

City of Larned Ordinance

(First Published in the Larned Tiller and Toiler on Sept 14, 2023)

**ORDINANCE NO. 1620**

**AN ORDINANCE REGULATING ALLOWANCE AND REGISTRATION OF EMOTIONAL SUPPORT ANIMALS WITHIN THE CITY OF LARNED, KANSAS**

*BE IT ORDAINED AND ENACTED by the Governing Body of the City of Larned, Kansas:*

The City of Larned Code is hereby amended to read as follows:

New Section 1. An emotional support animal (ESA) are defined as warm blooded animals which are not service animals and are not prohibited from being present within the City limits under Code sections 6.04.030 through and including 6.08.150, inclusive, or other applicable restrictions. An emotional support animal provides emotional support, well-being, comfort, or companionship. An Emotional Support Animal is not a service animal under Federal law. Certain canines defined in KSA 39-1113 are not Emotional Support Animals. Any animal not otherwise allowed within the city limits by other parts of the city code is not an emotional support animal.

New Section 2. Persons wanting an emotional support animal shall register such animal or animals with the city clerk in the following manner: (a) provide at the time of the registration a letter from a licensed medical doctor or mental health professional, including their license number, type of license, the license issue date and the state or jurisdiction where it was licensed and signed by such person on their letterhead indicating that such person is diagnoses with a mental health condition and is under such medical provider's treatment or care for a mental health disability;

(b) identify the animal or animals that you desire to be designated as an emotional support animal;

(c) The letter required by subsection (a) shall not be more than one year old. New letters shall be provided to the city clerk every 12 months following initial registration of such animal or animals.

(d) No fee is required for such registration with the city.

(e) This Section is in addition to the requirements in city code section 6.08.030 concerning licensing and registration of certain animals.

New Section 3. "Service animal" is defined as any dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, and all registered

or unregistered emotional support animals, are not service animals. The work or tasks performed by a service animal must be directly related to the individual's disability. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition. Service animals that are dogs shall be licensed pursuant to the applicable city code, but no registration fee is required. This definition should be interpreted in light of 28 CFR § 35.104 and § 35.136 as well as K.S.A. 39-1113(e).

New Section 4. In the event a registered female emotional support animal gives birth to offspring that places such animal and offspring in violation of the numeric limits of animals lawfully in one house or dwelling under Section 6.08.030(B)(5) of the city code, the owner of the female ESA animal has twelve weeks from birth to provide other homes or owners for the animals to bring such owner back within the limits of code section 6.08.030(B)(5).

Section 5. **Severability Clause** If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this ordinance or resolution, or any part thereof, is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this chapter or any part thereof. The city council declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sub-divisions, paragraphs, sentences, clauses, or phrases be declared invalid.

Section 6. **Publication.** This Ordinance shall take effect and be in force from and after its publication in the official city newspaper of the City of Larned, Kansas or from and after compliance with K.S.A. 2012 Supp. 12-3007(b).

PASSED BY THE LARNED CITY COUNCIL AND APPROVED BY THE MAYOR this 5 day of Sept, 2023.



WILLIAM NUSSER, MAYOR

ATTEST:



Kara Rath, City Clerk