

ORDINANCE NO. 8378

AN ORDINANCE AMENDING CERTAIN PORTIONS OF CHAPTER III OF THE CODE OF THE CITY OF LAWRENCE, KANSAS REGARDING THE KEEPING OF ANIMALS WITHIN THE CITY LIMITS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS:

Section 1. Section 3-104 of the Code of the City of Lawrence, 2009 Edition and amendments thereto, is hereby amended to read as follows:

3-104 ANIMALS EXCLUDED FROM PROHIBITION.

- (A) Animals excluded from prohibition are:
- (1) Domestic dogs, except those hybridized with wild canines.
 - (2) Domestic cats, except those hybridized with wild felines.
 - (3) Domesticated rodents.
 - (4) Domesticated European ferrets.
 - (5) Rabbits, except that no more than three (3) rabbits shall be permitted in a residentially-zoned district.
 - (6) Birds other than species protected by state or federal law and those species prohibited by Article 5 of this Chapter.
 - (7) Nonvenomous snakes less than eight (8) feet in length, except that such snakes shall be required to be maintained on the owner's premises or property.
 - (8) Nonvenomous lizards.
 - (9) Turtles, except for species protected by state or federal law.
 - (10) Amphibians.
 - (11) Fish.
 - (12) Invertebrates.
 - (13) Any animal in the ownership of a veterinary clinic operated by a licensed veterinarian.
 - (14) Any animal in the ownership of a person designated and licensed as an animal rehabilitator by the Kansas Wildlife and Parks Department.
 - (15) Any animal in the ownership of a person temporarily transporting such animal through the city.
 - (16) Any animal in the ownership of a bona fide medical institution or accredited educational institution.
 - (17) Any animal exhibited for sale, show or other temporary purpose at the Douglas County Fairgrounds.
 - (18) Any animal temporarily owned by a facility licensed by the Kansas Animal Health Department for the purpose of impounding, sheltering, or caring for animals.
 - (19) Domesticated hedgehogs.
- (B) Persons legally owning goats, kids, sheep, rabbits or hares, horses, cows, mules or donkeys one hundred fifty (150) feet away from any building used for human habitation pursuant to Section 3-101 of the 1990 Code prior to December 30, 1992, shall be allowed to continue such use, provided ownership remains with the same person on the same property. Provided, the City Commission may suspend enforcement of this subsection, or establish reasonable conditions for the enforcement thereof, for property annexed into the City after December 30, 1992.
- (C) The Municipal Court Judge may order the confiscation of a prohibited animal if the animal poses an immediate danger to the public or itself. Upon the conviction of a person for owning an animal as prohibited by this Chapter, the Municipal Court Judge shall order the animal confiscated and transferred to an appropriate licensed animal

rehabilitation or care facility. The Municipal Court Judge may order the release of the animal to the owner provided that the animal will not be kept within the City limits.

Section 2. Section 3-202 of the Code of the City of Lawrence, 2009 Edition and amendments thereto, is hereby amended to read as follows:

3-202 ANIMALS PROHIBITED TO RUN AT LARGE; FINES.

- (A) It shall be unlawful for any person to own or keep a dog or cat or other animal which runs at large in the City. Knowledge or acquiescence by the owner or keeper is not an element of the offense. An animal shall not be deemed to be running at large if:
 - (1) The animal is firmly attached to a leash or chain under the physical control of its owner or keeper; or
 - (2) The animal is within a structure or within a fence enclosure with the permission of the owner or keeper of the structure or fence enclosure; or
 - (3) The animal has an operating electronic collar and is under the charge, care or control, of its owner or keeper who is operating an electronic pet containment system or electronic training system for the animal. Notwithstanding this subsection, all animals on the public right-of-way in the CD zoning district (downtown area) must be kept on a leash or chain under the physical control of its owner or keeper.
 - (4) The animal is a dog and, under the supervision of its owner or keeper, is using the City's off-leash dog park in accordance with the City's rules and regulations for any City off-leash dog parks.
- (B) Any animal on property without the permission of the property owner shall be deemed to be an animal at large and the owner of such animal shall be in violation of this Section.
- (C) Any cat that is on the property of its owner or keeper shall not be deemed to be running at large in the City.
- (D) The provisions of this Section shall not apply to persons who have a physical disability or visual impairment, who are using service dogs, and can provide adequate documentation, upon demand of an animal control officer or law enforcement officer, that the service dog is an animal trained by an accredited institution which trains dogs for service work for the physically disabled or visually impaired.
- (E) Any person found guilty of animal at large as defined herein shall be fined as follows: \$30.00 for the first offense within a twelve (12) month period; \$40.00 for the second offense within a twelve (12) month period; \$60.00 for the third offense within a twelve (12) month period; and \$100.00 for the fourth and subsequent offense(s) within a twelve (12) month period. The Municipal Judge shall have no authority to suspend the fine or any portion thereof of fine established by this Section. The fine shall be in addition to any applicable court costs or impoundment fees. The Humane Society or other impoundment facility shall not release an animal to an owner if the owner has failed to pay a fine or has failed to appear in municipal court for the adjudication of a violation of this Section.

Section 3. Section 3-301 of the Code of the City of Lawrence, 2009 Edition and amendments thereto, is hereby amended to read as follows:

3-301 DEFINITIONS.

Dangerous dog, as used in this Article, shall mean:

- (A) Any dog with a known propensity tendency or disposition to attack, to cause injury, or otherwise threaten the safety of human beings or domestic animals; or

- (B) Any dog which in a vicious or threatening manner, approaches any person in apparent attack upon the person while on the streets, sidewalks, or any public grounds or places; or on private property; or
- (C) Any dog which attacks or bites, or has attacked or bitten a human being or domestic animal; or
- (D) Any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting.

Notwithstanding the definition of a dangerous dog above, no dog may be declared dangerous if any injury or damage is sustained by a person or animal who at the time such injury or damage was sustained, was committing a willful trespass or other tort upon premises occupied by the owner or keeper of the dog, or was teasing, tormenting, abusing or assaulting the dog or was committing or attempting to commit a crime.

No dog may be declared dangerous if an injury or damage was sustained by a domestic animal which at the time such injury or damage was sustained was teasing, tormenting, abusing or assaulting the dog. No dog may be declared dangerous if the dog was protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault.

No dog may be declared dangerous if the injury or damage was sustained by a chicken or duck that was not in a fenced or enclosed area on its owner's premises.

Nothing in this Article shall be deemed to regulate or prohibit the lawful maintenance of dogs by law enforcement agencies.

Enclosure means a fence or structure of at least six (6) feet in height, forming or causing an enclosure suitable to prevent the entry of young children and suitable to confine a dangerous dog. An enclosure shall be securely enclosed and locked and designed to prevent the animal from escaping from the enclosure. An enclosure shall have a secure top suitable to confine a dangerous dog. If such enclosure has no bottom secured to the sides, the sides must be embedded into the ground no less than one (1) foot.

Owner means an individual who has lawful title to a dog, including the keeper or harbinger of the dog. A parent or legal guardian shall be deemed to be an owner of dogs owned or maintained by children upon their premises.

Section 4. Article 5 of Chapter 3 of the Code of the City of Lawrence, 2009 Edition, is hereby enacted to read as follows:

ARTICLE 5. CHICKENS AND DUCKS

3-501 KEEPING OF FOWL

(A) Definitions

- (1) "Fowl" shall mean those domestic birds commonly kept for the production of meat, eggs or feathers. This shall include chickens, ducks, turkeys, geese, swans, peafowl, and guinea fowl, ostriches and emus.
- (2) "Permitted fowl" shall mean ducks and female chickens.

- (B) It shall be unlawful to own or keep fowl, other than permitted fowl, within the City. The maximum total number of permitted fowl allowed to be owned or kept on an individual lot is one animal per 500 square feet of lot size, rounded down, but in no event will the total number of permitted fowl on any lot exceed 20.

3-502 COOPS, ROOSTS, LAYING BOXES

- (A) In addition to the other requirements of this Chapter that specify standards applicable to the keeping of animals, any person who owns chickens shall provide a coop or other similar shelter and adequate laying boxes, and roosts for the chickens. Any person who owns ducks shall provide a coop or other similar shelter and adequate laying boxes. Any shelter required in this Article shall be screened or walled in a manner that allows the chickens or ducks to be reasonably protected from predators.
- (B) The coop shall be a minimum of three square feet in size per chicken or duck if the birds have a fenced outdoor run, or 10 square feet per chicken or duck if the birds do not have a fenced outdoor run.
- (C) A minimum of one square foot of laying box space shall be provided per three chickens. Each laying box will contain adequate clean bedding material such as hay or other similar soft material.
- (D) One 8" or larger roost is required per chicken. Ducks do not require roosts.
- (E) Coops shall be constructed in a manner that is consistent with the requirements of the City's Development Code, Chapter 20 of the City Code. In the event that a coop qualifies as an accessory structure under that code, all requirements regarding placement and setbacks must be met. In no event will any coop be located closer than five feet from any neighboring property line.
- (F) In the event that a mobile coop is utilized, the coop shall be kept in compliance with all City ordinances that apply to the outdoor storage of property.
- (G) The coop shall be kept in a clean and sanitary fashion to prevent the unreasonable accumulation of waste or any other noxious substance, noxious odors or the presence of vermin.

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UNLAWFUL ACTS

It shall be unlawful to violate any requirement of this Article. In the event that a violation of this Article would also be a violation of another provision of the City Code, the violation shall be punished as would a violation of such other provision. All other violations shall be punished by a fine not to exceed \$500 or incarceration not to exceed 30 days or both such fine and incarceration.

Section 5. The existing sections 3-104, 3-202 and 3-301 of the Code of the City of Lawrence, 2009 Edition and amendments thereto are hereby repealed, it being the intent to replace such repealed provisions with the provisions of this ordinance.

Section 6. Severability. If any section, clause, sentence, or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this ordinance.

Section 7. This ordinance shall take effect and be in force effective upon its passage and publication once in the official city paper as provided by law.


PASSED by the Governing Body this 7th day of April, 2009.

PASSED:




Michael Dever, Mayor

ATTEST


Frank S. Reeb, City Clerk

APPROVED AS TO LEGAL FORM:


Toni Ramirez Wheeler
Director of Legal Services