

CHAPTER II. ANIMAL CONTROL AND REGULATION

Article 1. General Provisions

Article 2. Dogs

Article 3. Other Animals

ARTICLE 1. GENERAL PROVISIONS

2-101. DEFINITIONS. For the purposes of this chapter, the following words and phrases shall mean:

(a) Abandon includes the leaving of an animal by its owner or other person responsible for its care or custody without making effective provisions for its proper care.

(b) Animals means all vertebrate and invertebrate animals such as but not limited to bovine cattle, horses and other equines, hogs, goats, dogs, cats, rabbits, sheep, chickens, ducks, geese, turkeys, pigeons, and other fowl or wild animals, reptiles, fish, bees or birds that have been tamed, domesticated or captivated.

(c) Animal Shelter means the facility or facilities operated by the city or its authorized agents for the purpose of impounding or caring for animals under the authority of this chapter or state law.

(d) At-large means to be outside of a fence or other enclosure which restrains the animals to a particular premise or not under the control, by leash or lead, of the owner or other authorized person capable of restraining the animal. Animals tethered to a stationary object within range of public thoroughfares are deemed to be at-large.

(e) Bite means any actual or suspected abrasion, scratch, puncture, tear, bruise, or piercing of the skin, caused by any animal, which is actually or suspected of being contaminated or inoculated with the saliva from the animal, directly or indirectly, regardless of the health of the animal causing such bite.

(f) Cat means any member of the species felis catus, regardless of sex.

(g) Dangerous or Vicious Animal means any animal deemed to be dangerous or vicious per section 2-115.

(h) Dog means any member of the species canisfamiliaris. regardless of sex.

(i) Fowl means all animals that are included in the zoological class aves, which shall include, but not limited to, chickens, ducks, geese, turkeys, guineas and pigeons.

(j) Harbor means any person who shall allow any animals to habitually remain or lodge or to be fed within his or her home, store, yard, enclosure or place of business or any other premises where he or she resides or controls.

(k) Humane Live Animal Trap means any cage trap that upon activation encloses an animal without placing any physical restraint upon any part of the body of such animal.

(l) Humanely Euthanize means the proper injection of a substance

that quickly and painlessly terminates the life of an animal, or any other method

approved by the American Veterinary Medical Association or the American Humane Society.

(m) Immediate Control means the regulation and supervision by a competent person so that an animal is unable to run or get loose at will.

(n) Impound means the capture and/or kenneling of a dog.

(o) Kenel means any establishment, commercial or otherwise, maintained for breeding, rearing, grooming, boarding, or otherwise harboring in an enclosure in one location only, more than two dogs.

(p) Livestock includes, but is not limited to cattle, horses, goats, sheep or other animals commonly regarded or used as farm or ranch animals.

(q) Neutered means any male or female cat or dog that has been permanently rendered sterile.

(r) Own means and includes own, keep, harbor, shelter, manage, possess, or have a part interest in any animal. If a minor owns any such animal subject to the provisions of this chapter, the head of the household of which such minor is a member shall be deemed to own such animal for the purposes of this chapter.

(s) Owner means the one who owns, or his or her employee, agent, or other competent person into whose charge an animal has been placed by the actual owner as described in subsection (q) above.

(t) Running at large means any animal that is not confined within a fenced enclosure or shelter or under the control of a person, either by lead, cord, rope or chain; provided that an animal may be considered confined if it is on a leash, rope or chain which is sufficient to keep the animal on the premises where picketed in accordance with Section 2-206.

(u) Vaccination means an injection of a vaccine, approved by the State Board of Public Health and administered by a licensed veterinarian for the purpose of immunizing an animal against rabies.

(v) Veterinarian means a doctor of veterinary medicine licensed by the State of Kansas. (Code 2004; Ord. 535 §1- 12/13/04)

2-102.

ANIMAL CONTROL OFF/ICER; DUTY TO IMPOUND; CITATION ALTERNATIVE, (a) The position of animal control agent for the city is hereby established to be the Chief of Police or his/her designee as approved by the governing body. The office of animal agent shall be primarily responsible for enforcing all laws and ordinances relating to dogs within the city limits, except for purposes of registration and fee collection of dogs which shall be carried out by the city clerk.

(b) Except as provided in subsection (c), it shall be the duty of the animal control officer to take up and impound all animals found in the city in violation of the provisions of this chapter.

(c) As an alternative to the provisions of subsection (b) of this section, any law enforcement officer or the animal control officer may issue a citation to the owner, harbinger or keeper of an animal in violation of this chapter, and the person receiving the citation shall appear in the municipal court of the city as ordered to answer the charged violation of this chapter. (Ord. 366, Sec. 2; Code 2004)

2-103.

SAME; CAPTURE/DESTRUCTION. When deemed necessary by law enforcement officers or the animal control officer for the health, safety and welfare

of the residents of the city, such officers and/or their agents may:

(a) Place a humane trap on public or a requesting resident's property for the purpose of capturing any animal defined in this chapter as creating a nuisance in the city;

(b) Use any tranquilizer guns, humane traps, or other suitable devices to subdue and capture any animal that is deemed by the animal control officer, in his or her discretion, to be of a danger to itself or to the public health and safety.

(c) Use of firearms by a law enforcement officer only or other suitable weapons to destroy any rabid animal, any vicious animal as defined in section 2-115, or any animal creating a nuisance as defined in section 2-111, where such animal is impossible or impractical to catch, capture or tranquilize. (Code 2004)

2-104. SAME; RIGHT OF ENTRY; UNLAWFUL INTERFERENCE, (a) The animal control officer or any law enforcement officer shall have the right of entry upon any private unenclosed lots or lands for the purpose of collecting any animal whose presence thereupon is a violation of this chapter.

(b) It shall be unlawful for any person to interfere with the animal control officer in the exercise of his or her duties. (Code 2004)

2-105. MUNICIPAL POUND ESTABLISHED. A municipal pound shall be established to carry out the provisions of this chapter. Such a pound may be operated by a contractor and all services required herein may be provided by a contractor. When so contracted, the pound shall have the following services and facilities as a minimum:

(a) Adequate pickup and impounding of all stray and ownerless dogs and cats and animals otherwise in violation of the provisions of this chapter.

(b) Group holding facilities for stray, ownerless and unvaccinated animals impounded for violation of the provisions of this chapter.

(c) Individual isolation facilities for sick, biting, rabid and suspected rabid animals.

(d) Facilities for the humane destruction of animals. (Code 2004)

2-106. BREAKING POUND, (a) It shall be unlawful for any unauthorized person to open, unlock, break open or attempt to break open the pound, or to take or let out any animal placed therein, or take or attempt to take from an authorized officer of this city any animal taken up by him or her under the provisions of this chapter, or in any manner interfere with or hinder any authorized officer or employee of this city in catching, taking up, or impounding any animal.

(b) It shall be unlawful for any person or persons, other than those

duly authorized, to care for, feed, attempt to feed, or interfere in any way with the care of impounded animals. (Code 2004)

2-107.

CRUELTY TO ANIMALS. It shall be unlawful for any person to:

(a) Willfully or maliciously kill, maim, disfigure, torture; beat with a stick, chain, club or other object; mutilate, poison, burn or scald with any substance; or otherwise cruelly set upon any animals, except that reasonable force may be employed to drive off vicious animals;

(b) Drive or work any animal cruelly or cruelly work any maimed, mutilated, infirm, sick or disabled animal, or cause, allow or permit the same to be done;

(c) Have, keep or harbor any animal which is infected with any dangerous or incurable and/or painfully crippling condition except as provided in section 2-108.

(d) Sell or offer for sale, barter, give away, or use as an advertising device or promotional display, living baby chicks, rabbits, ducklings or other fowl under two months of age in any quantity less than 12; or to sell, offer for sale, barter, give away, or display animals or fowls as specified in this section which have been dyed, colored or otherwise treated so as to impart to them an artificial or unnatural color. This section shall not be construed to prohibit the sale of animals or fowls as specified in this subsection, in proper facilities, by hatcheries or persons engaged in raising and selling such animals and fowls for recognized animal husbandry purposes;

(e) Promote, stage, hold, manage, or in any way conduct any game, exhibition, contest or fight in which one or more animals are engaged for the purpose of injuring, killing, maiming, or destroying themselves or any other animal;

(f) Neglect or refuse to supply such animal with necessary and adequate care, food, drink, air, light, space, shelter or protection from the elements as necessary for health and well-being of such kind of animal.

(g) Abandon or leave any animal in any place without making provisions for its proper care;

(h) These provisions shall not apply to the exceptions sanctioned under section 2-108.

In addition to the penalties provided in section 1-116 of this code, the municipal court judge may order a person convicted of violation under this section to turn the animal involved over to a designated humane society. All such animals taken by the designated agency may be placed with another or more suitable person or destroyed humanely as soon thereafter as is conveniently possible. (Code 2004)

2-108.

SAME; EXCEPTIONS. The provisions of section 2-107 shall not apply to:

(a) Normal or accepted veterinary or veterinary hospital practices or treatment of animals under active veterinary care;

(b) Bona fide experiments carried on by commonly recognized research facilities;

(c) Killing, attempting to kill, trapping, catching or taking of any animal in accordance with the provisions of Chapter 32 or Chapter 47 of the Kansas Statutes Annotated;

(d) Rodeo practices accepted by the rodeo cowboys' association;

(e) The humane killing of an animal which is diseased or disabled

beyond recovery for any useful purpose, or the humane killing of animals for population control, by the owner thereof or by an authorized agent such as a licensed veterinarian, at the request of the owner;

(f) The humane killing of an animal by the animal control officer, a public health officer or a law enforcement officer in the performance of his or her official duty;

(g) The humane killing of an unclaimed animal after three full business days following the receipt of such animal at a municipal pound or an incorporated humane society shelter by the owner, operator or authorized agents of such establishments. (Ord. 485, Sec. 15; Code 2004)

2-109. KEEPING ANIMALS. It shall be unlawful for the owner, lessee, occupant or person in charge of any premises in the city to possess and maintain any animal or fowl within the city or permit to be maintained thereon any stable, shed, pen or other place where horses, mules, cattle, sheep, goats or swine, or undomesticated animals are kept. This provision shall not apply to:

(a) The maintaining of a stockyard or sales barn for the loading, unloading, temporary detention and sale of such livestock, if the location of such stockyard or sales barn does not otherwise violate the zoning ordinances of the city;

(b) The maintaining of dogs which are regulated by Article 2 of this chapter;

(c) The maintaining of non-poisonous and non-vicious animals and fowl which are commonly kept as household pets, such as cats, hamsters, rabbits, parakeets, and comparable animals, when kept as household pets and in a safe and sanitary manner in accordance with section 2-113 of this chapter;

(d) The transporting of animals through the city by ordinary and customary means. (Code 2004)

2-110. ANIMAL TRAPS. It shall be unlawful for any person to use, place, set out, or deploy any animal trap aboveground, which makes use of a spring gun, spring jaws, clamping devices, cutting or stabbing mechanism or any other devices that will damage or severely injure any animal when caught or trapped by the device or trap; except that nothing herein contained shall prohibit the use of animal traps that are so designed to trap and hold animals without injuring the animals. (Code 2004)

2-111. NUISANCE; ANIMAL ACTIVITIES PROHIBITED. It shall be unlawful for the owner of any animal to keep or maintain such animal in the city so as to constitute a nuisance. For the purpose of this section, nuisance is defined as any animal which:

(a) Molests or interferes with persons in the public right-of-way;

(b) Attacks or injures persons, or other domestic animals;

(c) Damages public or private property other than that of its owner or harbinger by its activities or with its excrement;

(d) Scatters refuse that is bagged or otherwise contained;

(e) Causes any condition which threatens or endangers the health or well-being of persons or other animals.

If a summons is issued charging violation of this provision, a subpoena shall also be issued to the complainant to testify to the nuisance under oath. (Code 2004)

2-112. NOISY ANIMALS. The keeping or harboring of any animal which by loud, frequent, or habitual barking, howling, yelping, roaring or screeching shall disturb the public peace or constitute a nuisance is prohibited. It shall be the duty of any person harboring or keeping such loud or noisy animal or animals to abate the condition. If he or she fails to do so, the city may abate it by taking up, impounding, and/or disposing of the animal and the following fines may be assessed:
First Offense: \$25 plus court costs
Second and Subsequent Offense: \$75 plus court costs
For purposes of this section, the definition of noisy animals is as follows:
Habitual: Constant or regularly
Frequent: Occurring often
Loud: Strong in sound of noise
(Ord. 485, Sec. 12; Code 2004)

2-113. ANIMAL CONFINES; SHELTERS, (a) It shall be unlawful for any person to keep or maintain any animal in any yard, structure or area that is not clean, dry and sanitary, free from debris and offensive odors that annoy any neighbor, and devoid of rodents and vermin.

(b) Excrement shall be removed at least once each week from any animal shelter, pen or yard area where animals are kept, or more often if necessary to prevent or control odors, fly breeding, or rodent infestation. If excrement is stored on the premises by any animal owner, it shall be stored in adequate containers with fly-tight lids, and all such stored or accumulated wastes shall be disposed of at least once each week.

(c) All animal shelters, pens and yards shall be so located that adequate drainage is obtained, normal drying occurs, and standing water is not present.

(d) All animal shelters and board fences confining animals shall be maintained in good repair, and all animal shelters and board fences confining animals subject to residential and commercial classification shall be protected from deterioration by painting or comparable treatment.

(e) Electrically charged fences *with exposed wires* shall not be permitted for animal confines except on properties for which an agricultural classification permit is held or where the barbed wire fence or electrically charge fence is protected by an exterior fence.

(f) All premises on which animals are kept shall be subject to inspection by the animal control officer, duly authorized law enforcement officer, or public health official. If the officer or official determines from such inspection that the premises are not being maintained in a clean and sanitary manner, he or she shall notify the owner of the animals in writing to correct the sanitation deficiencies within 24 hours after notice is served on the owner. Any

animal kept under any condition which could endanger the public or animal health or create a health nuisance may be impounded. Animals shall be released after fees are paid and cause for impoundment has been corrected. (Code 2004)

2-113A.

SAME; STOCKYARDS; COMMERCIAL HOLDING PENS. Animal shelters

owned or operated as a stockyard or commercial holding pen shall be adequately

maintained and cleaned as often as is necessary, as determined by the health officer, to control fly breeding or to control other conditions adversely affecting the

public health including the following:

(a) Collected fecal material and other solid organic waste shall be disposed of at a sanitary landfill, fertilizer processing plant, or by proper dispersal on land used for agricultural purposes.

(b) Grain or protein feed shall be stored in tightly covered rodent-proof metal containers or rodent-proof bins.

(c) Premises subject to the terms of this section shall be maintained free of rodent harborage and in accordance with sections 8-601:608 of this code.

(d) Wherever reasonable, use shall be made of anti-coagulant rodenticides for the control of rodents and organo-phosphorus insecticides for the control of flies or any other effective chemical means for the control of rodents and flies.

(e) Wherever reasonable, use shall be made of soil sterilants and herbicides or other effective means for the control of weeds and grass around structures and buildings.

(f) Enclosures including fences where animals such as horses, cows, sheep and goats are maintained shall be constructed in a manner, using dimension lumber materials, or other effective means to prevent such animals from breaking out or causing hazard to persons or property.

(g) The solid wastes accumulated from the cleaning of animal shelters and holding pens maintained by persons subject to a residential classification permit as herein provided shall be stored in metal containers, with tight-fitting metal lids, and all such stored or accumulated wastes shall be disposed of at least once each week.

(h) Holding lots, pens and floors of sheds and buildings where animals are held and which are maintained by persons subject to a commercial, industrial or agricultural classification permit according to the terms of this chapter shall be surfaced with concrete or asphaltic materials and that the drainage system of such surfaced areas shall include proper retaining walls and traps to control the waste from draining into watercourses and such drainage system shall be subject to the approval of the health officer. The health officer shall waive this standard for domestic animal holding operations where such animal holding is longer than 24 hours for any domestic animal involved or where dirt lots are more appropriate to the proper care of cattle, horses or sheep.

(i) Solid wastes accumulated from the cleaning of animal shelters and holding pens maintained by persons subject to a commercial, industrial or agricultural permit according to the terms of this chapter shall be stored on concrete slabs or other facilities, such as dirt lots on which is stockpiled

manure with an exposed perimeter as approved by the health officer; provided that all solid waste shall be properly disposed of at least once each week or as may be approved by the health officer. (Code 2004)

2-114. DEATH OF ANIMALS. All dead animals shall be disposed of by the owner or keepers within 24 hours of the animal's death, by burial, incineration in a facility approved by the animal control officer, by rendering or by other lawful means approved by the animal control officer. No dead animal shall be dumped on any public or private property. (Code 2004)

2-115. VICIOUS ANIMALS, (a) Prohibited: It shall be unlawful for any person to keep, possess or harbor a vicious animal within the city. If the animal presents a clear and present danger to the public health and safety, it shall be the duty of the animal control officer or his or her agent to impound such animal. Impoundment of animals whose owners have been cited for violation of this section shall be at the discretion of the Chief of Police.

(b) Defined: For purposes of this chapter a vicious animal shall include:

(A) Any animal with a known propensity, tendency or disposition to attack unprovoked, to cause injury, or to otherwise endanger the safety of human beings or domestic animals.

(B) Any animal that attacks a human being or domestic animal without provocation on more than one occasion.]

(C) Any animal owned or harbored primarily or in part for the purpose of fighting or any animal trained for fighting.

(D) Any animal which is urged by its owner or harborer to attack, or whose owner or harborer threatens to provoke such animal to attack any enforcement officer while such officer is engaged in the performance of official duty; or

(E) There shall be a rebuttable presumption that a pit bull dog is a vicious dog. Pit Bull Dog shall mean any of the following:

(i) The bull terrier breed of dog;

(ii) The Staffordshire bull terrier breed of dog;

(iii) The American pit bull terrier breed of dog;

(iv) The American Staffordshire terrier breed of dog; or,

(v) Dogs of mixed breed or of other breeds than above listed which breed or mixed breed is commonly known as pit bulls, pit bull dogs, or pit bull terriers.

(c) Complaint: Whenever a sworn complaint is filed in the municipal court against the owner of an animal alleging that such animal is vicious and in violation of this section, the municipal judge shall hold a hearing to determine whether or not the animal is vicious within the meaning of this section and thereby in violation of this section. The owner of the animal shall be notified in writing of the time and place of the hearing at least one week prior to the hearing. In making a determination, the municipal judge shall consider the following:

(1) The seriousness of the attack or bite;

(2) Past history of attacks or bites;

- (3) Likelihood of attacks or bites in the future;
- (4) The condition and circumstances under which the animal is kept or confined;
- (5) Other factors which may reasonably relate to the determination of whether or not the animal is vicious.

(d) Immediate Destruction: Nothing in this chapter shall be construed to prevent the animal control officer or any law enforcement officer from taking whatever action is reasonably necessary to protect himself or herself or members of the public from injury or danger, including immediate destruction of any vicious animal without notice to the owner.

(e) Release of: If a complaint has been filed in the municipal court against the owner of an impounded animal for a charge under this section, the municipal judge, may direct the owner to pay all impounding fees in addition to any penalties for violation of this chapter. The municipal judge may, upon making a finding that an animal is vicious or that it represents a clear and present danger to the citizens or to other animals in the community, order the animal to be destroyed in a humane manner by the animal shelter. Surrender of an animal by the owner thereof to the animal control officer does not relieve or render the owner immune from the decision of the court, nor to the fees and fines which may result from a violation of this section. (Ord. 485, Sec. 13; Code 2004)

2-116. **RUNNING AT LARGE.** It shall be unlawful for any person to willfully allow any animal or fowl under his or her control to be or to run at large within the city. Any animal or fowl found at large shall be impounded as provided in section 2-117 or 2-207 (dogs). (Code 2004)

2-117. **IMPOUNDMENT; FEE; NOTICE; RECORD,** (a) The animal control officer or law enforcement officer shall impound any animal or fowl found at large in the city or constituting a nuisance or otherwise in violation of this chapter in a suitable pound or enclosure provided or contracted for by the city. The impounding officer shall make diligent inquiry as to the owner of the animal and shall notify the owner thereof of such impoundment as soon as reasonably possible.

(b) The city shall be entitled to receive from such owner an impoundment fee of \$10.00 per day plus the actual cost of feeding and maintaining the animal while impounded.

(c) In case the identity of the owner of the impounded animal or fowl cannot be ascertained, the animal control officer or police officer shall, upon taking any such animal into custody and impounding the same, make a record thereof, with a description of the animal and the date and place taken into custody and the place of impounding, and shall thereupon immediately post a public notice stating that the animal, describing the same with the date and place of taking, has been taken up, and that unless the charges of impounding the same, together with any license fees due and unpaid, are paid within three business days from the date of the notice, that the animal will be disposed of as provided in this code.

(d) The animal control officer shall each month submit a report to the Chief of Police and governing body showing the number of animals impounded and disposed of.

(e) The animal control officer will verify animal redemption by owners with the Sedgwick County Animal Control five days after an impounded dog has been relinquished. The fee for pick up by the Sedgwick County Animal Control will be billed to the owner of the said impounded dog. (Code 2004)

2-118. REDEMPTION OF IMPOUNDED ANIMALS. At any time before the sale or destruction of any animal impounded under the provisions of this article, except for animals impounded under sections 2-115 (vicious) and 2-119 (rabid), the owner thereof may redeem the animal by paying the city clerk the impounding fee and all costs incurred as a result of such impoundment. (Code 2004)

2-119. IMPOUNDMENT OF RABIES SUSPECTS, (a) Any law enforcement officer or animal control officer may take up, upon private or public property, any animal which has bitten or scratched a person or other animal and impound the animal in the city pound, securely penned and separated from other animals, or in a veterinary hospital or animal care facility for a period of not more than 30 days during which time the Chief of Police shall determine whether or not such animal is suffering from a disease and, if not, the Chief of Police shall authorize the release of the animal upon payment by the owner of the boarding fee therefore. The Chief of Police may authorize the keeping of any such animal on the owner's premises if the owner produces a rabies vaccination certificate showing that the animal has valid rabies vaccination protection. Impoundment costs shall be borne by the owner. If in the opinion of the Chief of Police symptoms develop justifying a microscopic examination, then the animal shall be killed and examination made by the state board of health.

(b) In lieu of the provisions of subsection (a), the owner of any such animal may, at his or her own expense, take such animal to any duly qualified and licensed veterinarian in the city for observation. Such veterinarian shall report his or her findings in writing to the Chief of Police. If in the opinion of such veterinarian a microscopic examination is justified, then the animal shall be turned over to the animal control officer or any law enforcement officer to be killed and examination made by the state board of health.

(c) Any animal desired for observation by the Chief of Police under this section shall be delivered to the animal control officer or any law enforcement officer upon demand and shall not be withheld, hidden or harbored. Any person violating this provision shall be guilty of a violation of this code. Upon refusal of any person to so deliver such animal, the municipal judge shall cause a warrant to be issued for the arrest of such person, which warrant shall also provide for the surrender of the animal and shall be lawful authority for the apprehending and forcible taking of such animal. (Code 2004)

2-119A. IMPOUNDMENT OF RABIES SUSPECTS. Any law enforcement officer or animal control officer may take up, upon private or public property, any animal which has bitten or scratched a person or other animal and impound the animal in a veterinary hospital or animal care facility for a period of not more than 30 days during which time the local health officer shall determine whether or not such animal is suffering from a disease and, if not, the local health

officer shall authorize the release of the animal upon payment by the owner of the boarding fee therefore. The Chief of Police may authorize the keeping of any such animal on the owner's premises if the owner produces a rabies vaccination certificate showing that the animal has valid rabies vaccination protection. Impoundment costs shall be borne by the owner. (Code 2004)

- 2-120. ANIMALS BITTEN BY RABID ANIMALS. Whenever a dog, cat or other animal is bitten by a rabid animal or an animal later proved to have been rabid, it shall be the duty of the owner of the animal that is bitten, to report that fact to the police department. It shall also be the duty of the owner of the bitten animal to either destroy or have his or her bitten animal destroyed unless:
- (a) The animal which was bitten had been vaccinated against rabies at least three weeks before being bitten and has a current vaccination; and
 - (b) If the bitten animal has a current vaccination, it shall be confined for 90 days; and
 - (c) The bitten animal shall be released from confinement only upon written order from the Chief of Police, who declares the animal to be free of rabies; and
 - (d) If the animal is found to have contracted rabies during confinement, it shall be properly disposed of. (Code 2004)

- 2-121. VEHICULAR ACCIDENTS INVOLVING ANIMALS. Any person who as the operator of a motor vehicle strikes any animal shall stop at once and shall immediately report such injury or death to the owner of such animal, or in the event that the owner cannot be ascertained, and located, the operator shall at once report the accident to the animal control officer or any law enforcement officer. (Code 2004)

- 2-122. EMERGENCY; PROCLAMATION. The mayor is hereby authorized whenever in his or her opinion the danger to the public safety from rabid animals is made imminent to issue a proclamation ordering all persons owning any animal in the city to confine the animal in a good and sufficient enclosure from which the animal cannot escape, or fasten such animal by means of a chain on the premises where the owner may reside, for such time as may be specified in such proclamation. Any animal not confined during such time may be disposed of wherever found by any police officer, or the animal control officer of the city. The owner of such animal shall be prosecuted for such violation thereof. (Code 2004)

- 2-123. KENNEL LICENSES, (a) No person or persons in one household shall own or harbor more than two dogs of six months of age or older, or more than one litter of

pups, or engage in the commercial business, hobby, or breeding, buying, selling, trading, training, or boarding dogs without having obtained a kennel license from the city clerk. All kennel licenses must be renewed annually. No kennel license shall be issued until an inspection certificate has been issued by the State of Kansas certifying approval of the kennel and compliance with applicable laws of the city and State of Kansas and a certificate by the zoning code enforcement officer has been issued certifying that the applicant for the kennel license is not violating zoning laws of the city. If the city clerk has not received any protest against the kennel, the city clerk may issue a renewal of an existing license at the same location without any report from the zoning code enforcement officer. If the zoning code enforcement officer finds that the holder of any kennel license is violating any zoning law, or any other law of the State of Kansas or the city, or is maintaining the facility in a manner detrimental to the health, safety, or peace of mind of any person residing in the immediate vicinity, he or she will report such fact to the city clerk and license shall not be renewed except after a public hearing before the governing body. The zoning enforcement officer or any law enforcement officer shall have the right to inspect an premises licensed under this section at any reasonable time and no one shall prevent the entry onto private property for the purpose of this inspection. The application for a kennel license shall constitute general consent to such entry and inspection. The governing body may suspend or revoke a kennel license if, pursuant to a public hearing, it finds any of the following:

- (1) The kennel is maintained in violation of any applicable law of the State of Kansas, Sedgwick County, or the city;
 - (2) The kennel is maintained so as to constitute a public nuisance;
 - (3) The kennel is maintained so as to be detrimental to the health, safety, or peace of mind of the person residing in the immediate vicinity.
- (b) The annual kennel license fee shall be \$500.
 - (c) Failure to pay such kennel license fee shall result in a fine of \$100 per dog over two dogs plus court costs and \$25 per day for each day in violation. Fines may be reduced after compliance is met and inspection of premises completed by city officials.
 - (d) This section shall not apply to and will not be construed to require a kennel license for a licensed veterinarian to operate an animal hospital. (Ord. 485, Sec. 5; Code 2004)

ARTICLE 2. DOGS

- 2-201. REGISTRATION FEES, (a) Licensing Fee. An annual licensing fee of \$12 for each dog is levied upon the person(s), firm or corporation owning or harboring such dog within the city limits. The fee shall not apply to any nonresident temporarily within the city, nor to the owner of a dog brought into the city for the purpose of participating in any dog show, nor to the owner of a seeing-eye dog when such dog is actually being used by a blind person for the purpose of aiding him or her in going from place to place, nor to the owner of dogs being kept in kennels or pet shops, but the owners of kennels and pet

shops shall be liable for the fee on all dogs owned by them which are not being kept for sale. Failure to pay licensing fee shall be punishable by a fine of \$50.

(b) When Fees Are Due. (1) It shall be the duty of the owner or harbinger of a dog to pay the fee imposed in subsection (a) to the city clerk or designated agent for the general revenue fund of the city when the dog has attained the age of six months; or upon acquiring ownership or possession of any dog; or upon establishment of residence in the city. Thereafter, a like fee shall be paid annually on the anniversary date of the payment of the initial fee, or on the first business day following the anniversary date, if the same falls on a Saturday, Sunday, or legal holiday. It is unlawful for the owner or harbinger of a dog to fail to pay the fee when due, and failure to do so shall be punishable as a misdemeanor under the general penalty provision of the municipal code.

(2) Before the city clerk or designated agent shall accept any money proffered in payment of the fee on a dog, the person proffering the fee shall present to the city clerk or designated agent the certificate of a veterinarian showing that such dog has been vaccinated against rabies as provided in section 2-201.

(c) Registration Required: Records. (1) The owner or harbinger of a dog shall, at the time of paying the license fee, register the dog by giving the name and address of the owner or harbinger, the name, breed, color, and sex of the dog, and such other information as the city clerk or designated agent may request pursuant to the terms and provisions of this article. When the fee is paid, and registration information is given, the city clerk or designated agent shall execute a duplicate receipt and deliver the original receipt to the payer and retain the duplicate. He or she shall also deliver to the payer a suitable metallic or other permanent tag.

(2) The city clerk or designated agent shall keep proper record of the required information.

(d) Late Fee. If the fee prescribed in subsection (a) is not paid within two weeks of the due date, a late fee of \$2 shall be added to the fee; provided, that for 30 days, no late fee shall be assessed pursuant to the terms and provisions of this section.

(e) Rabies Vaccination Required. The owner or harbinger of a dog shall at the time of paying the license fee and registering the same, present to the city clerk or designated agent a certificate from a doctor of veterinary medicine that the dog for which the registration is being sought has been vaccinated for rabies within one year immediately preceding registration. There shall be an escalating fine schedule associated with the offense of failing to vaccinate against rabies each dog either owned or harbored within the City of Colwich. The escalation of fines shall be based upon the number of convictions such owner/harbinger has incurred within the immediately preceding one-year period for such offense, and not associated with failure to vaccinate an individual animal.

Provided, however, if the animal has bitten a person in connection with the issuance of a citation, the minimum shall not be less than \$250. (Ord. 485, Sees. 1:3, 8:9; Code 2004; Ord. 535 Sec. 1 12/13/04)

2-202. DOG TAGS. It shall be the duty of the city clerk or designated agent, upon a showing of current rabies immunization and receipt of the registration fee

hereinbefore required, to keep in a book suitable for the registration of dogs, the time of the registration, the name of the owner or keeper, the number of the registration and the amount paid therefor, and shall deliver to the owner or keeper of the dog a certificate in writing, stating that the person has registered the dog and the number by which the dog is registered, and shall also deliver to the owner or keeper of the dog a tag with the registration number and the registration year thereon, which shall be, by the owner or keeper, attached to the collar to be used on the dog so registered. The owner or harborer shall cause the tag to be affixed to the collar of the dog upon which the fee is paid, in such a manner that the tag can be easily seen by the officers of the city, and the owner or harborer shall see that the tag is constantly worn by the dog. Failure to have the tag affixed to the collar and displayed will result in a fine of \$25 per dog plus court costs. When any tag has become lost during a registration period, the owner of the dog may request a duplicate tag for the remainder of the registration period. When so requested, the city clerk shall, upon presentation of the registration certificate, issue a duplicate of such tag upon the payment of a \$2 fee. It shall be unlawful for any person to take off or remove the city registration tag from any dog belonging to another, or remove the strap or collar on which the same is fastened. (Ord. 485, Sees. 4, 6:7; Code 2004)

2-203. SAME; COUNTERFEIT TAG. It shall be unlawful for any person to place on any dog a tag issued for any other dog or to make or use any false, forged or counterfeited tag or imitation thereof. (Code 2004)

2-204. EVIDENCE OF VACCINATION. It shall be unlawful for the owner of any dog kept within the city to fail to display a current certificate of immunization against rabies issued by an accredited veterinarian evidencing the vaccination of such dog within two years, when requested by the animal control officer or any law enforcement officer. (Code 2004)

2-205. VISITING DOGS. The provisions of this article with respect to registration shall not apply to any dog owned by any person visiting or temporarily remaining within the city for less than 30 days. However, such dogs shall be kept under restraint by

the owner thereof at all times. Animals harbored by a nonowner resident when such animal's owner is not also residing with the nonowner shall be subject to the registration provisions of this code.(Code 2004; Ord. 533 Sec. 1 12/13/04)

2-206. RUNNING AT LARGE; FINE. It shall be unlawful for any person or persons owning, possessing, or harboring any dog to permit such dog, within the city limits, to run at large. Any dog found running at large within the city shall be impounded by the chief of police, his or her agents or designates.

For the provisions of picketing a dog, a chain, leash, or rope shall be at least ten feet in length.

(1) A chain, leash, rope, collaring device, tether, or any assembly or attachments thereto used to picket a dog shall not weight more than one-eighth of the animals body weight, or due to weight, inhibit the free movement of the animal within the area picketed.

(2) Dogs shall be picketed in such a manner as to prevent injury, strangulation, or entanglement on fences, trees, or other man made or natural obstacles.

(3) It is unlawful to attach chains or other tether restrain implements directly to a dog without the proper use of a collar, harness, or other device designed for that purpose and made from a material that prevents injury to the animal.

Each time an owner or harborer of any dog is convicted of owning or harboring an animal which has been found to be running at large, in violation of this section, such owner or harborer shall be subject to a fine pursuant to the following fine schedule:

First Offense: \$50 plus court costs
Second Offense: \$75 plus court costs
Third Offense: \$100 plus court costs

Provided, however, that in addition to the above stated fine, if an individual animal is the subject of three such convictions, that animal shall be destroyed by the owner or permanently removed by the owner from the city limits. (Ord. 485, Sec. 12; Code 2004; Ord 535, Section 1 12/13/04)

2-207. IMPOUNDMENT; RECORD; NOTICE; REDEMPTION; MINIMUM FEE.
(a) Any dog found in violation of the provisions of this article shall be subject to impoundment by the city.
(b) A record of all dogs impounded shall be kept by the city containing the following information: color, sex, weight, height, identifying marks, registration number (if any) and the date of impoundment.
(c) No dog impounded under this section shall be disposed of until after expiration of a minimum of three full business days of custody during which the public has clear access to inspect and recover the dog through time periods ordinarily accepted as usual business hours. During such time of custody, the city shall attempt to notify the owner or custodian of any dog impounded by such facility if the owner or custodian is known or reasonably ascertainable. Such dog may at any time be released to the legal owner,

moved to a veterinary hospital for treatment or observation, released in any manner, if such dog was a gift to the animal shelter, or euthanized by a licensed veterinarian if it appears to the veterinarian that the dog is diseased or disabled beyond recovery. If within three full business days the owner does not appear to claim the dog, then the dog may be sold, euthanized or otherwise disposed of.

(d) If at any time before the sale or destruction of any dog impounded under the provisions of this article, the owner of an impounded dog does appear and redeem the dog, it shall be turned over to the person claiming it upon payment of any impoundment fees or penalties plus the actual costs of impoundment, and shall not apply to any dog alleged as being vicious under section 2-115 or suspected of rabies under section 2-119 of this code.

(e) The minimum impoundment fee shall be \$10.00 per day. Any associated costs will be added to that base fee. The judge may order that an impounded dog not be returned to its owner prior to payment of impoundment fees.

(f) Any dog impounded may not be released without a current rabies vaccination.

(g) Impoundment hereunder shall not preclude any court from imposing and executing any fine which might otherwise be levied under this article for violation of any of the provisions thereof; nor shall impoundment be a defense in any prosecution commenced hereunder.

(h) The redemption of any dog impounded for a violation of any provision of this chapter shall be prima facie evidence of the violation of such provision by the person redeeming the dog. (Code 2004; Ord. 535 Sec. 1 12/13/04)

2-208.

IMPOUNDMENT; REDEMPTION FEES; DISPOSITION OF UNREDEEMED

DOG. While awaiting trial, impoundment of those animals whose owners have been

cited for violations of this section shall be at the discretion of the chief of police. If

that animal presents a clear and present danger to the public health or safety, it

shall be the duty of the chief of police, or his or her agent, to impound such animal.

The animal shall not be released pending trial except on the order and pursuant to

any conditions set by the municipal court judge who may also direct the owner to

pay all impounding fees accrued to date. Nothing in this section shall be construed

to prevent the chief of police or his or her agent so delegated by the chief of police

from taking whatever action is reasonable necessary to protect himself, herself, or

others of the public from immediate injury or danger, including the immediate destruction of any vicious animal without notice to the owner.

In the event that the dog is not redeemed within three business days after the

impoundment, the dog shall be destroyed in a manner determined by the chief of police; provided, however, that if any dog is impounded having a registration tag or other form of owner identification attached thereto, the owner shall be notified in person or by telephone within 12 hours of impoundment of the dog. If the notice by telephone or in person cannot be effected within 12 hours, then the owner shall be notified by certified mail of the date and time of impoundment and that the dog shall be destroyed if not redeemed within the period described above. The costs of the certified letter shall be added to any fines, fees, or costs associated with the impoundment of that dog. (Ord. 485, Sec. 10; Code 2004)

ARTICLE 3. OTHER ANIMALS

2-301.

EXOTIC ANIMALS, (a) It shall be 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 poisonous reptile or any other dangerous wild animal or reptile, any vicious or dangerous animal or any other animal or reptile of wild, vicious or dangerous propensities.

(b) It shall be unlawful for any person 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.
- (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) Jaguars.
- (18) Leopards.
- (19) Lions.
- (20) Lynxes.
- (21) Monkeys.
- (22) Ostriches.
- (23) Pumas; also known as cougars, mountain lions and panthers.
- (24) Raccoons.
- (25) Rhinoceroses.
- (26) Skunks.
- (27) Tigers.
- (28) 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. (Code 2004)