twelve (12) chickens/poultry with no male fowl and/or roosters on any lot, regardless of acreage of lot size, located in the city limit.

(e) Nothing herein shall be construed as authorizing the keeping of animals capable of inflicting harm or endangering the health or safety of any person or property.

(f) Permitted animals other than household pets and poultry/fowl shall not be kept within fifty (50) feet of any dwelling on an adjoining property. No manure shall be stockpiled within fifty (50) feet of any adjoining property.

(g) Permitted animals and fowl shall be kept in adequately maintained housing, caging, fencing, or corrals. If it is determined by any person(s) currently appointed, elected, or hired by the City of Leon that has been designated by the mayor to be charged with the administration and enforcement of this ordinance that the animal facilities and waste is not being properly maintained the property will be deemed to be in non-compliance and the animals required to be removed from the property.

(h) The animal facilities will be inspected quarterly unless there is a complaint. The person holding the permit will allow any person(s) currently appointed, elected, or hired by the City of Leon that has been designated by the mayor to be charged with the administration and enforcement of the ordinance to inspect the premises with a scheduled appointment no more than one (1) week after requested by the city.

(i) If a complaint is issued about the animal facilities the person holding the permit will allow any person(s) currently appointed, elected, or hired by the City of Leon that has been designated by the mayor to be charged with the administration and enforcement of the ordinance an appointment to inspect premises with a scheduled no more than twenty-four (24) hours after the complaint.

(j) If an animal comes into question and is not listed above, then the unlisted animal shall be grouped with the animal listed above that it is the most similar to.

(k) These regulations shall supersede any covenants, deed restrictions, or any other requirements currently in place on a property. Any Animal Unit currently on property with an approved permit, that does not meet the lot size requirements set forth herein may remain on said property until: (1) the death of the animal, (2) if valid proven complaints or blights to neighboring residences are affected, or (3) the absence of the animal or animal unit from said property for longer than thirty (30) days.

(l) Any animal or animals kept under this Section must be maintained in a fenced area suitable to safely contain such animal or animals. Said fencing must comply with the requirements for fencing set forth by Kansas State Statutes. If Kansas State Statutes do not address certain fencing requirements, then the City Code fencing requirements will be applicable. However, no barbed wire, smooth wire, or electric fence will be allowed within the city limits of Leon.

2-803. Licensing fees.

Upon receipt of an application meeting the requirements of this chapter, the city clerk or designated agent shall issue after payment of the applicable fees as follows:

- (a) Each livestock listed in 2-802 (a)-fifty dollars (\$50.00) per year;
- (b) Each animal listed in 2-802 (b) – twenty-five dollars (\$25.00) per year.
- (c) Chickens will be permitted at the rate of ten dollars (\$10) for any unit of birds up to the twelve (12) allowed.

2-804. Impoundment of estray and livestock.

(a) The animal control authority or any person(s) currently appointed, elected, or hired by the City of Leon that has been designated by the mayor , upon receipt of a report or upon discovery of an estray, within the city the animal control officer or any person(s) currently appointed, elected, or hired by the City of Leon that has been designated by the mayor may cause the impoundment of any and all estray and other livestock that may be found in and upon any street, alley or upon any unenclosed lot in the city, or otherwise to be found at large, and to confine such estray or livestock for safe keeping. Upon impounding, the animal control officer shall prepare a file to be located in the animal control division offices. Each entry shall include the following:

- (1) The name and address of the person who notified the animal control division of the estray or other livestock;
- (2) The date, time and location of the estray or other livestock when found;
- (3) The location of the estray or other livestock until disposition; and
- (4) A description of the animal including its breed, color, sex, age, size, all markings of any kind and other identifying characteristics.

(b) When an estray or other livestock has been impounded by the animal control division, the animal control officer or any person(s) currently appointed, elected, or hired by the City of Leon that has been designated by the mayor shall make a diligent search for the owner of the estray or other livestock. If the search does not reveal the owner, the animal control division shall advertise the impoundment of the estray in a newspaper of general circulation in the county at least twice during the next fifteen (15) days following impoundment.

(c) The owner of an estray or other livestock may recover possession of the animal at any time before the animal is sold under the terms of this chapter if:

- (1) The owner has provided the animal control officer or any person(s) currently appointed, elected, or hired by the City of Leon that has been designated by the mayor with an affidavit of ownership of the estray or other livestock containing at least the following information:
 - (A) The name and address of the owner,
 - (B) The date the owner discovered that the animal was missing,
 - (C) The property from which the animal strayed, and

(D) A description of the animal including its breed, color, sex, size, all markings of any kind and any other identifying characteristics;

(2) The animal control officer has approved affidavit; and

(3) The owner has paid all handling fees to those entitled to receive them.

(d) If the ownership of an estray or other livestock is not determined within fourteen (14) days following the final advertisement required by this section, ownership of the estray or other livestock rests with the city and the animal control officer shall then cause the estray or other livestock to be sold at an auction. If there are not any bidders, ownership is forfeited to the city.

(1) Title shall be deemed vested in the animal control officer or any person(s) currently appointed, elected, or hired by the City of Leon that has been designated by the mayor for purposes of passing a good title, free and clear of all claims to the purchaser at the sale.

(2) The disposition of the proceeds derived from the sale at public auction will be as follows:

(A) Pay all handling fees to those entitled to receive them.

(B) Execute a report of sale of impoundment stock.

(C) The net proceeds remaining from the sale of the estray or other livestock after the handling fees have been paid shall be delivered by the animal control officer to the city secretary. Such net proceeds shall be subject to claim by the original owner of the estray or other livestock as provided herein.

(D) If the bids are too low, the animal control officer shall have the right to refuse all bids and arrange for another public auction or sealed bidding procedure.

(3) Recovery by Owner of Sale Proceeds.

(A) Within twelve (12) months after the sale of an estray or other livestock under the provisions of this chapter the original owner of the estray may recover the net proceeds of the sale that were delivered to the city clerk if:

(i) The owner has provided the animal control officer with an affidavit of ownership; and

(ii) And the animal control officer has accepted the affidavit of ownership.

(B) After the expiration of twelve (12) months from the sale of an estray or other livestock as provided by this section, the sale proceeds shall escheat to the city. If an animal was forfeited to the city due to no bidders at auction, then the city is not liable to owner for any proceeds of sale since no proceeds were received.

(e) Use of Estray and Livestock. During the period of time an estray or other livestock is held by one who impounded the estray or other livestock, it may not be used by any person for any purpose.

(f) Death of Estray and Livestock. If the estray or other livestock dies or escapes while held by the person who impounded it, the person shall report the death or escape to the animal control division. The report shall be filed in the records regarding the impoundment.

2-805. Educational exception.

Educational exception will be given to USD 205 Bluestem Schools located on Mill Road, Leon, Kansas pertaining to animals, lot sizes, and acreage. The USD 205 representative will be required to keep their permit updated and fill out a new permit annually.

2-806. Violation; penalty.

Any person violating or permitting the violation of this chapter shall, upon conviction in municipal court be fined a sum not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00). In addition, the court may order the permit, license or registration of the subject animal revoked and/or the animal removed from the city. Should the defendant refuse to remove the animal from the city, the municipal judge shall find the owner in contempt and order the immediate confiscation and impoundment of the animal. Each day that a violation continues shall be deemed a separate offense. In addition to the foregoing penalties, any person who violates this chapter shall pay all expenses, including shelter, food, handling, veterinary care and testimony necessitated by the enforcement.


SECTION 2: Any Ordinances or Code provisions inconsistent herewith are hereby repealed.

SECTION 3: This Ordinance shall take effect and be in full force from and after its adoption by the governing body of the City, approval by the Mayor and publication once in the official newspaper of the City. The official newspaper of the City is the city website: www.cityofleon.org.

ADOPTED AND PASSED by the governing body of the City of Leon, Kansas on January 06, 2025, and **APPROVED AND SIGNED** by the Mayor on January 06, 2025.


KRISTINA SEMISCH, Mayor

ATTEST:


JODIE LAIDLER, City Clerk

