

INSTRUCTIONS FOR FILLING OUT SPECIAL ANIMAL PERMIT APPLICATION

- a. "Special circumstances" as referred to on the application form is defined by the City code as "any unusual, extraordinary and exceptional situation or condition whereby the strict application of the numerical limits set forth in this section would be contrary to the intent, purposes and objectives of such limitations and would be contrary to the public interest and welfare." No permit will be issued unless you demonstrate the existence of special circumstances. In filling out that portion of the form, you must explain in detail, using an additional sheet if necessary, what special circumstances you have that bring you within the ordinance requirements.
- b. If a person is applying for a permit for more than 2 dogs or more than 2 cats, but not more than a total of 4 altogether, the burden is on the applicant to establish compliance with the criteria listed on pages 2-3 of the application form, by clear and convincing evidence. That means the facts and information you provide must create a firm belief or conviction on behalf of the official reviewing the application that the applicant has met those criteria. Mere personal opinions of the applicant will not be sufficient. If a person is applying for more than a total of 4 animals, that applicant must establish compliance with the criteria beyond a reasonable doubt. "Beyond a reasonable doubt" is the highest standard in the law, and means that if a reasonable prudent person would hesitate to grant the application because of any doubt, the application will not be approved.
- c. In responding to each criterion, the applicant must present objective facts and information. For example, in responding to the criteria about the animals making disturbing noises, it is not sufficient to merely state that the animals do not disturb neighbors. You must describe the occasions on which the animals make noise, the duration and volume of such noise, the location of the animals when the noise occurs (such as inside, outside, doghouse, etc.), the ability of the keepers to respond to such noise (person home during normal working hours, provisions for care during absences, etc.) and any other pertinent information.
- d. Any actual complaints, whether formal or informal, oral or written, about the behavior of the animals known to the applicant must be mentioned and explained in detail, regardless of when and where they took place. If no complaints have ever been made, that must be stated. Any contact with animal control enforcement personnel, whether or not it resulted in a citation, must be reported. If any of the animals have ever destroyed property or injured any person or animal, that must be reported. With respect to #9 on page 3, there must be a full report of any such violations that may have occurred, or there must be an affirmative statement that none have occurred.
- e. Any withholding of falsification of material information will be grounds by itself for denial of the permit. All information provided on the application is subject to verification by the City.

APPLICATION FOR A NEW SPECIAL ANIMAL PERMIT

Permit Year _____

Return completed application and fee to:

City Clerk, City of Overland Park, 8500 Santa Fe Drive, Overland Park, Kansas 66212

Fee: \$100 Nonrefundable - Nonproratable

No. _____

Applicant: _____ # of Dogs: _____ # of Cats: _____

Address: _____ Zip: _____ Lot Size: _____

Telephone: Home _____ Work _____ Cell _____ Fenced: Yes No

The above applicant hereby requests permission to own, keep, or harbor more than two (2) dogs or more than two (2) cats upon any premises or property, or in any dwelling or living quarters of any type within the City of Overland Park, Kansas. This permit shall be valid from January 1 through December 31, or any part of the year.

*****LEDGER OF ANIMALS*****

Please complete the information below for each pet.

Breed	Animal Name	Color	Sex	Veterinarian

Please provide information on what the circumstance is that justifies the keeping of more than 2 dogs or 2 cats, state the reason for special circumstance.

*****DO NOT WRITE BELOW THIS LINE--GO TO PAGE TWO*****

Entered in Tidemark: _____

Recommended:

Approval _____ Denial _____

Animal Control Supervisor Date

Approval _____ Denial _____

City Clerk Date

Remarks On back

Special Animal Permit letter sent _____

Signature

Date

O.P.M.C. Section 6.04.050 requires that the following criteria must be evaluated in deciding whether to grant a special animal permit. The burden is on the applicant to provide enough information concerning each criterion to establish the eligibility for a permit. Please respond in detail with the appropriate information (facts and information, not your personal opinions or conclusions) concerning each of these criteria as they pertain to your request, using an attached sheet to supplement your answers, if necessary.

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 repeatedly run or be found at large, will not damage or deposit excretory matter upon the property of anyone other than their owner, and will not chase vehicles or molest or intimidate pedestrians or passersby.

8. 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.

9. I certify that I (or any person who will share in the care, custody and control of the animals) am not currently in violation of, or have 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 my property, which would reflect adversely on my ability to fully comply with the conditions of the subject permit.

Yes, No. If yes, please provide details: _____

Please list all members of household at least 18 years of age along with each date of birth.

I declare under penalty of perjury that the foregoing information is true and correct, and I hereby consent to an investigation of all pertinent matters related to this application by law enforcement officials of the City of Overland Park, Kansas.

PLEASE SIGN AND DATE THIS FORM

Signature

Date

This permit is subject to revocation at any time, Overland Park Municipal Code, Section 6.04.050 (6).