EL DORADO CITY COMMISSION - WORK SESSION AGENDA
CITY HALL – 220 E. FIRST AVENUE
April 2, 2025 - 5:00 PM

Work Session Discussion Items:

a. Main Street Kansas Presentation
b. General Sales Tax to Reduce Mill Levy
c. Multi-Use Recreation Center
d. Animal Ordinance Revisions Review
e. Partnering Entities Discussion

Regular Agenda Preview:

a. Items to be Placed on the Consent Agenda
i. City Commission Meeting Minutes from March 3, 2025, and City Commission Meeting Minutes from March 17, 2025.
ii. Consideration of a Resolution Approving a Wholesale Water Contract Between the City of El Dorado, Kansas, a Municipal Corporation, and Butler Rural Water District 1.
iii. Approval of Annual Liquor Tax Distributions ($8,388 to Sunlight Children's Advocacy Center; $16,776 to Family Life Center; $839 to Kids Need to Thrive; and $10,065 to Tri-County CASA)
b. Items to be Placed on the Regular Agenda

Reports:

a. City Commission Reports
b. City Manager Report

TO: City Commission
FROM:
SUBJ: General Sales Tax to Reduce Mill Levy
DATE: April 2, 2025

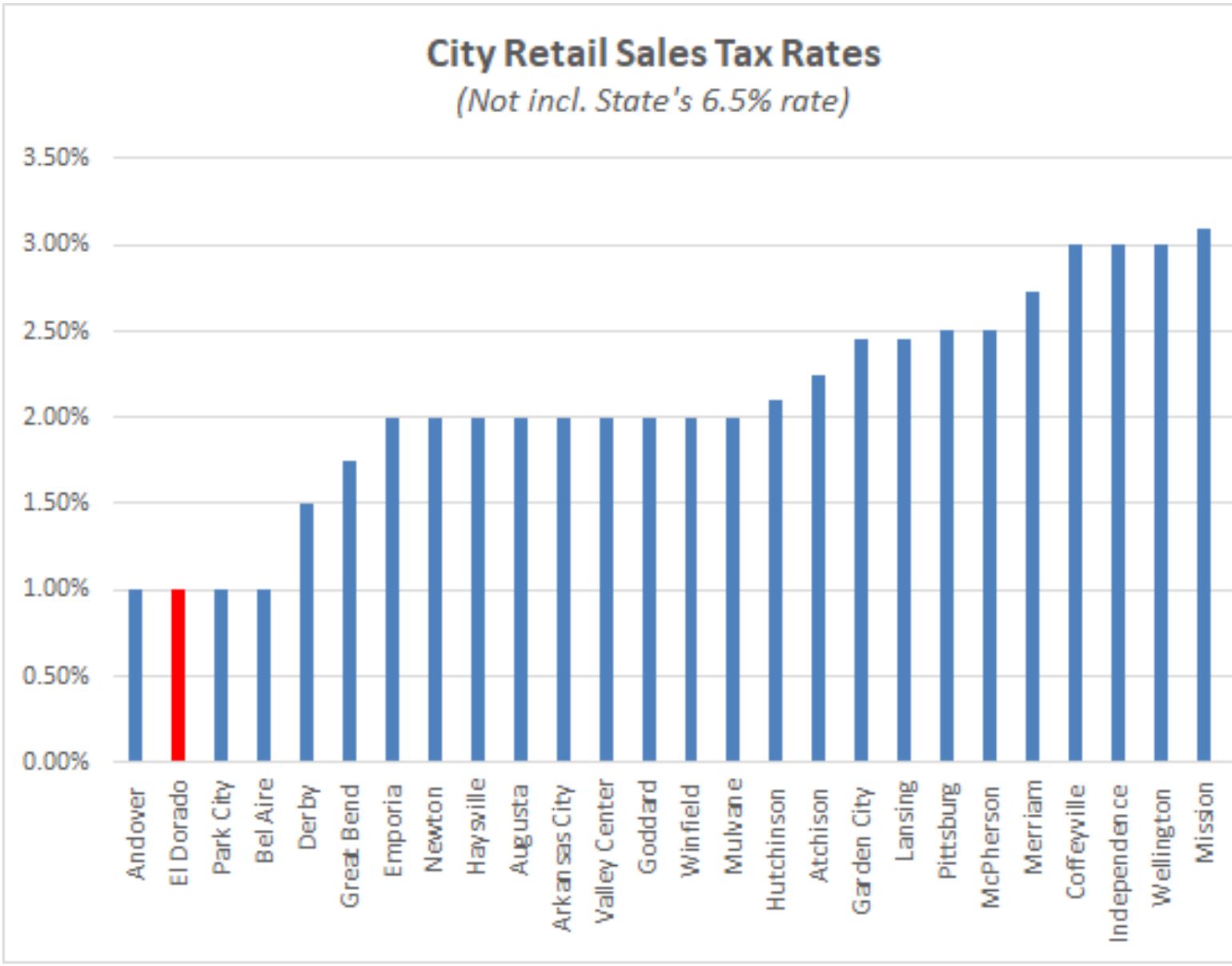
Summary:

The City of El Dorado operates with a one-cent (1%) general sales tax that provides funding for specific purposes authorized by ordinance. The most recent version of the City's sales tax changed the distribution formula so that funds are allocated as follows: the first $1.65 million to property tax reduction (general government operations) and the next $700,000 to street maintenance. The $1.65 million allocated to general operations keeps the City's mill levy lower than it would be without it. The City's mill levy would be approximately fourteen mills higher if these funds were not allocated to general operations and service delivery levels remained constant.

All remaining funds are allocated to the Excess Sales Tax Program. Under this program, the City Commission appoints an Excess Sales Tax Committee to consider and recommend proposed projects for excess sales tax funds. The past three years have averaged $830,000 in excess sales tax funds available for allocation through this process. Most recently, these funds have been used to pay for operating expenses that are not included in the general operations budget as a means of keeping the City's mill levy lower than it would be otherwise.

By state law, the City can levy a maximum general sales tax of 2% of retail sales. General sales taxes do not sunset unless voters elect to de-authorize the sales tax. Cities may also levy special sales tax of up to 2% for special projects defined in the authorizing ordinance. Special sales tax proceeds cannot be spent on other expenses that do not meet the specific intent of the authorizing ordinance. Special sales taxes are frequently used by cities to finance the construction of capital projects of community-wide importance (i.e., pool improvements, major street improvements, park development, etc.). Special sales taxes must sunset after ten years or when the project is paid in full, whichever comes first.

The chart below shows a comparison of sales tax rates in various cities in Kansas. The City of El Dorado maintains one of the lowest sales tax rates, at 1% than many similar and larger-sized communities. The average of the sample population below is 2.05%, which is slightly more than 1% higher than the City's current sales tax rate. The rates below do not include any Community Improvement District (CID) rates that may apply in any of these cities.



Attachments:

Funding Source:
Not applicable

Operation Impact:
Should the City consider a general sales tax as a revenue source to lower and stabilize the City's mill levy? The Kansas Legislature continues to prioritize property tax reduction by discussing various bills to lower the property tax burden on taxpayers. The Legislature had previously enacted a property tax lid that was designed to stabilize local government mill levies and property taxes. This bill provided many exemptions and was easily maneuvered to give local governments flexibility to raise revenue through property taxes. Most recently, the Legislature passed a law that set a revenue neutral rate. This law created a process that required local governments to notify taxpayers of the intent to exceed the revenue neutral rate (also referred to as the RNR) to collect more property tax revenue than the prior year. Governing bodies are also required to vote affirmatively to approve a budget that exceeds the revenue neutral rate. This law may have increased transparency, but local

governments still have the ability to raise property taxes to fund local public services.

This legislative session, the Legislature is once again attempting to put a stranglehold on local governments' ability to raise revenue to fund public services. This effort will only continue until the Kansas Legislature adopts a law that is successful in controlling local government revenue. To be sure, Kansas taxpayers do not enjoy paying any form of taxes. Property taxes, however, seem to be vilified by everyone owning property as an unfair tax. Sales taxes allow the burden of taxation to be distributed across a broad population that, for cities, often includes visitors coming into town to shop. *The City of El Dorado estimates that about 40% of its sales tax comes from people living outside the corporate boundaries of the City.* Shifting the tax portfolio to a sales tax allows people visiting El Dorado to pay for public services.

A sales tax provides the best mechanism to lower property taxes without significantly altering public services, such as law enforcement, fire protection, street maintenance, and recreation programming. The City of El Dorado's mill levy is 58.417, which generates about $7.2 million in property taxes annually. The table below compares El Dorado's municipal mill levy (does not include the county, school district, or community college) with other neighboring communities. Higher mill levies (and subsequent property taxes) increase the cost of homeownership. Homebuyers are incentivized to find a house in jurisdictions with as low of a tax burden as possible to maximize their income. All things being equal, homeowners in jurisdictions with a higher municipal will pay higher property taxes than neighboring jurisdictions.

City	City Mill Levy	Value of a Mill	Property Taxes Generated (est.)
El Dorado	58.417	$123,580	$7.22 million
Augusta	56.455	$84,815	$4.79 million
Andover	43.805	$252,330	$11.05 million
Rose Hill	37.724	$43,116	$1.63 million
Park City	43.402	$145,187	$6.30 million
Bel Aire	42.484	$112,624	$4.78 million
Goddard	37.267	$77,186	$2.88 miillon
Valley Center	54.788	$76,235	$4.18 million
Mulvane	57.274	$49,559	$2.84 million

Sales taxes are also levied as a consumption tax, meaning that you are taxed on what you consume. Property taxes are based on the valuation the County appraiser assigns to your house, which may not necessarily reflect the true market value or vice versa. People can change consumption habits, while property valuations are largely unavoidable. Sales taxes, however, are also considered a regressive form of taxation because lower-income households will pay a higher percentage of their incomes in sales tax than wealthier households.

Options/Alternatives:

The City's one-cent sales tax generates about $3.4 million per year, based on average collections over the last three years. A half-cent (0.5%) general sales tax is projected to generate about $1.6 million per year, which would provide enough revenue to allow the City to reduce its mill levy by approximately sixteen mills. This scenario assumes the City elects to lower the mill levy by the full amount of the revenue generated from a half-cent sales tax.

In essence, a half-cent sales tax under this concept would transfer the City's revenue portfolio from property taxes to sales taxes. The General Fund receives 44% of its revenue from property taxes and

22% from sales taxes. This concept shifts the City's reliance on property taxes so that 32% of the General Fund's revenue comes from property taxes while 44% comes from sales taxes. The percentage in the second scenario is slightly higher than the first because it includes the $1.65 million and the new sales tax revenue from a half-cent sales tax. To illustrate this point, the General Fund currently receives $1.65 million and this amount increases to about $3.2 million with a half-cent sales tax. This scenario assumes no change to the existing one-cent sales tax.

Lowering property taxes with a half-cent sales tax would effectively reduce property taxes by approximately 28%. The effect on residential properties can be demonstrated through several examples in the table below. Commercial properties will have a much higher impact because commercial properties are assessed at 25% of their valuations, while residential properties are assessed at 11.5% of their valuations.

Property Valuation	Current Property Taxes	Reduced Property Taxes	Est. Difference
$150,000	$1,008	$727	$281
$250,000	$1,679	$1,211	$469
$350,000	$2,351	$1,695	$656
$500,000	$3,359	$2,422	$937

Staff Recommendation:
Not applicable

Commission Action:
This item is for discussion purposes only. No action is required at this time. The City Manager is seeking guidance on a general sales tax to lower the mill levy.

TO: City Commission
FROM:
SUBJ: Multi-Use Recreation Center
DATE: April 2, 2025

Summary:
Recently, the Civic Center had a facade failure that resulted in the Public Works Department removing the front facade after the failure occurred. Thankfully, no one was injured by the failure. The failure demonstrates the need for some major maintenance at the facility. Many improvements to the facility are aesthetic, and staff conducted an initial review of needs within the facility. The City knew about the facade issue prior to its failure and had planned to address it just before it failed. The City does not know of other issues that could cause injury if not addressed in a timely manner. In any event, the City will need to put money to use in updating and maintaining the facility no matter what its future holds.

Attachments:

Funding Source:
NA

Operation Impact:
What is the highest and best use of the Civic Center? Should the City consider repurposing the Civic Center into a multi-use recreation center?

Options/Alternatives:
Last year, City staff requested excess sales tax funds to assist with major maintenance projects needed to modernize and revitalize this community asset. Funds were requested again this year, although the request is not garnering much support from the Excess Sales Tax Committee. The City Commission ultimately has the final approval for the allocation of excess sales tax funds. The City does not have a plan for major maintenance needed at the Civic Center without excess sales tax proceeds.

At this time, the City does not have an estimate of the fiscal impact to convert the Civic Center into a multi-use recreation center. The purpose of this discussion is to get direction from the City Commission to determine if this is an idea worth pursuing, or if we should continue with the development of a plan to revitalize the facility as a community meeting space. Staff will develop a more refined proposal if this concept is of interest to the governing body.

Staff Recommendation:
NA

Commission Action:
Not applicable. This item is for discussion purposes only. The city manager will move forward based on the guidance provided by the City Commission.

TO: City Commission
FROM: Sam Cooper, Intern
SUBJ: Animal Ordinance Revisions Review
DATE: April 2, 2025

Summary:

The existing animal control ordinance references a fixed organizational structure that no longer accurately reflects the administering of animal control services. This creates unnecessary administrative constraints and limits the city's ability to adapt its organizational framework. Updating the ordinance to use more flexible language will allow the city to reassign animal control services between departments as operational needs evolve.

Additionally, the current ordinance includes breed-specific restrictions that regulate ownership of certain dog breeds. Governing body members have expressed interest in aligning the city's approach with best practices that focus on individual animal behavior rather than breed classification.

Attachments:
1. Animal Ordinance Revision

Funding Source:
N/A

Operation Impact:

The current animal control ordinance requires updates to better align with the operational structure of the department and to remove breed-specific restrictions on dogs. The proposed changes seek to improve organizational flexibility while addressing concerns raised by community members and governing body representatives.

Options/Alternatives:
N/A

Staff Recommendation:

Adopt the proposed updates to the animal control ordinance to:

- Modernize language reflecting a flexible organizational structure for housing animal control services.
- Remove breed-specific restrictions in favor of behavior-based enforcement provisions. This approach promotes fairness, aligns with best practices, and maintains a neutral framework for public safety.

Commission Action:
Commissioner _____ moved to accept the recommendation.

Commissioner _____ seconded the motion.

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF EL DORADO, KANSAS MUNICIPAL CODE AMENDING TITLE 6 PERTAINING TO ANIMALS

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF EL DORADO, KANSAS:

Section 1: The following portion of Section 6.04.010 of the El Dorado Municipal Code shall be amended to read as follows:

6.04.10 Definitions

The definition of dangerous animals shall be amended as follows:
"Dangerous Animals" means an animal that constitutes a serious physical threat to human beings or other animals.

The definition of "Pit Bull" shall be removed from the code.

"Quarantine by Owner" shall be amended as follows:

7. Owner shall not subject the animal to any medical procedure without first notifying the animal control officer. This includes vaccinations;
8. Animal must be examined by the animal control officer or designee by the first day of home quarantine and again on the final day of quarantine. Upon final examination the authority may declare the animal to be free of the rabies virus or under questionable circumstances defer such examinations to a licensed veterinarian. In such instances, the owner shall be responsible for all associated costs and when required produce proof of such veterinarian examinations;

Section 2: Section 6.04.020 of the El Dorado Municipal Code shall read as follows:

6.04.020 Inspection of Premises

The animal control officer or health officer of the city shall have the right at all reasonable times to inspect the premises, pens, stables, buildings or other enclosures where animals are kept. It shall be a violation of this title to interfere with the control officer in the performance of his or her duties.

Abatement of Conditions not Complying with Ordinance. Whenever any premises where animals are kept in an unsanitary conditions, or the facilities are not in keeping with provisions of this title or any other regulations herein, the animal control officer, by written notice on a form the policy clearly stating the intent of this section, to the person responsible for the condition of the premises, may order the abatement of the conditions which are not in accordance with the ordinance or

other regulations, or conditions which constitute a nuisance. Failure to comply with such order shall, in addition to any criminal or administrative proceedings, be grounds for and entitle the city to obtain relief by injunction. Nothing herein precludes the city's use of any public health ordinance or law in lieu of nuisance abatement or injunctive relief herein provided.

Section 3: Section 6.04.040 of the El Dorado Municipal Code shall be amended to read as follows:

6.04.040 Quarantine of Animals

C. Owned, wanted dogs and cats which are not immunized against rabies shall be quarantined for ten days under the supervision of the animal control officer

Section 4: Section 6.04.041 of the El Dorado Municipal Code shall be amended to read as follows:

6.04.041 Cost of Quarantine or Rabies Diagnosis

A. If, at the end of the required quarantine period, a quarantined animal is found to be free of rabies, the animal control officer or his or her designee shall order the release of the animal to the owner if the rabies vaccination provision of this chapter has been complied with and any impoundment fees have been paid by such owner.
B. If a head is submitted for rabies diagnosis, the cost of removing the head and shipping it shall be paid by the owner of the animal.
C. The animal control officer may order that all impoundment fees for the quarantine be paid by the person bitten or scratched if:
D. If the animal is a wild animal, the animal control officer may order that all fees be paid by the person who was bitten or scratched.

Section 5: Section 6.08.061 of the El Dorado Municipal Code shall be amended to read as follows:

6.08.061 Adoption of Animals

A. All animals which are adopted from the animal shelter shall be surgically altered to prevent reproduction by that animal. Any animal adopted from the animal shelter or other agent of the city, will be altered before it leaves the animal shelter. If the animal being adopted is not able for reasons of age or medical reasons to be sterilized, a general adoption agreement setting a date that the animal being adopted must be surgically altered by (generally dogs and cats could be altered after reaching twelve (12) weeks of age) will be signed by the person adopting the animal.

B. Failure to comply with this section or failure to comply with the terms of this adoption contract shall give the animal control officer the right to recover the adopted animal in question and revoke the owner's adoption contract. Such failure shall also constitute a violation of this chapter.

C. The adoption fee shall be increased or decreased as needed by policy, to include and cover the cost of surgically altering, sheltering, medicating, vaccinating and preparing the animal for adoption.

D. This section's requirements of altering and adoption fee shall not apply where cooperative agreements between the animal control officer and any welfare group are made for the placement with such groups of animal subject to adoption. Likewise, this section's requirements shall not apply to animal transfers made under cooperative agreements between the animal control officer and other governmental entities.

Section 6: Section 6.08.080 of the El Dorado Municipal Code shall be amended to read as follows:

6.08.080 Animal Dealers – State Law Adopted by Reference

KSA 47-1701 to 47-1731 (et seq), an act relating to animals providing for the licensing of animal dealers, the registering of pounds, the registering of animal shelters, the licensing of pet shop operators and animal dealers prescribing the powers and duties of the livestock commissioner; declaring certain acts to be unlawful and prescribing penalties for the violation thereof is incorporated by reference as if set out in full herein.

Section 7: Section 6.08.085 of the El Dorado Municipal Code shall be amended to read as follows:

6.08.085 Facility Requirements for Permits to Board, House or Otherwise Keep Animals

A. Upon inspection of the premises by the animal control officer, the permit shall be issued if the following conditions are met:

1. The facility must be adequate for the number and type of animals to be kept;
2. Facility must be of sufficient size as to allow animals to move about freely. This shall apply to each animal kept. Size of facility shall be in proportion to the size of the individual animal's height and weight;
3. Adequate food and water must be provided so that each and all animal(s) kept shall be maintained in good health and free of malnutrition and/or dehydration;
4. The premises shall be kept in a sanitary condition and reasonably free of animal waste, parasites, insects and flies that could be harmful to the animal's health and/or to the health of the general public;
5. The animals and the facility must be kept free of odor or stench which is offensive to a person of ordinary sensibilities;

6. The animals must be maintained in a manner which does not endanger the health of the animals themselves or to adjacent animals;
7. The animals must not cause odor which is offensive or disturbing to a person of ordinary sensibilities on adjoining, adjacent or neighboring premises; and
8. The applicant or holder of the permit shall not have been issued a citation for violation of this chapter on two separate occasions, or animals covered by or to be covered by the permit have not been impounded on two separate occasions.

B. The City shall adopt standard operational procedures consistent with this section in providing guidelines and standards for the inspection of such facilities for permitting and for the periodic monitoring of such facilities. Such permitted facilities may be randomly inspected for compliance with the basic requirements stated herein at any reasonable time during regular business hours for commercial animal enterprise permitted facility. Refusal to allow such inspections shall be grounds for permit revocation.

Section 8: Section 6.08.100 of the El Dorado Municipal Code shall be amended to read as follows:

6.08.100 Other Nondomestic Animals and Issuance of Permit to Operate Circus or Zoo

A. Notwithstanding the provisions of special certificates of registration of dangerous wild animals and other nondomestic animals noted in such sections, a certificate may be issued in conjunction with the issuance process of permitting circus or non-accredited zoo operations within the city. The issuance of such permits shall provide an exception to said sections and classify such animals as "restricted" and subject to the terms set out in the application and agreement processes provided herein. The application for certificate and permit shall be made to the animal control officer on a form provided for by the city . Such form shall contain a formal "agreement" between the city and the applicant relating to routine permitting criteria and specifically, general business practices as these relate to the type of permit required (circus or zoo), hours of operation, and covenants to observe approved safety and escape prevention procedures. Approved permits and related certificates of registration shall be issued under the authority of the city manager. Applications shall be investigated for reputation for historical compliance with similar laws in this jurisdiction and others, and the applicant shall provide the following information and documentation:
    1. A health certificate from a licensed veterinarian that the animal is free from symptoms of infectious disease or is under treatment. A new health certificate is required each time the permit is renewed. A copy will remain with the animal control officer;
    2. Copies of applicable state or federal permits or licenses as required by either of those entities for the keeping of the particular animal in question. These copies will be retained by the animal control officer;

3. Information relating to the owner including emergency telephone numbers and telephone numbers for their veterinarian in case of emergencies;
4. Present proof of liability insurance or financial responsibility in the amount of one hundred thousand dollars ($100,000.00) to cover the damages resulting from an escape and/or attack;
5. Agreement to allow reasonable access for inspection by animal officer;
6. Enter into an agreement with the city that safety and escape prevention be maintained on a twenty-four (24) hour basis, the failure of which shall be grounds for permit revocation and documentation of compliance with all other applicable city ordinances, including, but not limited to, building, planning and zoning.

B. The negligent escape of any animal subject to permitting under this section shall be prima facie evidence of a breach of the safety and escape prevention covenants required herein.

C. Failure to provide required information or documentation, unsatisfactory investigative finding shall be grounds for denial of permit. An appeal of denial of permit shall be made in writing within ten days of the notice of denial to the city manager. The city manager may review the issues leading to the denial or conduct an administrative hearing, and decide the issue, in either. The decision of the city manager is final.

D. Before a certificate and permit is issued the animal control officer shall inspect the facility where the animal(s) is/are to be kept, which must meet the following criteria:
1. Each enclosure must provide adequate exercise and sleeping quarters;
2. Proper temperature control and ventilation for the particular species must be provided in both areas;
3. Each enclosure must be kept locked and designed so that no one can enter or place appendages in the enclosure;
4. Each enclosure must be constructed so as to prevent the animal from escaping;
5. Each enclosure must be kept in good repair to prevent both escape and injury to the animal;
6. Each enclosure must have a water container which is secured so as to prevent it being overturned; and
7. Each enclosure must be cleaned daily.

E. The animal control officer may, when deemed necessary, employ the services of a licensed veterinarian to assist in this application process and applicant shall be responsible for the reasonable cost associated with such service in addition to any permit fees required under this act.

F. Each animal must be provided with continuous clean water and must be fed a diet approved by a licensed veterinarian.

G. Any animal which has bitten or scratched someone must be immediately surrendered to the animal control officer for euthanasia and testing by the Kansas Department of Health. A live test approved by the Kansas Department of Health may be substituted for euthanasia.

H. Fee for circus/zoo registration and permit shall be in accordance with section 1.15.010 , and the permit shall expire one year from the date of issuance and shall not be transferable. Major modification or additions to such facilities' animal containment areas shall require a re-inspection and/or re-permitting of the circus or zoo. In such instances, original application fee shall be collected.

Section 9: Section 6.12.020 of the El Dorado Municipal Code shall be amended to read as follows:

6.12.020 Vaccination Required

A. Any person making application for a license shall be required to present or exhibit to the city clerk or designated agent a statement or certificate issued by a licensed veterinarian showing that such animal has been vaccinated or inoculated with recognized anti-rabies vaccine and that the vaccination or inoculation of such animal will provide adequate protection for the entire licensing period for which the tag is issued. The city clerk shall maintain a record of the identifying numbers of all tags issued and shall make this record available to the public.

B. All dogs or cats four months of age or older within the city shall be vaccinated against rabies. Such vaccinations shall provide adequate protection for the entire licensing period for which the tag is issued.

C. A veterinarian who vaccinates a dog or cat against rabies shall issue to the owner of such dog or cat a vaccination certificate on a form approved by the Kansas Department of Health. The veterinarian shall also issue a metal tag with the veterinarian's address and the year of the vaccination stamped thereon. Upon vaccination, the veterinarian shall execute and furnish to the owner of the dog or cat as evidence thereof, a certificate of vaccination. The veterinarian shall retain a duplicate copy of the certificate and one copy shall be filed with the owner. Such certificate shall contain the following information:

1. The name, address and telephone number of the owner of the vaccinated dog or cat;

2. The date of vaccination;

3. The type of rabies vaccine used;

4. The year and number of the rabies tag; and

5. And the breed, age, color and sex of the vaccinated dog or cat.

D. Concurrent with the issuance and delivery of the certificate of vaccination, the owner of the dog or cat shall cause to be attached to the collar or harness of the vaccinated

animal a metal tag, serially numbered to correspond with the vaccination certificate number and bearing the year of issuance.

E. It is unlawful for any person within the city to own, keep, posses, harbor or allow to remain upon premises under his or her control any dog or cat which has not been vaccinated as required herein. Any person establishing residence within the city shall comply with this title within ten days of establishing such residency.

F. Proof of Vaccination—Dismissal—Fine. The failure of a dog or cat to wear a vaccination tag on a collar shall be prima facie evidence of the failure to vaccinate the animal as required by this section. To prove that a dog or cat was vaccinated at the time of the offense, the owner of the dog or cat must present a copy of the vaccination certificate issued by the veterinarian that shows the date the vaccination was administered. The offense shall be dismissed upon verification that the animal alleged in the offense was vaccinated on the date of the offense with the payment of an administrative fee in accordance with section 1.15.010.

Section 10: Section 6.12.080 of the El Dorado Municipal Code shall be amended to read as follows:

6.12.080 Permit Period and Issuance

A. Permit period shall begin January 1st and run for one year. Applications for permits may be made thirty (30) days prior to and up to sixty (60) days after the beginning of the permit period. Upon receipt of the permit application, the animal control officer shall inspect the premises, enclosures and/or equipment of the applicant for compliance with provisions of this chapter and other applicable laws. Following approval by the animal control officer and payment of the applicable fee hereinafter set out, a permit shall be issued.

B. Annual Permit Fees:

1. Annual permit fees shall be in accordance with section 1.15.010

Section 11: Section 6.12.090 of the El Dorado Municipal Code shall be amended to read as follows:

6.12.090 Kennels Regulated – Location

A. Any person operating a kennel within the city shall comply with all other sections of this chapter, including but not limited to animals at large, licensing requirements, and cruelty to animals.

B. No Class 1 kennel may be located in a residential zone. Currently licensed kennel owners in a residential zone and those who become licensed in a residential zone prior to March 1, 2003, may continue to renew their Class 1 kennel license thereafter until the kennel is phased out pursuant to a policy implemented by the city of El Dorado whereby any animals that are permanently removed from the premises may

not be replaced. Any change in the number of animals shall be reported by the licensed owner to the animal control officer and their license will be adjusted accordingly.

C. No Class 1 kennel may be located in a residential zone. Currently licensed kennel owners in a residential zone and those who become licensed in a residential zone prior to March 1, 2003, may continue to renew their Class 1 kennel license thereafter until the kennel is phased out pursuant to a policy implemented by the city of El Dorado whereby any animals that are permanently removed from the premises may not be replaced. Any change in the number of animals shall be reported by the licensed owner to the animal control officer and their license will be adjusted accordingly.

Section 12: Section 6.12.100 of the El Dorado Municipal Code shall be amended to read as follows:

6.12.100 Revocation

The animal control officer may revoke any permit or license if the person holding such permit or license refuses or fails to comply with this chapter or any law governing the protection and keeping of animals. Any person whose permit or license is revoked shall within ten days thereafter humanely dispose of all animals owned, kept or harbored by such person and no part of the permit or license fee shall be refunded. No person who has been convicted of cruelty to animals shall be issued a kennel permit. Any person having been denied a permit may not reapply for a period of thirty (30) days. Each reapplication shall be accompanied by a fee in accordance with section 1.15.010.

Section 13: Section 6.14.010 of the El Dorado Municipal Code shall be amended to read as follows:

6.14.010 Service Animal Verification

A. If a question arises as to whether an assistance dog qualifies under this act to accompany a person with a disability in or upon any place set forth in K.S.A. 39-1101 (et seq), and amendments thereto, the person with a disability may produce for the employee or person responsible for such place an identification card or letter conforming to the requirements of this subsection. Upon production of such identification card or letter, the assistance dog shall be allowed to accompany the person with a disability in or upon such place.

1. If the assistance dog has been trained by a training facility, school or trainer, the identification card or letter shall be provided by the training facility, school or trainer that trained the dog and shall contain the following information:
   a. The legal name of the dog's user;
   b. The name, address and telephone number of the facility, school or trainer who trained the dog;
   c. Whether the dog is designated as a guide, hearing assistance or service

dog; and

d. A picture or digital photographic likeness of the dog user and the dog. If a card is used, the picture or digital photographic likeness shall be on the card. If a letter is used, the picture or digital photographic likeness shall either be printed as a part of the letter or be affixed to the letter.

2. If the assistance dog has been trained by the person using the dog, the identification card or letter shall contain the following information:
   a. The legal name of the dog's user;
   b. The dog user's address;
   c. A statement that the dog has been trained to mitigate the dog user's disability; and
   d. A picture or digital photographic likeness of the dog user and the dog. If a card is used, the picture or digital photographic likeness shall be on the card. If a letter is used, the picture or digital photographic likeness shall either be printed as a part of the letter or be affixed to the letter.

B. If a question arises as to whether a dog handler is qualified, or whether the dog accompanying the handler is qualified as a professional therapy dog, to enter in or upon the places set forth in K.S.A. 2012 Supp. 39-1110 (et seq), and amendments thereto, an employee or person responsible for such places may request, and the qualified handler shall produce, an identification card or letter, provided by the training facility, school or trainer who trained the dog. Such card or letter shall contain the following information:

   1. The legal name of the qualified dog handler;
   2. The name, address and telephone number of the facility, school or trainer who trained the dog;
   3. Information documenting that the dog is trained to provide therapeutic supports; and
   4. A picture or digital photographic likeness of the qualified handler and the dog. If a card is used, the picture or digital photographic likeness shall be on the card. If a letter is used, the picture or digital photographic likeness shall either be printed as a part of the letter or be affixed to the letter.

C. If a question arises as to whether an individual accompanied by a dog is a professional trainer, from a recognized training center, of an assistance dog, in order to enter in or upon a place set forth in K.S.A. 39-1101 (et seq), and amendments thereto, an employee or person responsible for such place may request, and the trainer shall produce, an identification card provided by the recognized training center containing the following information:

   1. The legal name of the trainer;
   2. The name of the training center;
   3. The address and telephone number of the training center;
   4. The types of functions for which dogs are trained by the center; and
   5. A picture or digital photographic likeness of the trainer.

D. An identification card or letter produced for inspection pursuant to this section shall be promptly returned to the person with a disability, the qualified handler or the professional trainer after inspection.

E. Service animals are required to be registered pursuant to Section 6.12.010.

Section 14: Section 6.16.015 of the El Dorado Municipal Code shall be amended to read as follows:

6.16.015 Neglectful Care of Animals

A. It is unlawful for any person to fail, refuse or neglect to provide any animal in his or her charge or custody, or otherwise, with proper food, water, shade, adequate shelter or veterinary care when needed to prevent suffering or grooming, when lack thereof would adversely affect the health of the animal, or with humane care and treatment.

B. To provide "adequate shelter" for a dog or cat the following standards must be met:

1. The shelter must provide protection from the weather, i.e., sun, wind, precipitation (in whatever form), or other inclement weather conditions.

2. If there are no artificial heat sources, the structure shall be small enough to allow the dog or cat to warm the interior of the structure and maintain its body heat, but large enough to permit normal postural adjustments, or standing.

3. Plastic air shipping containers and/or pet carriers shall not be used as outdoor shelters.

C. A written warning of violation requiring that the condition be corrected within a specified time period shall be issued to a person before any notice to appear at the municipal court may be issued or before a complaint may be filed with the municipal court.

1. Animal in State of Pain or Suffering.

a. If any animal without a license tag or other identifying marker is found in a state of pain and suffering or becomes so during confinement, the animal control officer may dispose of the animal in any humane manner without complying with the three-day (seventy-two (72) hour) waiting period as set out herein.
b. If the owner or keeper of an animal found in a state of pain or suffering refuses to assume responsibility to care for the animal, the animal control officer may dispose of the animal in a humane manner.

2. Animal in Motor Vehicles.

a. It is unlawful for any person to leave any animal in any standing or parked vehicle in such a way as to intentionally, knowingly, recklessly, or with criminal negligence endanger the animal's health, safety or welfare. An animal control officer, or police officer is authorized to use reasonable force to remove the animal from the vehicle whenever it appears that the animal's health, safety or welfare is or will be endangered if the owner of the vehicle cannot be located after reasonable attempts. The animal shall be taken to the animal shelter or to a veterinarian if the animal is in distress. A written notice bearing the name of the officer removing the animal, a telephone number where he or she can be contacted and the location where the animal may be claimed by the owner shall be

attached to the vehicle. Any person violating this section shall bear the full cost and expense incurred by the city in the care, medical treatment, impoundment cost and disposal of the animal, including the removal from a vehicle in addition to any criminal penalty that may imposed under this section.

b. Instances where occupants of motor vehicles are involved in a traffic accident or other vehicle related incidents which result in animals being left uncontrolled or unattended, animal control or police officers of the city are authorized to take welfare custody of such unattended animals. In the interest of the health, safety or welfare of such animals, officers are authorized to transport such animals to the city's animal shelter. Information shall be provided to the animal's owner as to the animal's disposition. Animal owners shall bear full cost and expense incurred by the city in the care, medical treatment, impoundment cost or other associated costs.

3. Right of Entry—Penalty. It is unlawful for any person to conceal a dog or pup or interfere with the animal control officer or any law enforcement officer in the performance of his or her legal duties, as provided in this chapter. The officers shall have the right of entry onto any unenclosed lots or lands for the purpose of collecting any dog or pup which is on such lot or land in violation of this article and whose presence or existence is a violation of the provisions of this article. The officers shall have the right of entry to any property or having rabies, having been exposed to rabies or having bitten a person or other animal.

4. Tethered Animals. It is unlawful for any person to tether, chain or fasten any animal in such a manner as to permit it to be upon any public sidewalk or street or to leave it unattended while tethered, chained or fastened on public property. It is unlawful to tether, chain or fasten an animal in such a manner as to cause it injury or pain or not permit it to reach shelter, food and water.

5. Giving Animals as Prizes or Inducements.

a. No person shall give away any live animal, reptile, fowl, livestock or wildlife as a prize for or as an inducement to enter any contest, game or other competition; or as an inducement to enter a place of amusement; or as an incentive to enter into any business agreement whereby the offer is for the purpose of attracting trade.

b. The prohibition contained in this section shall not apply to fish or to animals given as prizes at a rodeo contest or livestock show or as part of an FFA, 4-H or similar project.

6. Prima Facie Evidence. In any prosecution charging a violation of this chapter, governing the abuse, neglect or ownership of an animal or failure to license an animal as herein required, proof that the particular property described in the complaint was the premises upon which the animal resided, was harbored or maintained and a violation of any section of this chapter occurred involving said animal, together with proof that the defendant named in the complaint was, at the time of such complaint or at the time when the animal was in violation of this chapter, the registered owner of such animal or the

person with legal rights to reside on said property, shall constitute in evidence a prima facie presumption that the registered owner of the animal and the person who failed to comply with this chapter.

Section 15: Section 6.16.025 of the El Dorado Municipal Code shall be amended to read as follows:

6.16.025 Trapping

A. Trapping and Shooting

1. Trapping Prohibited. It is unlawful to set, trigger, activate or otherwise use, or cause to be set, triggered, activated or used, any steel-jawed, leg-hold trap, or for any person, other than animal control officers, to set or otherwise use other trapping devices including "live traps" used for the capture of any animal. Consistent with the provisions herein, the animal control officer is authorized to utilize humane "live traps" and may conduct trapping operations or provide or authorize the use of such devices' use to property owners as may be needed throughout the city. This subsection is not intended to prohibit the prudent use of traps on one's own property to control rodents.
2. Domestic Animals. It is unlawful for any person to shoot a domestic animal within the corporate limits of the city. Except this subsection shall not be construed or interpreted to prohibit the animal control officer from utilizing certain firearms in emergency field conditions where such actions are provided for by law or policy.

Section 16: Section 6.16.070 of the El Dorado Municipal Code shall be amended to read as follows:

6.16.070 Nuisances

A. It is unlawful for any person within the city to keep, own or harbor any animal which is a public nuisance as determined by the control officer. Failure to abate such nuisance within five days from date of written notification by the animal control officer will be deemed to be a violation of this chapter.
B. As used in this article, "nuisance animal" shall be defined as any animal that commits any of the acts listed herein:

1. Molests or chases pedestrians, passersby or passing vehicles, including bicycles, or molests, attacks or interferes with other animals or persons on public property or private property other than that of the owners;

2. Makes unprovoked attacks on other animals of any kind or engages in conduct which establishes such animal as a "Dangerous Animal";

3. Is repeatedly at large; specifically, three or more times per twelve (12) month period (excluding domestic cats);

4. Damages, soils or defiles public property or private property, other than property belonging to or under the control of the owner;

5. Repeatedly defecates on property not belonging to or under the control of its owner, unless such waste is immediately removed and properly disposed of by the owner of the animal (including domestic cats);

6. Barks, whines, howls, crows, crackles or makes any noise excessively and continuously, and such noise disturbs a person of ordinary sensibilities;

7. Produce odors or unclean conditions sufficient to annoy persons living in the vicinity; or

8. Is unconfined when in heat.

C. If the animal control officer determines that any animal is a nuisance, the animal control officer may issue an order requiring that the owner meet certain remedial requirements to correct the conduct of the animal. The order, the form of which shall be provided for by policy, shall be given to the owner by personal service or by certified mail, return receipt requested. The owner may file a written appeal to this order clearly stating the reasons for the appeal, to the city manager within ten days of service. The city manager or designee shall review the appeal to determine the issues stated. The city manager shall make his or her decision on the basis of preponderance of the evidence presented. The decision of the city manager shall be rendered within thirty (30) days from receipt of the appeal and the decision of the city manager shall be final. Nothing herein precludes the city from seeking other remedies if an owner fails to comply with the remedial requirements stated or the decision rendered in the appeal process.

D. Persons residing within six hundred (600) feet of a person who harbors or keeps an animal that they believe to be nuisance may initiate a written, signed complaint, the form of which shall be provided for by policy, with the animal control officer. The animal control officer shall investigate the merits of such complaints to determine if the stated animal is a nuisance as defined herein. If the animal is determined to be a nuisance animal the procedure set forth in subsection (B) of this section shall apply.

E. No person shall construct, place or maintain any beehive within three hundred (300) feet of any residence other than that of the owner except with the consent of the occupants of all such residences.

Section 17: Section 6.20.010 of the El Dorado Municipal Code shall be amended to read as follows:

6.20.010 Keeping of Wild or Exotic Animals

A. It is unlawful for any person, firm or corporation to keep, maintain or have in his or her possession or under his or her control within the city any wild or exotic animal as previously defined or any poisonous reptile or any other dangerous, wild or exotic animal or

reptile, any vicious or dangerous animal or any other animal or reptile of wild, exotic, vicious or dangerous propensities.

B. It is unlawful for any person, firm or corporation to keep, maintain or have in his or her possession or under his or her control within the city any of the following animals:

1. All poisonous animals including rear-fang snakes;
2. Apes: chimpanzees; gibbons; gorillas, orangutans; and siamangs;
3. Baboons;
4. Badgers;
5. Bears;
6. Bison;
7. Bobcats;
8. Cheetahs;
9. Crocodilians, thirty (30) inches in length or more;
10. Constrictor snakes;
11. Coyotes;
12. Deer; includes all members of the deer family, for example, white-tailed deer, elk, antelope and moose;
13. Elephants;
14. Game cocks and other fighting birds;
15. Hippopotami;
16. Hyenas;
17. Iguana;
18. Jaguars;
19. Leopards;
20. Lions;
21. Lynxes;
22. Monkeys;
23. Ostriches;
24. Pumas; also known as cougars, mountain lions and panthers;
25. Raccoons;
26. Rhinoceroses;
27. Scorpions;
28. Skunks;

29. Tigers;

30. Wolves.

C. The prohibitions of this section shall not apply to bona fide pet shops, zoos, circuses, carnivals, educational institutions, or medical institutions, if:

1. Their location conforms to the provisions of the zoning ordinance of the city;

2. All animals and animal quarters are kept in a clean and sanitary condition and so maintained as to eliminate objectionable odors;

3. Animals are maintained in quarters so constructed as to prevent their escape.

D. The municipal judge shall have the authority to order any animal deemed vicious confined, destroyed or removed from the city.

E. The city manager or animal control officer may issue a temporary permit without fee for the keeping, caring and protection of an infant animal native to this area which is deemed to be homeless and shall have the power to release or order the release of any infant wild animal, in a proper place outside the city limits kept under temporary permit, which is deemed capable of survival.

Section 18: Section 6.20.020 of the El Dorado Municipal Code shall be amended to read as follows:

6.20.020 Dangerous Animals

It is unlawful for any person within the city to keep, own or harbor any dangerous animal as determined by the animal control officer, using established departmental guidelines, unless such person shall conform to regulations for keeping such animals in Section 6.20.060 of this chapter.

Section 19: Section 6.20.040 of the El Dorado Municipal Code shall be repealed.

Section 20: Section 6.20.041 of the El Dorado Municipal Code shall be repealed.

Section 21: Section 6.20.045 of the El Dorado Municipal Code shall be repealed.

Section 22: Section 6.20.050 of the El Dorado Municipal Code shall be amended to read as follows:

6.20.050 Keeping of Dangerous Animals

The keeping of such animals as described in Sections 6.20.020, 6.20.030 and 6.20.040 of this chapter shall be subject to the following standards:

A. Leash and Control. No person shall permit a dangerous animal to go outside its kennel or pen unless such animal is securely leashed with a leash no longer than four feet in length. No person shall permit a dangerous animal to be kept on a chain, rope or other type of leash outside its kennel or pen unless a responsible adult is in physical control of the leash. Such animals may not be leashed or chained to inanimate objects such as trees, posts, buildings, etc.

B. Confinement. All dangerous animals shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed as above provided. Such pen, kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine dangerous animals must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than eighteen (18) inches. All structures erected to house dangerous animals must comply with all zoning and building regulations of the city.

C. Confinement Indoors. No dangerous animal may be kept in any part of a house or structure in a manner that would allow the animal to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the animal from exiting the structure.

D. Signs. All owners, keepers or harborer of dangerous animals within the city shall display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog" or similar language. In addition, a similar sign is required to be posted on the kennel or pen of the animal.

E. Reporting Requirements. All owners, keepers or harborer of dangerous animals must within ten days of the incident, report the following information in writing to the city clerk or animal control officer as required hereinafter:

1. The new address of a dangerous animal should the owner move within the corporate city limits

F. Sale or Transfer of Ownership Prohibited. No person shall sell, barter or in any other way dispose of a dangerous animal to any person within the city unless the recipient person resides permanently in the same household and on the same premises as the registered owner of such animal; providing that the registered owner of a dangerous animal may sell or otherwise dispose of said animal to persons who do not reside within the city.

G. Failure to Comply. It is unlawful for the owner, keeper or harborer of a dangerous animal to fail to comply with the requirements and conditions set forth in this chapter. Any animal found to be the subject of a violation of this chapter shall be subject to immediate seizure and impoundment. In addition, failure to comply may result in the revocation of the license of such animal resulting in the immediate removal of the animal from the city.

Section 23: Section 6.20.060 of the El Dorado Municipal Code shall be amended to read as follows:

6.20.060 Keeping Livestock

It is unlawful to possess or maintain any livestock within any residential zone in the city. Livestock may be allowed in nonresidential zones 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 by the city and approved by the city manager.

Section 24: Section 6.20.061 of the El Dorado Municipal Code shall be amended to read as follows:

6.20.061 Impoundment of Estray and Livestock

A. The animal control officer, upon receipt of a report or upon discovery of an estray, within the city, shall as soon as possible, notify the sheriff of the county and report the presence of the animal and the location where the animal can be found. If circumstance permits, the animal control officer shall refer the matter in its entirety to the sheriff. If circumstance does not permit or the sheriff seeks the assistance of the animal control officer, 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 offices. Each entry shall include the following:

1. The name and address of the person who notified the animal control officer 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 officer, the animal control officer shall make a diligent search of the register of recorded brands in the county for the owner of the estray or other livestock. If the search does not reveal the owner, the animal control officer 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. When an estray or other livestock has been impounded by the animal control officer, the animal control officer shall make a diligent search of the register of recorded brands in the county for the owner of the estray or other livestock. If the search does not reveal the owner, the animal control officer 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.

   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 clerk. 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 officer. The report shall be filed in the records regarding the impoundment.

Section 25: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 26: That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Commission hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 27: That nothing in this ordinance shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 28: That the City Clerk is hereby ordered and directed to cause this ordinance to be published twice on consecutive weeks in the official city newspaper.

PASSED AND APPROVED by the Governing Body on this 17th day of March, 2025.

(SEAL)

_____
Bill Young, Mayor

ATTEST

_____
Emerald Ashlock, City Clerk

APPROVED AS TO FORM

_____
Ashlyn Lindskog, City Attorney