

HAYSVILLE PLANNING COMMISSION

Agenda

May 9, 2019 Rescheduled from April 25, 2019

7:00 p.m., Municipal Building, 200 W. Grand

- I. Call to Order
- II. Roll Call
- III. Presentation and Approval of Minutes
 - A. Minutes of February 28, 2019
- IV. New Business
 - A. Case # ZON-012019 Zone Change request from “AAA” Single Family to “F” Light Industrial for property generally described as 7600 S. Broadway Ave. legally described as: N1/2 NW1/4 SW1/4 EXC SW1/4 THEREOF & EXC HWY SEC 4-29-1E.
- V. Old Business
 - None
- VI. Correspondence and Informational Reading
 - None
- VII. Committee Updates
 - None
- VIII. Off Agenda
 - None
- IX. Adjournment

Haysville Planning Commission
Minutes
February 28, 2019

The regular Planning Commission Meeting was called to order by Chairperson Tim Aziere at 7:00 p.m. in the Council Chambers, located in the Haysville Municipal Building, 200 W. Grand Avenue.

Those members present: Tim Aziere, Bob Wethington, Jason Welch, Debbie Coleman, Richard Meyer, Clay Randel, Dawn Stock, Amber Chatwell, Joe Holub, Planning Commission Secretary – Rose Corby.

Motion by Holub Second by Welch

To accept the minutes of January 24, 2019.

Aziere yea, Wethington yea, Welch yea, Coleman yea, Meyer yea, Randel yea, Stock yea, Chatwell abstain, Holub abstain.

Motion carried

Under New Business

A. AOI-CU012019: Conditional Use request via application for recommendation to the Metropolitan Area Planning Department for a Group Boarding Home of the property legally described as E1/2 SE1/4 SE1/4 NE1/4 SEC 9-29-1E more commonly known as 8361 S. Hydraulic Ave.

Dave Yearout of the Metropolitan Area Planning Department (MAPD) presented the case. Dave announced the applicant applied via attorney a new public hearing date for April 18, 2019 and that the public hearing for March 7, 2019 is cancelled. He also said that new notices will be sent out. Dave stated the applicant requests a conditional use for what is known as a 'group residence, limited'. He said that Department of Child Services classifies this as a 'group boarding home'. He continued with explaining the applicant's intent is to house teenage foster boys with a full-time staff member on site for a total of seven (7) occupants. He added that through the investigation they discovered a history of major flooding in the basement coming from high ground water caused major issues in the structure and at one point the previous owner requested Sedgwick County buy the property or help fill in the basement. He added that MAPD has recommended denial of the request because they do not believe the home is not appropriate is not appropriate for this type of conversion into this type of use given particularly to the fact that there had not been modifications to home as recommended by the Builders Association. He added that if the request is approved then MAPD is recommending that it be approved with conditions to include updating the onsite water and sewer or systems to current codes, modifications as outlined by the Builders Association and that the home would have to be brought up to current building code standards.

Holub asked if the estimates for updating the basement from 2017 would be the same amount for today? Dave said that he does not know. He added that these numbers were the result of a request from the previous owner to address the issues of the basement.

Coleman asked if the home has been inspected for black mold and is there a storm shelter on the property. Dave said, he does not know and that the basement but, that the recommendation from the builders association is to fill in the basement. Aziere asked if part of their recommendation would a storm shelter be recommended. Dave said they had not gotten that far. Discussion followed and included a detailed list of recommended improvements from the builders association.

Aziere asked if the applicant would like to speak. Bob Coykendall, attorney for the applicant (Andrea Henschel), of 519 Chukker Circle in Haysville. He confirmed the request to postpone the

public hearing so they could address some of the ground water concerns that were raised by the county and that if they could not they would make other arrangements if necessary. He said that believes it is this planning commission's role to look at this property proposed use is something that is consistent with Haysville's plan for the development of its community and for this neighborhood. He added that their role is a little different than normal in that it is an advisory role to MAPD but, they do have a set of criteria they use when evaluating conditional use applications for purposes of their code and that the same criteria should be applied here and should evaluate this application under those criteria and they can be found at 702 d. of Haysville's code: 1. Access of traffic flow, this use would not measurably increase traffic flow., 2. Noise light and odor, there is no affect on this., 3. Screening, no screening is necessary and the house will not change in appearance., 4. Parking, there is no need for additional parking., 5. Services. It is currently serviced by a water and septic system and are currently working and kept in working order., 6. Public health and safety, we would submit there is no danger to public health or safety. They are not talking about housing juvenile delinquents. These are children who have the misfortune of choosing the wrong parents. People who are suffering from abuse and neglect who need a safe place to stay. He added that Ms. Henschel is a social worker and has been for many years. 7. Adequacy of facility and lot size. The facility has been inspected by the state and has been found appropriate to house 7 people and it would continually be inspected by the state. He added that Ms. Henschel had the home inspected and the home inspector found no evidence of black mold or any problems that would pose a safety problem and neither did the state. 8. Signs, there will be no signs. 9. Reviewed by the Fire Marshal. The property has been reviewed by the state Fire Marshal. Mr. Coykendall continued to explain that these types of facilities are needed throughout the community and that NIMBY seems to be in play here but, that the public is fearful because the public does not understand what this type of housing is. He added that in most cases this housing is temporary until the child can be reintegrated back into their family. He added that simply because this is unpopular with the public this would not justify denying this conditional use. He said that if they wanted a case from the Supreme Court he could tell them but, what that case held was that neighborhood objections are not legally sufficient to deny use or conditional use of land. Zoning is not to be based on a plebiscite of the neighbors and although their wishes are to be considered the final ruling is to be governed by consideration of the benefit or harm to the community at large. These are our kids who need housing and the applicant can provide that. This request is limited to 7 teenagers and nothing will change the neighborhood or affect the area.

Discussion followed to include Coleman asking what the difference was between a group home and being a foster home. Mr. Coykendall said a foster home is up to 4 foster children. Any more than that would be a group home and reminded that this residence was approved for no more than 7 foster children. Coleman also asked, what are the ages of the children the applicant is looking at housing? Mrs. Henschel said 13-18 years of age. She was asked why this age. She said that teenage boys are hard to find homes for. Most people want the younger children. Discussion continued with general questions of the applicant.

Mrs. Henschel was asked if she wanted to speak. She asked for her son, Sean Smith, to read her written statement. Sean read her statement which included her history as a social worker and foster parent.

Aziere opened for public comment.

Jeff Collins – 1407 E. 82nd St. S. said his concern was that he moved here so that his family could walk out on the street safely and this was a nice area. He said that his primary reason against this is

that this is a residential neighborhood and that he doesn't think that it is right to change one house from a residence to a business and that this is a business the applicant is looking doing. He does not have any concern with the things that need to be fixed but, he is concerned with additional buildings being built on the 5 acres to allow for more people to be brought in.

J.R. Boria – 1301 E. 84th St. S. said he opposes this because this would be a halfway house. He stated that according to current data there is a projection of a dramatic increase in the number of children needing help throughout the country going through a system that is broken. He added that this study shows a 20% rise of crime in neighborhoods with foster homes and that property values decrease and that it takes longer to sell a home in neighborhoods with foster homes.

Lindsay Wiley/Salem Township – 720 E. 95th St. S. said they have two concerns: they are already seeing an increase in crime in the area including theft. They have only one community officer serving 37 square miles. Their second concern was flooding and that water levels of 5' in the basement were not uncommon in that house. Discussion followed concerning flooding in the area.

Nick Warren – 8340 S. Victoria said he wanted to talk about the conditions of this property. He has had renovate this property four times. He said the house is 38 years old, the rooms are small. It has a history of termites, mold and spiders. It floods an average of every four years. It has 3 sump pumps in the basement. He said the wastewater is old and is designed for single family use. He said that he spoke with Tim Wagner from the county who told him that it has not been inspected and will not pass for a group home. The water well is very old and has not been tested or inspected by the county. He said they have bids from contractors who claim it will cost more than \$100,000 to fix.

Zona A. Warren – 8340 S. Victoria said there are no sidewalks on Hydraulic and that these kids are going to want to get out of the house and will use their back yards to get to their locations. She said that they have a special needs son who walks the neighborhood and that she couldn't imagine if something happened to him if one of these kids decided to hurt him or say something that might provoke a seizure. She added that his needs are just as important as the foster kids. She also asked if when the applicant did the inspection. Did they do a true test?

Gary Chapman – 8326 S. Victoria said that when he got the letter he was shocked. He said that he believes when the occupant bought the place they thought it would be ok to put a group home in. He felt they didn't do their homework when they bought it and now she wants to change their lives to make it a business and that is exactly what it is. He claims that in the paper over the last 3 or 4 years there have been numerous problems with DCF. He cited 11/16/18 they filed a class law suit against this system: 18CV2617. He says it will knock your socks off. He continues to talk about kids being incarcerated after they leave the foster care system and talks about people profiting off the Foster Care system.

Kelly Chapman – 8326 S. Victoria said that some of those in the audience can relate to these kids because they grew up in similar homes. She continued to say that luckily for them, most had a family member who would take them in and help them. She continued to talk about the opportunity she had when driving a school bus in poorer neighborhoods and brought them to church to help provide them guidance. She said that she contacted a former foster care provider who was also a foster kid herself and claims that the kids would run away regularly, steal from neighbors to buy cigarettes, her group home was on fire. She also reported to Kelly that when she was a foster parent she had been physically assaulted, stolen from her, run away, one was suicidal, and one that had

sex with her dog. She added that these kids going into a group home are a last resort. She continued to give examples and that we should expect a revolving door of teenage boys who are into drugs, and addicted to alcohol.

Trudy Rupert – 8121 S. Hydraulic said that she objects and that we have a state day care licensed provider and that the provider has never had any problems but, that is going to change if this is approved. She said that she spoke with a Sheriff's Officer where she asked what do they do if there are problems. She said the officer told her to call 911 but, that it would take 20 – 25 minutes to get there. She said the officer told her they are called about kids in group homes who commit assaults, theft, trespassing, inappropriate sexual behavior, and vandalism. In short, this is a single family residential neighborhood. Not an area for a group home.

Charles Rupert – 8121 S. Hydraulic said that they had 112 people who object to this in the neighborhood. He said that even if they bring the house to compliance what is to stop them from building more on this lot. He said that he knows Bruce Armstrong and a lot of people in this town and he has helped a lot of people in this town. He wants everyone on the Planning Commission to think about this. He added that if any of the new members on Commission had questions he would be happy to answer them. Planning Commission members informed him that they are not new to the Commission or the community.

Edward Straka – 8210 S. Victoria said that when he bought his house, he bought it because there were no businesses. He added that there are no sidewalks in the area and the kids will trespass on their properties. He added that this is not a good area to bring the kids up since there is nothing for them there. He said that the kids will get restless and cause trouble.

Jeffery Kissack – 8341 S. Victoria said that he is newer to the neighbor and that he did not do his homework before hand and did not know about the flooding. He added that the last time they had a situation with flooding not to come to one of these meetings because a certain individual he knows and everyone else knows, we know what he did. He added they have two children. He is concerned because his two young kids ride their bikes up and down the street and are worried about their safety if this group home is approved.

Mike Watson – 8400 S. Spruce said that he owns an HVAC company and he has been called out to this property several times. He said the furnace is in the basement. He said his fear that the kids are going to get out to walk down to Derby cutting through his yard.

Joe Whaley – 1515 E. 82nd St. said there is no public waste disposal/septics and that on a 5 acres area he doesn't know how much of an area the county would allow. His concern was having contaminated water if sewage were to leak.

Tonya Ridpath – 1500 E. 86th St. S. said that she has done a lot of research on this topic and as a Mother of two that kids learn from other children who are in good homes and that is what helps them grow, kids need to go to sporting events, be able to walk to parks and play with people. She said that with two boys it is a lot of work to make sure her boys have these opportunities and is concerned that with the applicant not living in the home what kind of time is she going to have with the kids. She also said that Planning should consider the fact that it takes 20 – 25 minutes for an ambulance to get there. She added that there is nothing for the kids to do there, the kids should get the proper care and our area is not right for this.

An unknown woman said that the attorney said our voices don't count but there are a lot of people who do care.

Wendy Kuhel – 8436 S. Lulu asked if the homeowner is going to make the necessary repairs and how she plans to pay for this. Aziere asked her to address the Planning Commission and not the applicant. She wanted to know if the taxpayers are paying for this. Dave Yearout said that this decision was made by the owner and it is a classification change by the state but, that as far as the facility is concerned there will be requirements that would need to be made and that would be on the owner. She added that she is concerned with grant money being used to help pay to fill in the basement because this is their tax dollars that pay for the grants.

Zona Warren approached the podium again and mentioned that this basement required the previous homeowner had to borrow their humidifier and that it was going constantly for months. She added that Suzanne Somers talked about the damage mold has caused her. She said she is concerned about the mold. She also said that she is concerned about the kids who can't adapt to a loving environment, they are bipolar and stuff like that.

Aziere asked if Mr. Coykendall had a response for any of the speakers. Mr. Coykendall said that he doesn't think there is anything more to say but, that while their concerns are understandable, he believes they are unreasonable. He added that by Haysville's zoning code should only be considered and not the fears of the neighbors.

An unknown woman asked if she lived in Haysville could she bring the home to Haysville. She added that we don't want this in our area. We have homes ranging from \$100,000 - \$400,000 and her home will never be a \$400,000 home.

Dave Yearout reminded the Planning Commission that the applicant has the right to apply for a similar type condition anywhere and that this discussion and recommendation is to determine if this is a proper land use. He also said that MAPD is not recommending approval but, if it were to be approved there should be conditions.

Aziere opened the floor for Planning Commission response.

Jason Welch said that he grew up in the foster care system and has been a foster parent and that emotion needs to be taken out of this vote.

Holub said that as we sit on a board like this it is very helpful to hear from the public. In this case, he believes it should remain residential.

Motion by Holub Second by Welch

To recommend to the Metropolitan Area Planning Department denial of the Conditional Use request via application for a Group Boarding Home of the property legally described as E1/2 SE1/4 SE1/4 NE1/4 SEC 9-29-1E more commonly known as 8361 S. Hydraulic Ave.

Aziere yea, Wethington yea, Welch yea, Coleman yea, Meyer yea, Randel yea, Stock yea, Chatwell yea, Holub yea.

Motion carried

Under Old Business

There were none

Correspondence and Informational Reading

There were none.

Committee Updates

Wethington said that BPAC met for the first since July and has nothing to report that would affect Planning Commission.

Randel announced that BZA had a couple of cases concerning Variance requests. He said that one was for a garage that was denied because it was discovered an Urban Easement Agreement from back in 1966 preventing the placement of a new garage. He added that another case included reducing the front yard setback where they approved of a 20' wide section of the front setback to 16'.

Off Agenda

There were none.

Motion by Wethington Second by Coleman

To adjourn.

Aziere yea, Wethington yea, Welch yea, Coleman yea, Meyer yea, Randel yea, Stock yea.

Motion carried

The meeting of the Haysville Planning Commission adjourned at 8:50 PM.



STAFF REPORT

Haysville, Kansas Planning Commission
May 9, 2019 Rescheduled from April 25, 2019

<u>CASE NUMBER:</u>	ZON2019-01
<u>APPLICANT/AGENT:</u>	Ronald G. Grieving (owner)
<u>REQUEST:</u>	Zone Change to 'F' Light Industrial to merge lots
<u>CURRENT ZONING:</u>	'AAA' Single Family
<u>SITE SIZE:</u>	15.09 acres.
<u>LOCATION:</u>	East side of S. Broadway Ave. between 71 st St. S. and 79 th St. S. 7600 S. Broadway Ave.
<u>PROPOSED USE:</u>	Outdoor storage of rental equipment for the business located at 7560 S. Broadway Ave.



BACKGROUND: The applicant requests a zone change from ‘AAA’ Single-Family to ‘F’ Light Industrial with the plan to merge the lots for the extension of the outdoor storage area of the business (Haysville Rental Center) located at 7560 S. Broadway and construct an access drive on the property in question to allow for easier access and maneuvering of customers vehicles and trailers.

7600 S. Broadway was one of 13 tracts of land annexed into the City of Haysville on October 17, 2003 (Ord. 836).

On February 13, 2004 7600 S. Broadway Ave. was placed under ‘P-O’ Protective Overlay District No. 6 (Ord. 848) changing the zoning classification from ‘AA’ Single Family Residential to ‘AAA’ Single Family Residential subject to protective overlay restrictions regarding animals and fowl to include: dogs, cats, rabbits, fowl, bovine cattle, horses, sheep, and goats. This ‘P-O’ allows for these animals and sets minimal standards regarding them.

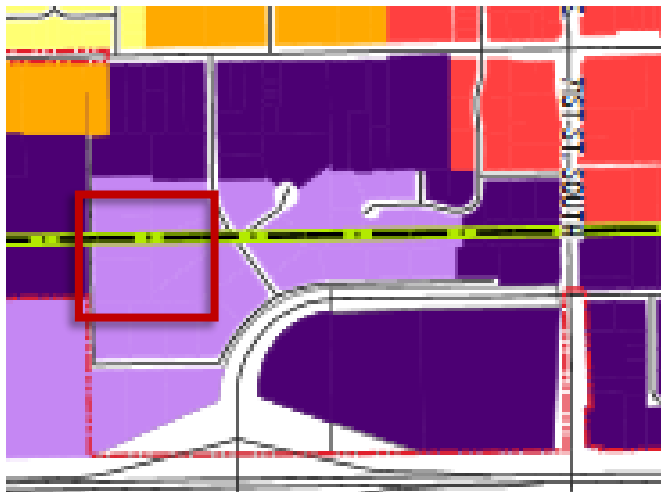
CASE HISTORY: 7600 S. Broadway is unplatted and there is no other zoning history, on record.

ADJACENT ZONING AND LAND USE:

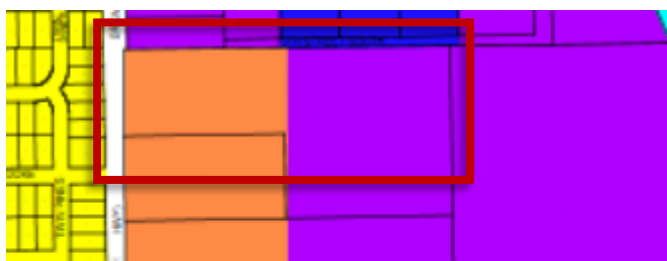
NORTH:	‘F’	Light Industrial
SOUTH:	‘AAA’	Single Family
EAST:	‘A’	Single Family
WEST:	‘RR’	Rural Residential

PUBLIC SERVICES: 7600 S. Broadway Ave is a paved two-lane state highway with travel in both directions. The site does not have city water and sewer nor any other utilities. No utilities have any objections to the possible zone change. The site is serviced by the Sedgwick County Fire Department (SCFD). SCFD requests an access roads to allow them access in the event of fire or emergencies that may occur where the property owner is planning to store his rental equipment. They have also stated that if the existing building would to start being used they would have to review it for occupancy change and make sure the building meets fire codes.

CONFORMANCE TO PLANS/POLICIES: The adopted Haysville Comprehensive Plan identifies the site as being located within the City of Haysville. The adopted South Broadway Corridor Plan recommends Industrial for this area:



The Haysville Land Use Plan identifies this lot as possible dual zoning for Neighborhood Mixed-Use and Commercial Mixed-Use:



RECOMMENDATION: Based upon information available prior to the public hearings, planning and zoning staff recommends that the request be **APPROVED.**

This recommendation is based on the following findings:

- (1) **The zoning, uses and character of the neighborhood:** The site is currently zoned ‘AAA’ Single Family with a Protective Overlay to allow for farm animals. ‘AAA’ Single Family zoning allows light industrial activities to include conditional uses: Industrial, manufacturing and extractive uses such as; asphalt or concrete plants, mining or quarrying, oil and gas drilling, and rock crushing. It does not allow for outdoor storage.
- (2) **The suitability of the subject property for the uses to which it is zoned:** The site is currently zoned ‘AAA’ Single Family with a Protective Overlay to allow for farm animals. ‘AAA’ Single Family zoning allows extreme uses that are not allowed in Haysville’s Light Industrial zone.
- (3) **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The adopted Haysville Comprehensive Plan identifies the site as being located within the City of Haysville. While the Land Use Plan map recommends dual zoning to include neighborhood mixed use and commercial mixed use, Haysville’s zoning code allows for Outdoor Storage in some residential zones and heavy commercial. The requested change conforms to the adopted S. Broadway Corridor Plans recommended use.
- (4) **Impact of the proposed development on community facilities:** S. Broadway Ave. is a paved two-lane state highway with travel in both directions. Currently, traffic is ranging from 67,000 to 70,000 vehicles weekly. There will be very little increase in traffic in the area and with a new access point on the subject property, patrons of the property owner’s business should have a safer environment in which to enter and exit. There should be little to no effect on the demand for community facilities, infrastructure and services.
- (5) **Impact to surrounding properties:** Neighboring properties are either light industrial, ‘AAA’ Single Family, Rural Residential, or ‘A’ Single Family. The ‘A’ single family zoned lots located across the state highway are buffered from traffic noise via a stone fence. The property located south of the property requesting a zone change is currently 4.84 acre lot with the primary structure located approximately 250’ from the property line adjoining 7600 S. Broadway Ave. There should be no impact on neighboring properties.

Attachments:
Ord. 848

Attachment A

{First published in The Haysville Times on February 13, 2004}

ORDINANCE NO: 848

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION FROM “AA” TO “AAA” AND “P-O” ON CERTAIN PROPERTY LOCATED WITHIN THE CORPORATE CITY LIMITS OF THE CITY OF HAYSVILLE, KANSAS.

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

SECTION 1: The zoning is hereby changed from “AA” Single Family to “AAA” Single Family and “P-O” Protective Overlay District No. 6, on the following described properties within the corporate city limits of the City of Haysville, Kansas, to-wit:

- Tract 1: Lots 1-7, Mosteller 3rd Addition to Sedgwick County, Kansas;
- Tract 2: North half of Lot 1, Block B, Country Plaza Villas Addition;
- Tract 3: Beginning 100 feet south of the Northwest corner of the south 18 acres of the North half of the north half of the Southwest Quarter; thence east 225 feet; thence south 230 feet; thence west 225 feet; thence north 230 feet to the point of the beginning.
- Tract 4: The north 11 acres of the southwest quarter EXCEPT part for floodway, and EXCEPT the west 200 feet, Section 33, Township 28, Range 1 East.
- Tract 5: The south 38 acres of the north half of the southwest quarter, EXCEPT the north 15 acres and EXCEPT beginning 309.04 feet east of the southwest corner thereof; thence north 140.17 feet; thence east 236.25 feet; thence north 9.83 feet; thence east 1231.3 feet; thence south 150 feet; thence west 1467.55 feet to beginning and EXCEPT 3.8 acres for KTA and EXCEPT west 47.5 feet for road, Section 33, Township 28 Range 1 East.
- Tract 6: Beginning 309.04 feet east of the southwest corner of the north half of the southwest quarter; thence north 140.17 feet; thence east 236.25 feet; thence north 9.83 feet; thence east 1231.3 feet; thence south 150 feet; thence west 1467.55 feet to the point of beginning, Section 33, Township 28, Range 1 East.
- Tract 7: Beginning 435.30 feet west of the southeast corner of the southwest quarter; thence north 300.01 feet; thence west 323.70 feet; thence south 300.01 feet; thence east 323.70 feet to the point of beginning, Section 33, Township 28, Range 1 East, EXCEPT 71st Street and EXCEPT KTA road right-of-way.

- Tract 8: Beginning 435.30 feet west of the southeast corner of the southwest quarter, thence north along the west line of right-of-way, 923.60 feet for beginning; thence north 395.84 feet to the north line of the southeast quarter of the southwest quarter; thence west 226.05 feet; thence south 395.84 feet; thence east 226.05 feet to beginning, Section 33, Township 28, Range 1 East.
- Tract 9: The southwest quarter of the north half of the northwest quarter of the southwest quarter of Section 4, Township 29, Range 1 East EXCEPT road right-of-way.
- Tract 10: The north half of the northwest quarter of the southwest quarter, EXCEPT the southwest quarter thereof, Section 4, Township 29, Range 1 East EXCEPT road right-of-way.
- Tract 11: The south half of the northwest quarter of the southwest quarter, EXCEPT the southwest quarter thereof, Section 4, Township 29, Range 1 East EXCEPT road right-of-way.
- Tract 12: The southwest quarter of the south half of the northwest quarter of the southwest quarter, of Section 4, Township 29, Range 1 East EXCEPT road right-of-way.

SECTION 2: This change in zoning is subject to the following protective overlay restrictions regarding animals and fowl:

1. Permitted Animals. The following animals are permitted in the area legally described above.
 - a. Dogs and Cats in accordance to City Code.
 - b. Large and Small Domestic animals including, but not limited to rabbits, fowl, bovine cattle, horses, sheep, and goats, in accordance with each of the following standards:
 - i. Providing at least ten thousand (10,000) square feet of fenced open space per animal if the animal shelter or enclosure is within three hundred (300) feet of any dwelling on adjoining premises.
 - ii. Maintaining the animals within a fenced enclosure.
 - iii. Cleaning the domestic animal shelters at least once each week or as often as necessary to prevent or control odors and fly breeding; provided, however, that this shall not apply to grazing areas.
 - iv. Disposing of collected fecal material and other solid organic waste at a sanitary landfill or fertilizer processing plant or by proper disposal on land used for agricultural purposes.

- v. Storing grain or protein food in tightly covered, rodentproof, metal containers or rodentproof bins.
 - vi. Maintaining the premises free of rodent harborage.
 - vii. Using anticoagulant rodenticides for the control of rodents and organophosphorus insecticides for the control of flies, or providing other effective chemical means for the control of rodents and flies.
 - viii. Using soil sterilants and herbicides or other effective means for the control of weeds and grass around structures and buildings.
 - ix. Constructing and maintaining animal shelters and enclosures, including fences, by the use of dimension materials or other effective means so as to prevent domestic animals from breaking out or causing hazard to persons or property.
 - x. Storing refuse in proper containers or in a manner approved by the health officer, and disposing of such refuse at least once each week or as frequently as may be required by the health officer.
 - xi. Storing solid waste accumulated from the cleaning of domestic animal shelters in metal or plastic containers with tightfitting metal or plastic lids and disposing of such solid waste at least once each week.
 - xii. Providing proper drainage so that there is no accumulation of rainfall or liquid waste.
2. Administration and Enforcement. Administration and enforcement of this overly will be provided by the Animal Control Officer in accordance to City Code.
 3. Rabies Control. Rabies control will be in accordance to City Code.

SECTION 3: The transfer of the title on all or any portion of the land included in this ordinance does not constitute a termination of the plan or any portion thereof; but said plan shall run with the land and be binding upon the present land owners, their successors and assigns and their lessees unless amended.

SECTION 4: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5: This Ordinance shall take effect and be in force from and after its publication in the official City Newspaper.

PASSED AND APPROVED by the Governing Body of the City of Haysville, Kansas, this **9th**
day of February, 2004.

Bruce Armstrong, Mayor

(Seal)

Carol McBeath, City Clerk