

**Section 7.3.4                                      Keeping Livestock; Distance from Houses**

- A. No person shall house, keep, harbor, or maintain any livestock for more than one (1) hour, within a twenty-four (24) hour time period, within one hundred (100) feet of a residence in use by or occupied by any human. This section shall not preclude the riding of horses upon any equestrian trail established and maintained by a governmental agency or on a public street in accordance with this chapter.
- B. The construction or occupancy of a new dwelling within one hundred (100) feet of a permanent structure, other than fences and corrals, in which a horse had been continuously kept for a period of more than six (6) consecutive months prior to such construction or occupation shall not require the removal of such permanent structure nor prevent the continued maintenance of a horse or horses there.
- C. No person shall keep any rabbits, poultry or domestic fowl, within thirty-five (35) feet of any residence or dwelling, other than the residence of the person keeping or maintaining such rabbits, poultry or fowl. Dwelling shall not include any school, hospital or similar institution.
- D. The construction or occupation of a new dwelling within thirty-five (35) feet of any location in or upon which rabbits, poultry, or domestic fowl have been continuously or customarily kept for a period of three (3) consecutive months prior to such construction or occupation of such dwelling shall not require the removal of such rabbits, poultry or domestic fowl from such location.
- E. The provisions of the section shall not apply to areas zoned Agricultural Districts., or annexed into the City pursuant to an annexation Agreement regarding agricultural uses upon such annexed property.

**Section 7.3.14                                      Kennel Licenses**

- A. No person, entity or household shall own or harbor more than four (4) dogs individually exceeding six (6) months of age; more than four (4) cats individually exceeding six (6) months of age; in any combination, more than a total of four (4) dogs and cats individually exceeding six (6) months of age; or engage in the commercial business of breeding, buying, selling, trading, training, or boarding cats or dogs or both cats and dogs, without having first obtained a kennel license from the city clerk.
- B. Kennel licenses shall be renewed annually. No kennel license shall be issued until an inspection certificate has been completed by the animal control officer certifying approval of the kennel license and compliance with all applicable laws, the code enforcement officer has issued a certificate verifying that the kennel for which the license

is sought is not violating zoning laws of the city, and the annual kennel license fee established within the City's adopted fee schedule has been paid. The city clerk shall issue renewals of kennel licenses from and after the initial issuance of such license to a licensee and upon such licensee's application to renew a kennel license if the kennel location has not changed, the clerk has not received any protest or information alleging that the kennel is in violation of any applicable law or that it is operated or maintained in a manner detrimental to the health, safety or peace of mind of any person residing in the immediate vicinity of such kennel; the animal control officer finds, after inspection, that the kennel is in compliance with all applicable law; the code enforcement officer finds that the kennel does not violate any zoning code provision; and the annual kennel license fee established within the City's adopted fee schedule has been paid. In the event the clerk receives such protest or information with respect to any licensed kennel, the animal control officer determines after inspection that the kennel is not in compliance with all applicable laws, or the code enforcement officer determines the kennel is in violation of any zoning code provision, no renewal of such license shall be made unless the governing body finds, after notice and public hearing, that such kennel is operated or maintained in compliance with all applicable laws and does not pose a detriment to the health, safety or peace of mind of any person residing in the immediate vicinity of such kennel.

C. The animal control officer, the code enforcement officer, or any police officer shall have the right to inspect any premises licensed under this section at any time. Nothing shall prevent their entry onto private property for the purpose of making such inspection and all applicants for kennel licenses shall be deemed to have consented to such entry and inspection by virtue of, and from and after the time of, making application to the city for such license. In the event such entry for the purpose of making an inspection authorized by this section is denied to the animal control officer, code enforcement officer or any police officer, the officer or officers so denied may apply to a court of competent jurisdiction for an order authorizing entry for the purposes of enforcing or administering this section including, but not limited to, inspection of such premises.

D. The governing body may suspend or revoke a kennel license if, following notice and public hearing, it find that the licensed kennel:

1. is maintained in violation of any applicable law of the State of Kansas, or of the City;
2. is maintained so as to constitute a public nuisance; or,
3. is detrimental to the health, safety or peace of mind of persons residing in the immediate vicinity.

E. The annual kennel license fee established by the fee schedule adopted by the Governing Body shall be payable in addition to, and not in lieu of, any and all licenses fees otherwise required under this article.

F. This section shall not apply to and will not be construed to require a kennel license for a licensed veterinarian to operate an animal hospital or clinic.