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ORDINANCE NUMBER 764

AN ORDINANCE AMENDING CHAPTER II, ARTICLE 1, SECTION 2-101 AND SECTION 2-109 TO THE CITY CODE OF THE CITY OF LINCOLN CENTER, KANSAS, TO AMEND WHAT ANIMALS, FOWL, OR OTHER UNDOMESTICATED ANIMALS MAY BE OWNED OR POSSESSED WITHIN THE CITY OF LINCOLN CENTER, KANSAS AND TO FURTHER MODIFY THE PERMITTING APPLICATION AND RENEWAL REQUIREMENTS FOR THE KEEPING OF ANIMALS, FOWL, OR OTHER UNDOMESTICATED ANIMALS IN THE CITY OF LINCOLN CENTER, KANSAS.

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

SECTION 1. Section 2-101 of the City Code of the City of Lincoln Center, Kansas is hereby amended to read as follows:

2-101. DEFINITIONS. For the purposes of this chapter, the following words and phrases shall mean:

(a) Abandon - includes the leaving of an animal by its owner or other person responsible for its care or custody without making effective provisions for its proper care.

(b) Animals - means all vertebrate and invertebrate animals such as but not limited to bovine cattle, horses and other equines, hogs, goats, dogs, cats, rabbits, sheep, roosters, chickens, ducks, geese, turkeys, pigeons, and other fowl or wild animals, reptiles, fish, bees or birds that have been tamed, domesticated or captivated.

(c) Animal Shelter - means the facility or facilities operated by the city or its authorized agents for the purpose of impounding or caring for animals under the authority of this chapter or state law.

(d) At-large - means to be outside of a fence or other enclosure which restrains the animals to a particular premise or not under the control, by leash or lead, of the owner or other authorized person capable of restraining the animal. Animals tethered to a stationary object within range of public thoroughfares are deemed to be at-large.

(e) Bite - means any actual or suspected abrasion, scratch, puncture, tear, bruise, or piercing of the skin, caused by any animal, which is actually or suspected of being contaminated or inoculated with the saliva from the animal, directly or indirectly, regardless of the health of the animal causing such bite.

(f) Cat - means any member of the species felis catus, regardless of sex.

(g) Dangerous or Vicious Animal - means any animal deemed to be dangerous or vicious per section 2-115.

(h) Dog - means any member of the species canis familiaris, regardless of sex.

(i) Fowl - means all animals that are included in the zoological class aves, which shall include, but not limited to, roosters, chickens, ducks, geese, turkeys, guineas and pigeons. (j) Harbor - means any person who shall allow any animals to habitually remain or lodge or to be fed within his or her home, store, yard, enclosure or place of business or any other premises where he or she resides or controls.

(k) Hobby Breeder - shall mean any person who owns, keeps, harbors or has charge or control, of or permits more than three dogs over six months or age to be habitually lodged or fed within the person's house, yard, or premises and who raises no more than two litters of pups per year.

(l) Humane Live Animal Trap - means any cage trap that upon activation encloses an animal without placing any physical restraint upon any part of the body of such animal.

(m) Humanely Euthanize - means the proper injection of a substance that quickly and painlessly terminates the life of an animal, or any other method approved by the American Veterinary Medical Association or the American Humane Society.

(n) Immediate Control - means the regulation and supervision by a competent person so that an animal is unable to run or get loose at will.

(o) Kennel - means any establishment, commercial or otherwise, maintained for breeding, rearing, grooming, boarding, or otherwise harboring in an enclosure in one location only, three or more dogs.

(p) Livestock - includes, but is not limited to cattle, horses, goats, sheep or other animals commonly regarded or used as farm or ranch animals.

(q) Neutered - means any male or female cat or dog that has been permanently rendered sterile.

(r) Own - means and includes own, keep, harbor, shelter, manage, possess, or have a part interest in any animal. If a minor owns any such animal subject to the provisions of this chapter, the head of the household of which such minor is a member shall be deemed to own such animal for the purposes of this chapter.

(s) Owner - means the one who owns, or his or her employee, agent, or other competent person into whose charge an animal has been placed by the actual owner as described in subsection (r) above.

(t) Vaccination - means an injection of a vaccine, approved by the State Board of Public Health and administered by a licensed veterinarian for the purpose of immunizing an animal against rabies.

(u) Veterinarian - means a doctor of veterinary medicine licensed by the State of Kansas.

SECTION 2. Section 2-109 of the City Code of the City of Lincoln Center, Kansas is hereby amended to read as follows:

2-109. KEEPING OF ANIMALS AND FOWL; PERMIT REQUIRED; PERMIT RENEWAL.

(a) Prohibited Owning and Maintaining Certain Animals and Fowl. It shall be unlawful for the owner, lessee, occupant, or person in charge of any premises in the city to own, possess, harbor, or keep a rooster or animal or fowl that exceeds the weight of twenty (20) pounds at the time of full maturity. It shall further be prohibited for the owner, lessee, occupant, or person in charge of any premises in the city to permit to be maintained thereon any stable, shed, pen, or other place where horses, mules, cattle, sheep, goats or swine, or undomesticated animals or fowl are kept. The provisions of this section shall not apply to maintaining a veterinary hospital or slaughterhouse for commercial or professional purposes, if the location of any such business does not otherwise violate the zoning ordinances of the city.

(b) Certain Animals and Fowl Allowed Subject to Prior Approval. Subject to the permit approval procedure, payment of the permit fee, and annual permit renewal set forth in

subsections (c), (d), and (e) below, the owner, lessee, occupant, or person in charge of any premises in the city may possess and maintain any animal or fowl that weighs twenty (20) pounds or less at the time of full maturity, and such owner, lessee, occupant, or person in charge of any premises in the city may maintain any pen, shed, coup, or similar confinement to keep or maintain such animal or fowl, with such number not to exceed a total of twelve (12). Under no circumstances shall a rooster be allowed. The provisions of this section shall not apply to maintaining a veterinary hospital or slaughterhouse for commercial or professional purposes, if the location of any such business does not otherwise violate the zoning ordinances of the city.

(c) Permit Approval Procedure. Any person desiring to keep or maintain any animals or fowl within the city in accordance with subsection (b) above shall file an application with the city clerk for permission therefore and the city clerk shall thereupon deliver the application to the law enforcement personnel of the city who shall inspect the place that the animals or fowl are to be kept and who shall make recommendations to the city council as to the application at the next regular council meeting. If the council shall find that the keeping of the animals or fowl as set out in the application shall not be unsanitary or constitute a nuisance to adjoining or neighborhood property owners or residences, the council shall issue a permit therefore and set forth therein the conditions under which animals or fowl may be kept on the location set out in the application. Prior to hearing the application, the city clerk shall mail notice thereof to all persons owning or residing on property within 200 feet from the property line of the property on which it is proposed that such animals or fowl be kept or maintained. In the event the governing body denies such application for any reason, no application for a permit to keep or harbor any animals or fowl within the city shall be made for the same real property address until the beginning of the year (i.e., January 1) following the denial.

(d) Application Fee. Any person desiring to keep or maintain any animals or fowl within the city, who makes an application for a permit under Section 2-109(c) shall pay a \$25 application fee to the city clerk. Such application fee shall be non-refundable in the event the application for permit is denied by the governing body.

(e) Annual Permit Renewal. Any person keeping or maintaining any animal or fowl pursuant to this section shall be required to renew their permit and pay an annual permit renewal fee of \$10 to the city clerk. The registration year shall be from January 1 to December 31 of each year. The renewal fee shall be payable before February 1 of each year without penalty. Failure to submit such annual permit renewal fee before the February 1 deadline shall result such person's permit to lapse and shall require such person to re-apply for a permit in accordance with Section 2-109(c).

(f) Does Not Apply to Dogs, Cats, House Birds. The provisions of this section shall not apply to the keeping of dogs, cats, hamsters (or like species) and house birds.

SECTION 2. Existing Section 2-109 of the City Code of the City of Lincoln Center, Kansas is hereby repealed.

SECTION 3. This ordinance shall be in full force and effect from and after its adoption and publication once in the official city newspaper.

INTRODUCED, PASSED, and APPROVED by the City Council of the City of Lincoln Center, Kansas, on this 8th day of September, 2025.

APPROVED:

By: /s/ Travis Schwerdtfager
Mayor

Attest: (seal)

By: /s/ Heather N. Hillegeist
City Clerk