

**ORDINANCE NO. 1544**

**AN ORDINANCE AMENDING THE CODE OF THE CITY OF COLBY, KANSAS CHAPTER II. ANIMAL CONTROL AND REGISTRATION, BY ADOPTING AND ADDING ARTICLE 4, LICENSING REQUIREMENTS FOR AN ANIMAL MAINTENANCE PERMIT/KENNEL LICENSE.**

WHEREAS, the Governing body finds it necessary and desirable to provide minimum standards and criteria for the issuance of Animal Maintenance Permits/Kennel Licenses and provisions governing their use, operation and locations in the City of Colby, Kansas.

**NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF COLBY, KANSAS, THE CODE OF THE CITY OF COLBY, KANSAS, CHAPTER II, ANIMAL CONTROL REGULATIONS, IS HEREBY AMENDED BY ADOPTING AND ADDING ARTICLE 4, LICENSING REQUIREMENTS FOR AN ANIMAL MAINTENANCE PERMIT/KENNEL LICENSE, AS FOLLOWS:**

**ARTICLE 4.  
ANIMAL MAINTENANCE PERMIT/KENNEL LICENSE**

**SECTION 2-401. DEFINITIONS**

Kennel - means any establishment, commercial or otherwise, maintained for breeding, rearing, boarding, or otherwise harboring in an enclosure in one location only, more than three (3) dogs of six (6) months of age or more than three (3) cats of six (6) months of age or more or any combination thereof, not exceeding three (3) animals.

**SECTION 2-402. MAXIMUM NUMBER OF DOGS AND CATS**

- (A) No person shall own, keep or harbor upon any premises or property, or in any dwelling of any type within the City:
1. More than three (3) dogs;
  2. More than three (3) cats; or,
  3. More than two (2) rabbits;

unless such person has a current Animal Maintenance Permit/Kennel License or variance issued by the City of Colby, Kansas, or designee authorizing the maintenance of such animals. The provisions of this section shall not apply to common carriers transporting domestic animals to or through the City. Permits shall not be required for indoor non-commercial maintenance of fish, nonpoisonous amphibians and reptiles, birds and small rodents, as provided in Chapter II., Article 1., Section 2-109 of the Municipal Code of the City of Colby, Kansas. Any individual who fails to comply with the requirements of this section shall be deemed guilty of a Class C misdemeanor.

(B) No person shall keep, own, or harbor upon any premises or property or in any dwelling of any type within the City, more than three (3) different kinds of domestic animals unless such person has a current Animal Maintenance Permit/Kennel License or variance issued by the City of Colby, Kansas, or designee authorizing the maintenance of such animals. Any individual who fails to comply with the requirements of this section shall be deemed guilty of a misdemeanor.

1. Any person, rescue organization or foster care home, who desires to own, keep, or harbor more than three (3) dogs or more than (3) cats or more than two (2) rabbits, shall apply to the City of Colby, Kansas, for an Animal Maintenance Permit/Kennel License that shall permit the applicant to own, keep or harbor the animals specifically allowed in that permit.
2. Any person, rescue organization or foster care home, who desires to own, keep or harbor more than three (3) different kinds of domestic animals shall apply with the City of Colby, Kansas, for an animal maintenance permit that shall permit the applicant to own, keep or harbor more than three (3) different kinds of domestic animals.

**TABLE 1:**

<b>Kind of Animal</b>	<b>Minimum Required for Permit</b>	<b>Maximum Allowed with Permit</b>	<b>Permit Fee</b>
Dogs, excluding pit bulls	4	19	\$150.00
Cats	4	19	\$150.00
Rabbits	3	12	\$150.00
Other	3	(25 fur-bearing animals)	\$150.00

Owning more than three (3) kinds of animals, regardless of number of animals, requires the owner to obtain an animal maintenance permit. Any combination of permit fees will not exceed \$150.00 per application. If a permit application is denied, fifty dollars (\$50.00) of the proposed permit fee will be retained for the administrative costs incurred.

3. It is unlawful for any person to own, harbor or maintain more animals or different types of animals than is allowed by the animal maintenance permit issued to such person by the City of Colby, Kansas, or designee.
4. The City of Colby, Kansas, or designee is empowered to establish administrative requirements for obtaining an Animal Maintenance

Permit/Kennel License. Application forms and administrative requirements can be obtained at the main office for the City of Colby, Kansas.

The application shall contain the following information:

- A. The name, date of birth and address of the applicant;
- B. The name, breed, color, sex and age of all animals owned by the applicant;
- C. Documentation that all animals are properly vaccinated and licensed;
- D. Name and address of the licensed veterinarian who is responsible for the care and treatment of these animals;
- E. A signed statement by the applicant that the information is true and correct;
- F. The permanent ID or microchip number of all animals owned, if available;
- G. A statement as to whether the animals are spayed or neutered and whether there is a fenced yard or fenced run available for the confinement of the animals;
- H. The size of the premises in which the animals may be maintained;
- I. A diagram of the location of any and all domestic animal structures in which animals will be maintained;
- J. A signed statement on behalf of the applicant that maintenance of the animals will be in compliance with the animal control and sanitary waste requirements of the City of Colby, Kansas;
- K. A statement by the applicant that the zoning requirements of the Municipal Code of the City of Colby, Kansas and Thomas County, Kansas, will be complied with;
- L. A statement as to whether the applicant has ever had a license suspended or revoked which was issued by the State of Kansas pursuant to the Kansas Pet Animal Act. Such statement shall contain the date of any such suspension or revocation.

M. A copy of any current license issued to the applicant by the State of Kansas pursuant to the Kansas Pet Animal Act.

5. Approval of an Animal Maintenance Permit/Kennel License shall be contingent upon the applicant's compliance with all administrative requirements set forth by the City of Colby, Kansas, or designee, the provisions of this title and the rules and regulations of the City of Colby, Kansas and the State of Kansas. Such applicant must show:

A. That the keeping of additional animals will not create a nuisance in the surrounding neighborhood, that humane 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:

- 1) That the animals will be kept or maintained at all times in a safe and sanitary manner.
- 2) 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.
- 3) That the health and well-being of the animals will not in any way be endangered by the manner of keeping or confinement.
- 4) That the keeping of such animals will not harm the surrounding neighborhood or disturb the peace and quiet of the surrounding neighborhood.
- 5) 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.
- 6) That the animals will not unreasonably annoy humans, endanger the life, health or safety of other animals or persons or substantially interfere with the rights of citizens to the enjoyment of life or property.
- 7) 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.

- 8) 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 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.

B. The City of Colby, Kansas, or designee may deny any application where any one or more of the following conditions exist:

- 1) The applicant fails to show proof of the aforementioned requirements or an examination of the documentation submitted by the applicant.
- 2) An investigation by City of Colby, Kansas, or designee reveals that the applicant has failed to meet the requirements of this section.
- 3) The applicant made a false statement as to any material matter in the application for a license or a license renewal, or in a hearing concerning the license.
- 4) Violation by the licensee or applicant of a provision of this title, the Kansas Pet Animal Act or any state or federal law relating to the care and treatment of animals.
- 5) If the applicant has had a breeder's license or animal maintenance permit or kennel license revoked within 18 months prior to the application.
- 6) If the applicant has had a license issued by the Kansas Department of Animal Health suspended or revoked within eighteen (18) months prior to the application.
- 7) Maintenance of the animals would be in violation of the Municipal Code of the City of Colby, Kansas.

- 8) No animal maintenance permit/kennel license shall be issued to own, keep, or harbor a Pit Bull dog.
- 9) The applicant has a history of allowing animals to run loose or escape, has otherwise been found to be neglectful, has had an animal identified as a nuisance, or has previously been determined to have violated the provisions of this title.

C. The City of Colby, Kansas, or designee shall state, in writing, the factual basis for his or her recommendation to grant or deny any application. The City of Colby, Kansas, or designee shall consider past violations, 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, the burden of proof and the criteria set forth in this section, or any other factors relative to the issue of keeping additional animals.

The permit shall be issued for the period not to exceed twelve (12) months.

D. The fee for such animal maintenance permit/kennel license shall be paid in accordance with Table 1 of Subsection (B)(2). All fees shall be nonrefundable and nontransferable. The animal maintenance permit/kennel license shall be issued for the individual animals listed on the application and shall not be transferable to other animals. The fact an individual has previously been issued an animal maintenance permit/kennel license may be considered but shall not be controlling to the City of Colby, Kansas or designee's decision to issue an animal maintenance permit/kennel license for a different animal.

The denial of any animal maintenance permit/kennel license shall be subject to the appeal procedure set forth in Section 2(B)6.C.

E. Any applicant who had more than three (3) cats or more than three (3) dogs prior to annexation of their property by the City, shall be permitted to keep but not replace said animals until their number equals the number of animals permitted by Section 2.(A). Any such applicant shall be required to apply for an animal maintenance permit/kennel license and be required to pay a yearly renewal fee, provided that nothing in this section shall exempt or except any applicant or any other person from the registration, vaccination or any other requirement of this chapter.

F. Any individual who had a current animal maintenance permit/kennel license or variance at the time of passage of this

ordinance shall be permitted to keep but not replace said animals until their number equals the number of animals permitted by Section 2(A). Any such applicant shall be required to apply for an animal maintenance permit/kennel license and be required to pay a yearly renewal fee, provided that nothing in this section shall exempt or except any applicant or any other person from the registration, vaccination or any other requirement of this chapter.

G. For the purposes of this section:

- 1) Nuisance for the purposes of this section, shall be defined as any act which is unreasonably annoying or vexatious to another or substantially interferes with the rights of others and shall include, but not be limited to, obnoxious odors, excessive noise, and creation of an environment attractive to other animals or insects. More than three (3) substantiated violations of this title within a twelve (12) month period will automatically constitute a nuisance.
- 2) Human standards of care shall be defined to include, but not be limited to, accessibility of the animal to food and water, proper medical attention, proper shelter from the elements, and cleanliness in animal waste areas with regular waste removal.

H. The holder of an animal maintenance permit/kennel license will provide, upon request of the City of Colby, Kansas or designee proof of licensure where applicable, and vaccination of any animals subject to the animal maintenance permit/kennel license.

I. The premises designated in the animal maintenance permit/kennel license shall be available for inspection by the City of Colby, Kansas, to ensure compliance with the provisions of this code and the laws of the State of Kansas.

J. The holder of an animal maintenance permit/kennel license will notify the City of Colby, Kansas if any of the animals subject to the animal maintenance permit/kennel license are no longer owned by the individual. Any individual who fails to comply with the requirements of this section shall be deemed guilty of a Class C misdemeanor.

6. Variances. Any application for a variance to own, keep, or harbor more than three (3) dogs or three (3) cats or any combination thereof in excess of three (3) or for a variance to the requirements of this chapter based on physical or geographical features of the site may be granted by the City of

Colby, Kansas or designee if he or she determines that the variance will not adversely affect public health and safety or the environment, pose a threat to the environment or constitute a nuisance to neighbors.

- A. The applicant shall complete an application form and pay all applicable fees for an animal maintenance/kennel license variance. Such application shall include the information set forth in the application for an animal maintenance permit/kennel license. In addition to the fees set forth in subsection (B)(2), the applicant shall pay an initial inspection fee of \$50.00 to the City of Colby, Kansas. No inspection fee shall be assessed for subsequent renewals of any variance.
- B. In making the determination as to whether the variance request should be granted, the City of Colby, Kansas or designee shall rely on the criteria set forth in subsection (4) of this section.
- C. The City of Colby, Kansas or designee shall notify the applicant for the variance of his or her determination of the request in writing stating the basis for any denial and any conditions placed on any granted variance request. Individuals aggrieved by any decision of the City of Colby, Kansas or designee relative to waivers may appeal, in writing, to the City Council within ten (10) days of the notice of such decision.

### **SECTION 2-403. DOMESTIC ANIMAL STRUCTURES AND ENCLOSURES**

- (A) The City of Colby, Kansas, or designee will evaluate properties and may issue waivers of distance and setback requirements for domestic animal structures where such waivers do not adversely affect public health and safety, pose a threat to the environment or constitute a nuisance to neighbors. Criteria for review for such variance will include, in addition to site-specific requirements, the following requirements:
  - 1. That the animals will be kept or maintained at all times in a safe and sanitary manner;
  - 2. 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;
  - 3. That the health and well-being of the animals will not in any way be endangered by the manner of keeping or confinement. This includes, but is not limited to:

- a) The animals must receive sufficient exercise each day according to age;
- b) Outdoor facilities for animals must include one or more shelter structures that are accessible to each animal in each outdoor facility, and that are large enough to allow each animal in the shelter structure to sit, stand and lie in a normal manner, and to turn about freely. In addition to the shelter structures, one or more separate outside areas of shade must be provided, large enough to contain all the animals at one time and protect them from the direct rays of the sun. Shelters in outdoor facilities for animals must contain a roof, four sides, and a floor, and must:
  - i) Provide the animals with adequate protection and shelter from the cold and heat;
  - ii) Provide the animals with protection from the direct rays of the sun and the direct effect of wind, rain, or snow;
  - iii) Be provided with a wind break and rain break at the entrance; and,
  - iv) Contain clean, dry bedding material if the ambient temperature is below 50°F. Additional clean, dry bedding is required when the temperature is 35°F or lower.
- c) The animals must be fed at a minimum of once a day and more often if required by age, or as directed by the animal's veterinarian. The diet must be appropriate for the individual animal's age and condition;
- d) The food must be uncontaminated, wholesome, palatable, and of sufficient quantity and nutritive value to maintain the normal condition and weight of the animal;
- e) Kitchens or any area surface where food is kept or prepared must be disinfected daily;
- f) Feeding pans/bowls must either be made of a durable material that can be easily cleaned and sanitized or be disposable. If food receptacles are disposable, they must be discarded after one use. Self-feeders may be used for the feeding of dry food. If self-feeders are used, no more than enough feed for one day should exist in a feeder. Measures must be taken to ensure that there is no molding, deterioration, and caking of feed. If the food receptacles

are not disposable, feeding pans/bowls should be disinfected and cleaned regularly as well;

- i) Food bowls must be removed after the animal(s) are finished eating and any leftovers need to be thrown away, at least daily, with the exception of enough feed for one (1) day being placed in a bottom feeder.
  - ii) Feeding pans/bowls that are not disposable are to be soaked in bleach for a minimum of ten (10) minutes, then washed and air dried. As an alternative, the feeding pans/bowls may be washed with dish soap and then washed in a dishwasher.
- g) If potable water is not continually available to the animals, it must be offered to the animals as often as necessary to ensure their health and well-being, but not less than twice daily for at least one (1) hour each time, unless restricted by the attending veterinarian. Water receptacles must be kept clean and sanitized in accordance with Section 3.(A)3.f)i) weekly and before being used to water a different animal or social grouping of animals.
- h) Enclosures are to be sanitized and disinfected weekly;
- i) Any disinfectant that is used must be non-harmful to animals and used within the manufacturer's guidelines.
  - ii) When steam or water is used to clean the primary enclosure, whether by hosing, flushing, or other methods, animals must be removed, unless the enclosure is large enough to ensure the animals would not be harmed, wetted, or distressed in the process. Standing water must be removed from the primary enclosure and animals in other primary enclosures must be protected from being contaminated with water and other wastes during the cleaning.
  - iii) The pans under primary enclosures with grill-type floors and the ground areas under raised runs with mesh or slatted floors must be cleaned and sanitized as often as necessary to prevent accumulation of feces and food waste and to reduce disease hazards, pests, insects and odors.
- i) The following categories of animals must not be kept in outdoor facilities, unless that practice is specifically approved by the attending veterinarian:

- i) Dogs or cats that are not acclimated to the temperatures prevalent in the area or region where they are maintained;
- ii) Breeds of dogs or cats that cannot tolerate the prevalent temperatures of the area without stress or discomfort; and,
- iii) Sick, infirm, aged or young animals.

When their acclimation status is unknown, animals must not be kept in outdoor facilities when the ambient temperature is less than 50°F.

- j) Excreta waste must be removed from primary enclosures daily, and from under primary enclosures as often as necessary to prevent an excessive accumulation of feces and food waste, to prevent soiling of the animals contained in the primary enclosures, and to reduce disease hazards, insects, pests and odors.
4. That the animals will not unreasonably annoy humans, endanger the life, health or safety of other animals or persons or substantially interfere with the rights of citizens to the enjoyment of life or property;
  5. That the keeping of such animals will not harm the surrounding neighborhood or unreasonably disturb the peace and quiet of the surrounding neighborhood;
  6. 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;
  7. That the animals will not run or be found at large, will not damage property or deposit excretory matter upon the property of anyone other than their owner;
  8. That the animals will not make disturbing noises, i.e., continued and repeated or untimely howling, barking, whining or other similar utterances causing unreasonable annoyance, disturbance or discomfort to neighbors where the animals are kept or harbored, or otherwise be unreasonably offensive or dangerous to the public health, safety or welfare, by virtue of their behavior, number, type of manner of keeping;
  9. 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 care

and control of animals and maintenance of their property, which would reflect adversely on their ability to fully comply with the conditions of the subject permit.

- (B) In considering waivers for Domestic Animal Structures, the City of Colby, Kansas or designee will consider:
1. Specific location of the animal structure or enclosure on the property in question;
  2. The size of the lot and distance of the structure or enclosure to adjacent property lines and dwellings;
  3. Structures located on or uses made of the adjacent property and the likelihood that a waiver would adversely affect the use of the adjacent property;
  4. Type and number of animals to be maintained and the potential for creation of a nuisance;
  5. Any history of complaints and violations concerning the permit/license holder's compliance with Code or violations of local, state or federal law;
  6. Any comments of neighbors; and,
  7. Any other available information concerning the potential for creation of a nuisance.

The City of Colby, Kansas, or designee, shall notify the applicant for the variance of his or her determination of the request in writing stating the basis for any denial and any conditions placed on any granted variance request. Individuals aggrieved by any decision of the City of Colby, Kansas, or designee, relative to waivers may appeal, in writing, to the City Council within ten (10) days' of notice of such decision.

#### **SECTION 2-404. HEALTH STANDARDS - MINIMUM LISTED**

- (A) That the following minimum environmental health standards shall be observed and followed by persons subject to the terms of this title:
1. All domestic animal structures shall be cleaned at least once each week, or as often as necessary, to prevent or control odors, to control fly breeding and rodent infestation or to control other conditions adversely affecting the public health.

2. Collected fecal material and other solid organic waste shall be disposed of at a sanitary landfill or transfer station, fertilizer processing plant, by proper dispersal on land used for agricultural purposes or other method approved by the City of Colby, Kansas or designee.
3. Premises subject to the terms of this Code shall be maintained free of rodent harborage.
4. An effective program, such as the use of effective chemical or other approved means, for the control of insects, external parasites affecting animals, and birds and mammals that are pests, must be established and maintained so as to promote the health and well-being of the animals and reduce contamination by pests and rodents in animal areas.
5. Use shall be made of soil sterilants and herbicides or other effective means for the control of weeds and grass around structures and buildings.
6. All domestic animal structures and fences shall be maintained in good repair. Any repairs that need to be done to structures and/or kennels shall be done as soon as possible.
7. Enclosures shall be constructed of suitable materials so that they are structurally sound and in a manner to prevent domestic animals from breaking out or causing hazard to persons or property.
8. Enclosures must be constructed and maintained so that they:
  - a) Have no sharp points or edges that could injure the animals;
  - b) Protect the animals from injury;
  - c) Contain the animals securely;
  - d) Keep other animals from entering the enclosure;
  - e) Enable the animals to remain dry and clean;
  - f) Provide shelter and protection from extreme temperatures and weather conditions that may be uncomfortable or hazardous to all the animals;
  - g) Provide sufficient shade to shelter all the animals housed in the primary enclosure at one time;
  - h) Provide all the animals with easy and convenient access to clean food and water;

- i) Enable all surfaces in contact with the dogs and cats to be readily cleaned and sanitized;
- j) Have floors that are constructed in a manner that protects the animals' feet and legs from injury, and that, if of mesh or slatted construction, do not allow the animals' feet to pass through any openings in the floor;
- k) Provide sufficient space to allow each dog and cat to turn about freely, to stand, sit, and lie in a comfortable, normal position and walk in a normal manner;
- l) All animals housed in the same primary enclosure must be compatible, as determined by observation, with the following restrictions:
  - i) Females in heat (estrus) may not be housed in the same primary enclosure with males, except for breeding purposes;
  - ii) Any animal exhibiting a vicious or overly aggressive disposition must be housed separately;
  - iii) Animals 4 months of age or less may not be housed in the same primary enclosure with adult animals other than their dams or foster dams, except when permanently maintained in breeding colonies;
  - iv) Animals may not be housed in the same primary enclosure with any other species of animals, unless they are compatible; and,
  - v) Animals that have or are suspected of having a contagious disease must be isolated from healthy animals in the colony, as directed by the attending veterinarian. When an entire group or room of animals is known to have or believed to be exposed to an infectious agent, the group may be kept intact during the process of diagnosis, treatment, and control.

9. Hard surfaces of primary enclosures and food and water receptacles that are required to be sanitized as provided in this Ordinance must be sanitized using one of the following methods:

- a) Live steam under pressure;

- b) Washing with hot water (at least 180°F) and soap or detergent, as with a mechanical cage washer; or,
  - c) Washing all soiled surfaces with appropriate detergent solutions and disinfectants, or by using a combination detergent/disinfectant product that accomplishes the same purpose, with a thorough cleaning of the surfaces to remove organic material, so as to remove all organic material and mineral buildup, and to provide sanitization followed by a clean water rinse.
  - d) Pens, runs, and outdoor housing areas using material that cannot be sanitized using the methods provided in 9.a) through c) of this section, such as gravel, sand, grass, earth, or absorbent bedding, must be sanitized by removing the contaminated material as necessary to prevent odors, diseases, pests, insects, and vermin infestation.
10. Refuse shall be stored in a manner approved by the City of Colby, Kansas, or designee and disposed of at least once each week or as frequently as may be required by the City of Colby, Kansas or designee.
11. Wastes accumulated from the cleaning of domestic animal structures shall be stored in suitable containers, with tight-fitting metal lids, and all such stored or accumulated wastes shall be disposed of at least once each week.
12. Holding lots, pens and floors of sheds and buildings where animals are held shall be surfaced with concrete or asphaltic materials and the drainage system of such surfaced areas shall include proper retaining walls and traps to control the waste from draining into water courses. Such drainage systems shall be subject to the approval of the City of Colby, Kansas or designee.
13. Wastes accumulated from the cleaning of domestic animal structures in commercial or industrial operations shall be stored on concrete slabs or on an area with an impermeable barrier as approved by the City of Colby, Kansas, or designee. All solid wastes shall be properly disposed of at least once each week or as often as necessary to prevent any associated nuisances, or as approved by the City of Colby, Kansas or designee.

Any individual who fails to comply with the requirements of this section shall be deemed guilty of a misdemeanor.

**SECTION 2-405. PET SHOP, STABLES, KENNEL, COMMERCIAL ANIMAL FACILITIES, AND ANIMAL “DAY CARE” REGULATIONS**

(A) It shall be unlawful for any pet shop, rescue organization, animal foster care organization, commercial animal facility, groomer, breeder, kennel, stable or animal “day care” business to fail to:

1. Maintain and retain records for a two-year period on all animals maintained in such facility. Such records shall show breed, color markings, sex and age; date received and source, including name and address of owner or previous owner; date and disposition of animal, including name and address of new owner if applicable; disease prevention and/or treatment and by whom. Such records shall be made available to the City of Colby, Kansas or designee upon request for inspection;
2. Provide cages and pens constructed of nontoxic, easily cleanable, water-impervious materials if used for confining animals and shall keep such cages and pens clean and sanitary at all times;
3. Provide adequate space and ventilation to prevent overcrowding, odors and minimize contagion;
4. Provide general environmental conditions including endoparasite and ectoparasite control, clean wholesome food and water, weather protection and clean and sanitary facilities so as to enhance the health and well-being of such animals.
5. Maintain a building temperature at a comfortable level, between 50°F - 85°F. Maintain adequate ventilation by means of windows, doors, vents and fans.
6. Provide each animal with sufficient space to stand up, lie down and turn around in a natural position without touching the sides or top of the enclosure. If additional space is not provided, either indoor or outdoor, then this enclosure must provide an adequate exercise area.
7. All enclosures shall be kept clean and dry.
8. Provide food which is free from contamination, and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the animal.
9. Provide all animals with fresh water available at all times, except as part of a veterinary treatment regimen.
10. Provide veterinary care to maintain good health and general welfare.

11. Maintain the premises of such business, and any domestic animal structures on such premiss, in a clean and sanitary condition in compliance with the health standards set forth in this chapter.

12. Comply with all provisions of the Municipal Code.

Any individual who fails to comply with the requirements of this section shall be deemed guilty of a Class C misdemeanor.

**SECTION 2-406. ZONING**

A kennel shall not be located in any area zoned by the City of Colby, Kansas as residential. A kennel may be located in an area zoned by the City of Colby, Kansas as C-1 and/or C-2 only if the facility is enclosed and all services are contained within the confines of the building.

**SECTION 2-407. AUTHORITY**

This ordinance is adopted by authority of and under the provisions of Article 12, §5 of the Kansas Constitution.

**SECTION 2-408.** This Ordinance shall be in full force and effect from and after its publication in the Colby Free Press as provided by law.

**PASSED BY THE GOVERNING BODY AND APPROVED BY THE MAYOR** this 19<sup>th</sup> day of August, 2014.

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Gary L. Adrian, Mayor

ATTEST:

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Joni L. Ketchum, City Clerk

Seal