

## ORDINANCE NO. 2024-02

### AN ORDINANCE AMENDING THE CODE OF THE CITY OF LEON PERTAINING TO LIVESTOCK

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

**SECTION 1:** Sections 2-801 through 2-804 of the City Code are amended to read as follows.

#### **2-801. Keeping livestock.**

It is unlawful to possess or maintain any livestock within any residential zone in the city, except by special permit issued by the animal control officer. Persons applying for or holding such special permit shall comply with all livestock policies and regulations promulgated and approved by the city council.

#### **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 lot sizes less than six (6) acres 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 lot sizes less than six (6) acres for the cleanliness, health, and safety of the animals and those living nearby.

(c) The following limitations by type and acreage listed above pertain to livestock such as cows, horses, mules, donkeys, sheep, and/or goats but with acreage greater than six (6) acres shall come before the governing body to have any animals 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 properly 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 annually 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, or (2) the absence of the animal or animal unit from said property for longer than thirty (30) days.

(l) Under no circumstances shall stallions or swine of any kind be permitted within the corporate limits of the City of Leon.

(m) 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)-one hundred dollars (\$100.00) 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, upon receipt of a report or upon discovery of an estray, within the city the animal control officer 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 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 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 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.

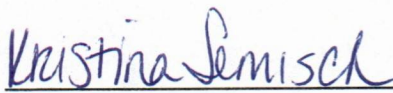
**2-805. Violation; penalty.**

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](http://www.cityofleon.org).

**ADOPTED AND PASSED** by the governing body of the City of Leon, Kansas on January 02, 2024, and **APPROVED AND SIGNED** by the Mayor on January 02, 2024.

  
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KRISTINA SEMISCH, Mayor

ATTEST:

  
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JODIE LAIDLER, City Clerk

[SEAL]

