[In accordance with Leawood Code § 2-202, please fill out and submit to City Clerk's Office.]

Date _____

CITY OF LEAWOOD, KANSAS
SPECIAL ANIMAL PERMIT APPLICATION

Name of Applicant: _____

_____ _____
[Date of Birth] [Driver's License No.]

Address _____, Leawood, Kansas Zip_____

Previous Address _____

Home Phone: _____ Work: _____

Approximate Size of Property where animals are to be kept: _____

Is Property Fenced: Yes _____ No _____ If No, how will animals [Dogs] be confined?

_____

Name & Address of Veterinarian: _____
_____

Phone: _____

****

DESCRIPTION OF ANIMALS TO BE KEPT ON PROPERTY

1. Dog/Cat _____ Breed: _____ Age: _____
   Color: _____ Sex: _____ S/N: _____ Name:_____
2. Dog/Cat _____ Breed: _____ Age: _____
   Color: _____ Sex: _____ S/N: _____ Name:_____
3. Dog/Cat _____ Breed: _____ Age: _____
   Color: _____ Sex: _____ S/N: _____ Name:_____
4. Dog/Cat _____ Breed: _____ Age: _____
   Color: _____ Sex: _____ S/N: _____ Name:_____
5. Dog/Cat _____ Breed: _____ Age: _____
   Color: _____ Sex: _____ S/N: _____ Name:_____
6. Dog/Cat _____ Breed: _____ Age: _____
   Color: _____ Sex: _____ S/N: _____ Name:_____

In accordance with City Code § 2-202, all applicants must adequately show that special circumstances exist that justify the keeping of the subject animals, and that the keeping of the animals will not create a nuisance in the surrounding neighborhood.

CHAPTER II. ANIMAL CONTROL

ARTICLE 2. DOGS AND CATS

SECTIONS

2-201 LICENSING AND VACCINATIONS
2-202 LIMITATIONS ON OWNERSHIP

2-201. LICENSING AND VACCINATIONS.

(a) It shall be unlawful for any person to own, keep or harbor any dog or cat over six months old unless such dog or cat is licensed as provided herein. Any person bringing a dog or cat over six months old into the city for purposes of residing shall have 30 days from the day the animal is brought into the City to license the animal through the city's Animal Licensing Specialist. If the animal is not licensed within the time required, the owner shall be subject to a penalty as set forth in the fee schedule established and maintained by the City Administrator and ratified or modified by the Governing Body, as prescribed in Section 1-701 of the Code of the City of Leawood.

(b) It shall be unlawful for any owner to own, keep or harbor any dog or cat over six months old unless such dog or cat is currently vaccinated against rabies. If a licensed veterinarian recommends that a dog or cat not be inoculated with a rabies vaccine for health purposes the owner, harborer or keeper shall obtain a statement from a licensed veterinarian on official letterhead specifying the reason that the animal shall not be vaccinated should be provided as set forth in this Article.

(c) An application provided by the Animal Licensing Specialist must be completed and submitted annually by any person owning, keeping or harboring a dog or cat. The application must include the following information:

(1) the name, address and telephone numbers of the person; and the dog or cat shall be identified by sex, age, breed, color, and call name; and

(2) the date of most recent inoculation of the rabies vaccine, the name of the inoculating veterinarian and the rabies vaccine inoculation certificate number; or

(3) If a licensed veterinarian recommends that a dog or cat not be inoculated with a rabies vaccine for health purposes, a statement from a licensed veterinarian on official letterhead specifying the reason that the animal should not be vaccinated.

(d) The owner or harborer of a dog or cat shall carefully preserve the current Certificate of rabies Vaccination that was issued by a veterinarian at the time of the inoculation or the statement from a licensed veterinarian on official letterhead specifying the reason that the animal should not be vaccinated, and shall promptly present the certificate or the statement for inspection when requested to do so by an ACO, law enforcement officer or Animal Licensing Specialist.

(e) A license fee and submission of the Certificate of Vaccination or a statement from a licensed veterinarian on official letterhead specifying the reason that the animal should not be vaccinated are required for a license. The license fees for sexually altered and unaltered dogs and cats are set forth in the fee schedule established and maintained by the City Administrator and ratified or modified by the Governing Body, as prescribed in Section 1-701 of the Code of the City of Leawood. Written proof by a licensed veterinarian that an animal has been neutered or spayed must be presented.

(f) Any person owning, keeping or harboring a work dog, as described below, shall be exempt from the license fee payment upon submittal of adequate proof that the dog has received a rabies vaccine inoculation or a statement from a licensed veterinarian on official letterhead specifying the reason that the animal should not be vaccinated and is fully trained as a work dog and is used regularly as a work dog.

(1) Dogs providing services for persons with disabilities; or

(2) Dogs utilized by law enforcement personnel.

(g) The license year shall be from January 1 through December 31 of each year. The fee shall be due and payable before March 1 of each year. A penalty as set forth in the fee schedule established and maintained by the city administrator and ratified or modified by the Governing Body, as prescribed in Section 1-701 of the Code of the City of Leawood, shall be assessed on March 1 and every 30 days thereafter.

(h) Licenses shall be issued in the form of a durable tag which shall be worn at all times fastened to the collar or harness of the dog or cat. License tags shall not be transferable. If a tag is lost, a replacement tag will be issued upon sufficient evidence of prior licensing and payment of the charge as set forth in the fee schedule established and maintained by the city administrator and ratified or modified by the Governing Body, as prescribed in Section 1-701 of the Code of the City of Leawood.

(i) Proof of rabies vaccination shall be obtained from a licensed veterinarian in the form of a durable tag which shall be worn at all times fastened to the collar or harness of the dog

(j) It shall be unlawful for any person to remove or cause to be removed, the collar, harness or the license tag from any licensed dog or cat without the consent of the owner, keeper or harborer of the dog or cat.

(k) Persons that do not reside in Leawood may keep no more than two dogs and/or cats within the city for less than 30 days before licensing the dogs and cats.

(Ord. 1796C; 05-17-99)
(Ord. 2685C; 09-02-14)

2-202. LIMITATIONS ON OWNERSHIP.

(a) It shall be unlawful for any person to own, harbor or keep more than two dogs and/or two cats over six months of age in the City of Leawood unless the person has properly obtained a permit allowing the person to keep a greater number of dogs and/or cats.

(b) Any person who desires to own, keep or harbor more than two dogs and/or two cats may apply to the City Clerk for a "Special Animal Permit," that shall, upon issuance, allow the applicant to own, keep or harbor the animals specifically allowed in that permit.

1. All applicants must adequately show that special circumstances exist that justify the keeping of the subject animals, and that the keeping of additional animals will not create a nuisance in the surrounding neighborhood, that reasonable animal care will be provided and that the premises where the animals are kept is suitable for the keeping of multiple animals and is in conformity with all City zoning requirements. The criteria to be evaluated include, without being limited to the following:
   a. That the animals will be kept or maintained at all times in a safe and sanitary manner.
   b. That the quarters in which such animals are kept or confined will be adequately lighted and ventilated and are so constructed and maintained that they can be kept in a clean and sanitary condition.
   c. That the health and well-being of the animals will not in any way be endangered by the manner of keeping or confinement.
   d. That the keeping of such animals will not harm the surrounding neighborhood or disturb the peace and quiet of the surrounding neighborhood.
   e. That the keeping of such animals will not cause fouling of the air by offensive odors and thereby create or cause unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animals are kept or harbored.
   f. That the animals will not unreasonably annoy humans, endanger the life, health or safety or citizens to the enjoyment of life or property.
   g. That the animals will not repeatedly run or be found at large, will not damage or deposit excretory matter upon the property of anyone other than their owner, and will not chase vehicles or molest or intimidate pedestrians or passersby.
   h. That the animals will not make disturbing noises, including but not limited to, continued and repeated or untimely howling, barking, whining or other utterances causing unreasonable annoyance, disturbance or discomfort to neighbors and others in close proximity to the premises where the animals are kept or harbored, or otherwise be offensive or dangerous to the public health, safety or welfare, by virtue of their behavior, number, type or manner of keeping.
   i. That the applicant or any person who will share in the care, custody and control of the animals, is not currently in violation of, or has not previously violated any applicable City, state or federal laws, codes, rules or regulations, including but not limited to, those pertaining to the reasonable animal care and control of animals and the maintenance of their property, which would reflect adversely on their ability to fully comply with the conditions of the subject permit.

(c) The City Clerk shall deny any application where the applicant fails to show proof of the aforementioned requirements by review of an examination of the documentation submitted by the applicant, or an investigation by the Police Department, reveals that, in the opinion of the Police Department, the applicant has failed to meet the requirements of this Section. Any such applicant shall be required to show proof of meeting the required standards by clear and convincing evidence. The Police Department shall submit a written report of its investigation stating the factual basis for its recommendation to grant or deny any application. The Police Department shall consider the comments of neighbors, past violations by applicant, the size, condition and location of the area where the animals will be kept, the size of the animals to be kept, past complaints concerning the applicant and the criteria set forth in this Section and any other factors relevant to the issue of keeping additional animals.

(d) The City Clerk shall establish an application process to be followed by all individuals seeking a "special animal permit." The permit shall be issued for the period from January 1st through December 31st of each year. The special animal permit shall be for no more than eight [8] animals and shall be issued for the individual animals listed in the application and shall not be transferable to other animals except for a circus, bona fide educational institution, bona fide medical institution, or bona fide museum, kennel, pet shop, bona fide licensed veterinary hospital, livery or riding stable, commercial zoo, zoological park, animal act, or similar place of exhibition of animals, which may substitute animals up to a certain number as approved in the special animal permit. The fact an individual has previously been issued a special animal permit may be considered but shall not be controlling in the City Clerk's decision to issue a special animal permit for a different animal.

(e) The City Clerk may revoke any permit if the person holding the permit refuses or fails to comply with this Chapter, the regulations promulgated by the City Council, or any state or local law such as those governing cruelty to animals, or the keeping of animals, or if the animals' place of keeping otherwise constitutes a nuisance to the surrounding neighbors or that the permittee had provided false information in the application. Any person whose permit is revoked shall, within 30 days thereafter, sell or otherwise humanely remove the animals from the premises and no part of the permit fee shall be refunded.

(f) As used in this Section, "special circumstances" is defined as any unusual, extraordinary and exceptional situation or condition whereby the strict application of the numerical limits set forth in this Section would be contrary to the intent, purposes and objectives of such limitations and would be contrary to the public interest and welfare.

(g) The provisions of this Section do not apply to service animals otherwise governed under K.S.A. 39-1101 et seq.

(h) Any person who is denied a special animal permit or who has had an existing permit revoked may, within 10 days thereafter, file a written notice or statement of appeal from said decision, ruling, action or finding to the Leawood Municipal Court including the administrative fee, for an administrative hearing thereon.

1. An administrative fee of $10.00 shall be paid to the Municipal Court Clerk and is required for each appeal to the Municipal Court, and no appeal shall be set for hearing until such fee has been paid.

2. The filing of an appeal under this Subsection shall stay any action taken pursuant to this chapter for sixty (60) days, provided, however, that the Judge of the Municipal Court may grant an additional stay up to a total of 120 days from the day of the original denial of the special animal permit.
3. The hearing on the appeal shall be conducted by a Leawood Municipal Court judge who will sit as an administrative judge for purposes of this chapter. The sole issue for determination shall be whether decisions, rulings, actions or findings of the Police Department and/or City Clerk were within the scope of their authority, supported by substantial evidence, and not arbitrary nor capricious in nature. The Court shall make specific findings of fact and conclusions of law in each case. If the Court denies the application, then the Court shall set a reasonable time, not to exceed an additional 120 days for the applicant to remove the animals from the applicant's premises.

(i) An initial permit fee in the amount of $100.00 shall be paid by the owner, keeper or harborer of the animal identified in the permit. The permit may be renewed each year upon re-inspection of the premises and verification by an ACO that the premises and animals meet the requirements set forth above. A permit renewal fee in the amount of $50.00 shall be paid by the owner, keeper or harborer, for each year thereafter. All fees shall be nonrefundable and nontransferable.

(Ord. 1796C; 05-17-99)
(Ord. 1912C; 09-04-01)
(Ord. 2609C; 01-22-13)
(Ord. 2685C; 09-02-14)
(Ord. 2692C; 10-06-14)